

# COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> C.1.	<b>SITE LOCATION:</b> Northeast corner of Westminster Avenue and Brookhurst Street, at 13904 Brookhurst Street
<b>HEARING DATE:</b> June 1, 2017	<b>GENERAL PLAN:</b> Light Commercial
<b>CASE NO.:</b> Interpretation of Use No. IOU-002-2017 and Conditional Use Permit No. CUP-103-2017	<b>ZONE:</b> C-2 (Community Commercial)
<b>APPLICANT:</b> Tam Truong	<b>CEQA DETERMINATION:</b> Exempt
<b>PROPERTY OWNER:</b> Garden Grove Plaza, Inc.	<b>APN:</b> 099-344-13

## **REQUEST:**

The applicant is requesting Conditional Use Permit approval to operate a 3,800 square foot karaoke studio, Say Karaoke, in a tenant space previously occupied by the Alley of the Far East Restaurant, with seven private karaoke rooms and the existing kitchen to remain. The application is being processed in conjunction with a request for an Interpretation of Use to declare that a karaoke studio is a conditionally permitted use in the C-2 (Community Commercial) zone. Upon approval of the subject request, the Conditional Use Permit previously governing the tenant space, CUP-010-2014, which allowed for the sale of alcoholic beverages with a State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License, shall be revoked and become null and void.

## **BACKGROUND:**

The subject site is approximately 11.4 acres in area and is improved with an integrated multi-tenant retail shopping center called Garden Grove Plaza. The site consists of one (1) "L" shaped, multi-tenant building located on the north and east sides of the property, and three (3) pad buildings facing Brookhurst Street. The property is zoned C-2 (Community Commercial) and has a General Plan Land Use designation of Light Commercial. The site has vehicular access from both Westminster Avenue and Brookhurst Street. The specific 3,800 square foot in-line tenant space under application is located on the east side of the shopping center at 13904 Brookhurst Street.

The property abuts R-3 (Multiple-Family Residential) and Planned Unit Development No. PUD-108-96 zoned properties to the east, R-1 (Single-Family Residential) zoned properties to the north across an alley, C-2 zoned properties to the west across

Brookhurst Street, and C-1 (Neighborhood Commercial) zoned properties to the south across Westminster Avenue.

The subject tenant space was previously in operation as a restaurant since 2014, Alley of the Far East Restaurant, according to business license records. The restaurant was in operation with a State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License under Conditional Use Permit No. CUP-010-2014. According to California Department of Alcoholic Beverage Control records, the alcohol license was revoked on June 15, 2016, due to lack of payment. Therefore, Conditional Use Permit No. CUP-010-2014 shall be revoked and become null and void as part of the subject application.

Recent observation of the site shows that the restaurant appears to have ceased operation. The same operator, Tam Truong, is proposing the subject karaoke studio, but is not proposing the sale of alcoholic beverages for on-site consumption.

In order to allow the operation of the proposed karaoke studio, the applicant is required to obtain approval of an Interpretation of Use and a Conditional Use Permit. The City has previously approved karaoke uses in the C-2 and other commercial zones, subject to a conditional use permit; however, "karaoke studio" is not an expressly defined and listed land use in the City's land use matrix. The Interpretation of Use is required to formally recognize "karaoke studio" as a conditionally permitted use in the C-2 (Community Commercial) zone. The Conditional Use Permit is necessary in order to regulate the operation of the business and to minimize potential impacts to surrounding uses.

## **DISCUSSION:**

### **INTERPRETATION OF USE:**

Garden Grove's Land Use Code is a "permissive zoning" code, which means that any land use not specifically listed as a permitted use, incidental use, or conditional use in the land use matrix is prohibited. Recognizing that it is impossible to anticipate and list every precise type or variation of use, however, Garden Grove Municipal Code section 9.32.030.D.7 provides a process through which a City hearing body may determine that a use that is not expressly listed in the land use matrix, but that is nonetheless similar to other uses found to exist in the zone, is permitted in the zone, and under what conditions. This determination is referred to as an Interpretation of Use. The Planning Commission may approve an Interpretation of Use and determine that a proposed use, that is not expressly listed, is nonetheless permitted or conditionally permitted within a zone if the use (1) is similar in scale and operational characteristics to other uses permitted in that zone, (2) is consistent with the General Plan and the zone district, and (3) is compatible with other permitted uses.

"Karaoke Studio" is not expressly listed as a permitted, conditionally permitted, or incidental use in the C-2 (Community Commercial) zone (or any zone). However, the City has historically permitted karaoke studios and karaoke uses incidental to

eating establishments to operate in commercial zones, subject to obtaining a Conditional Use Permit. In addition, although "karaoke studio" is not specifically defined in the Land Use Code or expressly listed in the commercial land use matrix, minimum parking requirements for "karaoke studios" are set forth in Garden Grove Municipal Code section 9.16.040.0150. Pursuant to the proposed Interpretation of Use, the Planning Commission is being asked to formally recognize that a karaoke studio is a conditionally permitted use within the C-2 zone because of its similarity to, and compatibility with, other permitted or conditionally permitted uses.

The C-2 zone is to provide a broad range of commercial retail and service needs for the residents in the City and surrounding communities. The commercial facilities associated with this zone need to be compatible with adjoining uses and public improvements. (GGMC § 9.16.020.020.A.3). A wide variety of commercial uses are permitted or conditionally permitted in the C-2 zone, including, but not limited to, music studios, radio/TV studios, recording studios, arcades, billiards halls, bowling alleys, and eating establishments with entertainment. The existing uses within the Garden Grove Plaza shopping center include medical offices, various retail stores, coffee and tea shops, restaurants, restaurants with alcoholic beverage sales, and a supermarket.

Staff believes that karaoke studios are similar to other uses that are permitted and found in the C-2 zone, and that, provided a Conditional Use Permit is required, would be compatible with these other uses. A karaoke studio is a recreation-amusement type use that has similar operating characteristics to commercial, entertainment, and service uses currently permitted in the C-2 zone. Commercial and entertainment uses in this area are encouraged by the General Plan, and the C-2 zoning provisions allow entertainment, such as restaurants with entertainment, arcades, billiards/pool halls, bowling alleys, and cybercafés, subject to Conditional Use Permit approval to minimize any potential negative impacts to surrounding uses.

#### CONDITIONAL USE PERMIT:

The proposed improvements to the subject karaoke studio will consist of a waiting area and new interior walls for seven (7) private karaoke rooms in the existing dining area. The existing separate restroom facilities for men and women, the kitchen, a walk-in freezer, and a walk-in cooler will remain. Building permits for the proposed tenant improvements will not be issued until completion of the plan check phase, following approval of the Conditional Use Permit and the end of the 21-day appeal period.

The proposed karaoke studio will operate from 2:00 p.m. to 2:00 a.m., seven days a week. The proposed hours of operation are consistent with the hours of operation of other establishments in the City with live entertainment in the form of karaoke. In addition, no other types of live entertainment will be allowed, such as dancing or a disc jockey, along with no gaming machines or card games. However, if any issues should arise, the Police Department has the right to decrease the hours of operation as deemed necessary.

According to the applicant, the kitchen will be used to prepare Vietnamese/Asian fusion cuisine for patrons partaking in the karaoke activity, and no alcoholic beverages will be sold or served on the premises. Non-alcoholic drinks and dishes will be served in the private karaoke rooms, and the restaurant portion of the establishment will not be open to the general public. Common dining areas outside of the private karaoke rooms are not being proposed by the applicant.

It should be noted that if the operator of the karaoke studio requests to serve alcohol, as an added amenity, the operator will have to gain City approval via the Conditional Use Permit process.

The applicant proposes that each private karaoke room service between two to twenty guests, however, during the plan check process, the Building Division will determine the exact number of guests that will be allowed per karaoke room based on complying with the occupancy requirements for the proposed use. Furthermore, in order to provide visibility into the private karaoke rooms at all times, interior walls higher than thirty-six inches from the floor shall be transparent, colorless, non-reflective glass or similar material, and must remain unobstructed at all times to provide full visibility into the rooms. Additionally, conditions of approval will require that every karaoke room door must have an unobscured glass window fitted in the top half of the doors.

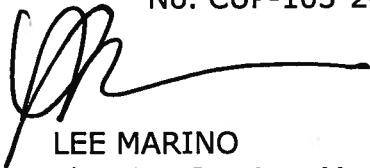
Title 9 of the Municipal Code parks restaurant uses at one (1) space per 100 square feet of gross floor area. Karaoke studios are parked at one (1) space per 200 square feet of gross floor area. Since the proposed karaoke studio will occupy a tenant space formerly occupied by a restaurant, which is parked at a higher parking ratio, no additional parking will be required for the proposed karaoke studio.

The Community and Economic Development Department and the Police Department have reviewed the request and will support the proposal.

**RECOMMENDATION:**

Staff recommends that the Planning Commission take the following action(s):

1. Approve Interpretation of Use No. IOU-002-2017 and Conditional Use Permit No. CUP-103-2017, subject to the recommended conditions of approval.



LEE MARINO  
Planning Services Manager



By: Mary Medrano  
Assistant Planner