

# COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> C.4.	<b>SITE LOCATION:</b> Citywide
<b>HEARING DATE:</b> November 2, 2017	<b>GENERAL PLAN:</b> N/A
<b>CASE NO.:</b> Amendment No. A-021-2017	<b>ZONE:</b> N/A
<b>APPLICANT:</b> City of Garden Grove	<b>APN:</b> N/A
<b>OWNER:</b> N/A	<b>CEQA DETERMINATION:</b> Exempt

## **REQUEST:**

A request that the Planning Commission recommend City Council approval of a City-initiated zoning text amendment to Title 9 of the Garden Grove Municipal Code to update the definitions, operating conditions, and development standards pertaining to (i) uses within the City’s Civic Center Mixed Use zoning districts that involve entertainment and/or alcohol sales or consumption and (ii) permissible encroachments into the setbacks in the Civic Center Mixed Use zoning districts. Currently, restaurant uses that include alcohol sales or entertainment are generally permitted in Mixed Use zoning districts, subject to approval of a conditional use permit. In addition, outdoor dining areas for joint use between businesses are permitted in Mixed Use zoning districts, subject to certain development standards. However, the Land Use Code currently contains conflicting provisions regarding alcohol consumption within shared or communal dining areas serving more than one business and does not expressly address the provision of entertainment or other incidental activities in such joint use areas. The proposed Amendment would expressly permit communal dining areas serving more than one business in which entertainment and/or other similar activities incidental to the primary activity of dining are provided or conducted and/or where alcohol is served and/or consumed in the CC-1 (Civic Center East) and CC-3 (Civic Center Core) Mixed Use zoning districts, subject to specified development standards and the approval of a conditional use permit. The proposed Amendment would also amend the Land Use Code to permit parking spaces and turning aisles to parking spaces to encroach into required setbacks within the CC-1 (Civic Center East), CC-2 (Civic Center Main Street), and CC-3 (Civic Center Core) zoning districts, subject to site plan approval and the provision of a landscape buffer.

## **BACKGROUND:**

A key focus of the General Plan 2030 is to expand areas that allow for development of mixed use. The General Plan Land Use Element expressly recognizes that, by combining complimentary uses, mixed use projects bring energy and vitality to areas during both daytime and after-work hours, and that mixed use areas offer the opportunity for symbiotic developments that benefit both residents and the

businesses operating within them. The Civic Center area is a specific focus area in the General Plan Land Use Element.

In 2012, the Garden Grove City Council approved General Plan Amendment No. GPA-1-11(A) and Amendment Nos. A-160-11 and A-161-11 to adopt and implement Mixed-Use Regulations and Development Standards (Chapter 9.18 of the Land Use Code), along with focused amendments to the General Plan Land Use policy map and changes to the Zoning Map to achieve consistency with the City of Garden Grove's General Plan. The Land Use Code text amendments and zone changes were intended to implement the General Plan, which was comprehensively updated in 2008. The focused amendments to the General Plan Land Use policy map reflected refined policy considerations that have emerged through the process of analyzing the Zoning Map in relation to the Mixed Use applications near, or next to, designed Mixed-Use Land Use Designations. The amendments consisted of changes to regulatory documents that guide the development of properties citywide. Part of the amendments included the adoption of the Civic Center zones, which include the CC-1 (Civic Center East), the CC-2 (Civic Center Main Street), and CC-3 (Civic Center Core) zones.

The CC-1 zone is located south of Stanford Avenue, north of Garden Grove Boulevard, west of Ninth Street, and east of Civic Center Boulevard. This zone allows for institutional and educational uses, together with a mix of residential and commercial uses. The intent was to allow uses and development approaches that maintain the character and form of the established neighborhoods within the Civic Center district. Existing residential structures may continue to be used for residential purposes or may be adapted for commercial use, provided that applicable development standards can be met.

The CC-2 zone applies to the historic Main Street District. Main Street is recognized as a place of special character and aesthetic interest and value. This zone was established to preserve and enhance buildings and structures of historic and cultural significance, and incidental uses that advance and preserve the Main Street character and charm.

The CC-3 zone is generally located, both north and south of Garden Grove Boulevard, south of Stanford Avenue, north of Trask Avenue, west of Civic Center Drive, and east of Nelson Street. The CC-3 zone was established to encourage civic, educational, commercial, high-density residential uses that are compatible and enliven the City's core and work together to create a walkable, lively district that encourages interaction and engagement in community activities. Shared parking facilities, pedestrian orientation of buildings, quality architecture, and pedestrian-scaled landscaping, pathways, and signage reinforce the goal of the General Plan to create places where people, not cars, predominate.

Following the adoption of the Mixed Use Zoning Code, there had been interest in the adaptive reuse of the existing homes in the CC-1 zone by converting them to commercial uses in order to preserve the older homes and maintain the character of the neighborhood. Prior to the adoption of the Mixed Use zoning, there was the mindset to assemble the existing properties and to create larger institutional uses

and larger residential projects. The previous zoning (prior to the current Mixed Use zoning) encouraged the redevelopment of the area rather than its preservation. The intent of the CC-1 zoning is to preserve the older structures by allowing them to be converted to commercial uses.

In 2015, the City of Garden Grove approved Amendment No. A-013-2015, in order to assist in facilitating the goals of the existing CC-1 zoning and to further encourage the preservation of the existing structures. Specific standards were adopted for the adaptive reuse of the existing structures, along with compatibility standards in order to ensure the compatibility of uses within the CC-1 zone. Additionally, specific standards were adopted for conversions of single-family homes to commercial structures/uses, where such uses may involve entertainment and/or alcohol sales, as well as specific standards for shared outside eating areas.

### **DISCUSSION:**

#### **Communal Dining with Entertainment and/or Alcohol:**

The Mixed-Use Regulations and Development Standards in Chapter 9.18 permit restaurant uses that include alcohol sales or entertainment, subject to approval of a conditional use permit. Outdoor dining areas for joint use between businesses are also permitted in Mixed Use zoning districts, subject to certain development standards. However, the current regulations contain conflicting provisions regarding alcohol consumption within shared or communal dining areas in the CC-1 zoning district and do not currently include any development standards or regulations for uses in the CC-3 zone that involve entertainment and/or alcohol sales or consumption, whether in a non-communal or communal dining area(s). In addition, entertainment within communal dining areas is not expressly addressed. A review of the Municipal Code ("Code") disclosed that there is a need to amend the City's Land Use Code pertaining to uses that involve entertainment and/or alcohol sales or consumption in the CC-1 and CC-3 zones in order to more fully implement the vision for these areas expressed in the General Plan.

The following presents proposed zoning text amendments to Title 9 of the Municipal Code that would update the definitions, operating conditions, and development standards in the City's Land Use Code pertaining to uses in the CC-1 (Civic Center East) and CC-3 (Civic Center Core) zones, that involve entertainment and/or alcohol sales or consumption in order to clarify the buffering, distance, and conditional use permit requirements applicable to uses involving entertainment and/or alcohol sales or consumption in these two zones. In addition, the proposed code amendment would establish specific additional operating conditions and development standards for indoor and outdoor joint use or communal dining areas where entertainment and/or the consumption of alcohol takes place and specify that a communal dining area involving entertainment and/or alcohol consumption is a conditionally permitted use in the CC-1 (Civic Center East) and CC-3 (Civic Center Core) zones.

The proposed Code changes are as follows:

**Amend Municipal Code Section 9.04.060, Definitions, to add a new definition as follows:**

(additions shown in ***bold-italics***)

***"Communal Dining with Entertainment and/or Alcohol" means a communal dining area or areas serving more than one business, either within a wholly enclosed building or within a confined outdoor space, in which "entertainment" and/or other similar incidental events or activities secondary to the primary activity of dining are provided or conducted and/or alcohol is served and/or consumed. A "confined outdoor space" is a controlled area or group of areas with monitored entrances and exits that is enclosed by a perimeter barrier.***

**Amend Table 9.18-1, Use Regulations for the Mixed Use Zones, to add a new use, "Communal Dining with Entertainment and/or Alcohol", as a conditionally permitted use in the CC-1 (Civic Center East) and CC-3 (Civic Center Core) zones, under Eating Establishment/Restaurant, as follows:**

(additions shown in ***bold-italics***)

**Table 9.18-1  
Use Regulations for the Mixed Use Zones**

Permitted Uses	GGMU-1,-2,-3	CC-1	CC-2	CC-3	CC-OS	NMU	AR	Additional Regulations and Comments
Eating Establishment/Restaurant	See Section 9.18.060 (Alcohol Beverage Sales) regarding on-sale and off-sale of alcohol.							
<b><i>Communal Dining with Entertainment and/or Alcohol</i></b>	-	<b><i>C</i></b>	-	<b><i>C</i></b>	-	-	-	<b><i>See Section 9.18.090.040 and Section 9.18.090.060</i></b>

**Modify Subsection F, Joint Use Areas, under Municipal Code Section 9.18.030.300, Outdoor Dining at Eating Establishment/Restaurant, as follows:**

(deletions shown in ~~strikethrough~~, additions shown in ***bold-italics***)

- F. Joint Use Areas. Outdoor dining areas for joint use between businesses shall be separated from pedestrian and vehicular pathways with low walls and/or landscaping. Joint use outdoor dining areas are not required to be located immediately adjacent to an establishment, but shall be located within 25 feet of at least one establishment participating in the joint use area. Where adjacent to a public right-of-way, the area shall be delineated as required by subsection E (Delineation of Area) of this section. No alcohol shall be served in any outdoor

dining area that serves more than one business, ***unless authorized pursuant to a conditional use permit in accordance with the provisions set forth in Sections 9.18.090.040, Additional Regulations Specific to the CC-1 Zone, and 9.18.090.060, Additional Regulations Specific to the CC-3 Zone, of this Code.***

**Modify Subsection F.9., Conditional Use Permit Required for Uses Involving Entertainment and/or Alcohol Sales, under Municipal Code Section 9.18.090.040, Additional Regulations Specific to the CC-1 Zone, as follows:**

(additions shown in ***bold-italics***)

9. Conditional Use Permit Required for Uses Involving Entertainment and/or Alcohol Sales. Any home that converts from a residential use to a commercial use that will include entertainment and/or alcohol sales shall be appropriately buffered from adjacent residential uses, be subject to special operating conditions, and require review and approval of a conditional use permit. If entertainment and/or consumption of alcohol is conducted outdoors, buffering measures shall include, without limitation, sound attenuation walls and landscaping in order to protect adjacent residential uses. If the entertainment and/or alcohol sales ***or consumption*** is conducted, and the use does not meet the distance requirements for the subject uses as prescribed in Section 9.18.030 (Special Operating Conditions and Development Standards), a waiver of distance and location provisions may also be requested through the conditional use permit process. In conjunction with the approval of a conditional use permit, the hearing body may grant a waiver to any distance or location provision if it makes all of the following findings:
  - a. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this section will be observed;
  - b. That the proposed use will not unreasonably interfere with the use and enjoyment of neighboring property or cause or exacerbate the development of urban blight;
  - c. That the use will not interfere with operation of other businesses or uses within the area;
  - d. That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation or revitalization;
  - e. That the establishment complies with all other distance and pedestrian and vehicular requirements of this code; and
  - f. That all applicable regulations of this code will be observed.

**Modify Subsection G, Shared Outside Eating Areas, under Municipal Code Section 9.18.090.040, Additional Regulations Specific to the CC-1 Zone, as follows:**

(deletions shown in strikethrough, additions shown in ***bold-italics***)

- G. ***Communal Dining Areas.*** ~~Shared outside eating~~ ***Communal dining*** areas may be created between properties and uses. ~~No shared outside eating area where alcohol is allowed, shall have a separate entrance or exit. All outside eating areas that allow the consumption of alcohol shall only be permitted to have direct access to and from the establishments that serve the alcohol.~~ Outside eating ***communal dining*** areas shall be sufficiently buffered from adjacent residential uses in a manner that will protect the peaceful enjoyment of adjacent residentially developed properties. ***In addition to the other applicable requirements of this chapter, including those prescribed in Section 9.18.090.040.F.9 (Conditional Use Permit Required for Uses Involving Entertainment and/or Alcohol Sales), the following provisions shall apply to uses that include communal dining with entertainment and/or alcohol.***
1. ***A conditional use permit is required for communal dining with entertainment and/or alcohol.***
  2. ***Entertainment shall only be permitted within a confined space with proper sound attenuation or within a wholly enclosed building.***
  3. ***Outdoor communal dining areas where alcohol is served and/or consumed must be located in a controlled area or group of areas with monitored entrances and exits and enclosed by a perimeter barrier.***
  4. ***The conditional use permit shall specify the requirements and the party or parties responsible for monitoring, managing and controlling the communal dining area(s).*** ~~No shared outside eating area where alcohol is allowed, shall have a separate entrance or exit. All outside eating areas that allow the consumption of alcohol shall only be permitted to have direct access to and from the establishments that serve the alcohol.~~

**Add Subsections F, "Conditional Use Permit Required for Uses Involving Entertainment and/or Alcohol", and G, "Communal Dining with Entertainment and/or Alcohol", under Municipal Code Section 9.18.090.060, Additional Regulations Specific to the CC-3 Zone, as follows:**

(additions shown in ***bold-italics***)

- F. Conditional Use Permit Required for Uses Involving Entertainment and/or Alcohol Sales. Any mixed use development, or commercial development adjacent to a residential use(s), that will include entertainment and/or alcohol sales, shall be appropriately buffered from adjacent residential uses, be subject to special operating conditions, and require review and approval of a conditional use permit. If entertainment and/or consumption of alcohol is conducted outdoors, buffering measures shall include, without limitation, sound attenuation walls and landscaping in order to protect adjacent residential uses. If the entertainment and/or alcohol sales or consumption is conducted, and the use does not meet the distance requirements for the subject uses as prescribed in Section 9.18.030 (Special Operating Conditions and Development Standards), a waiver of distance and location provisions may also be requested through the conditional use permit process. In conjunction with the approval of a conditional use permit, the hearing body may grant a waiver to any distance or location provision if it makes all of the following findings:***
- a. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this section will be observed;***
  - b. That the proposed use will not unreasonably interfere with the use and enjoyment of neighboring property or cause or exacerbate the development of urban blight;***
  - c. That the use will not interfere with operation of other businesses or uses within the area;***
  - d. That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation or revitalization;***
  - e. That the establishment complies with all other distance and pedestrian and vehicular requirements of this code; and***
  - f. That all applicable regulations of this code will be observed.***

- G. Communal Dining Areas. Communal dining areas may be created between properties and uses. Outside communal dining areas shall be sufficiently buffered from adjacent residential uses in a manner that will protect the peaceful enjoyment of adjacent residentially developed properties. In addition to the other applicable requirements of this chapter, including those prescribed in Section 9.18.090.060.F (Conditional Use Permit Required for Uses Involving Entertainment and/or Alcohol Sales), the following provisions apply to uses that include communal dining with entertainment and/or alcohol.**
- 1. A conditional use permit is required for communal dining with entertainment and/or alcohol.**
  - 2. Entertainment shall only be permitted within a confined space with proper sound attenuation or within a wholly enclosed building.**
  - 3. Outdoor communal dining areas where alcohol is served and/or consumed must be located in a controlled area or group of areas with monitored entrances and exits and enclosed by a perimeter barrier.**
  - 4. The conditional use permit shall specify the requirements and the party or parties responsible for monitoring, managing and controlling the communal dining area(s).**

Parking Spaces and Turning Aisles within Required Setbacks:

Currently, development standards applicable to all Mixed Use zones prohibit parking spaces, and turning aisles to parking spaces, to be located within any portion of required setbacks. Many Mixed Use zoned properties in the City are small in size, and have limited space available for projects that require improvements such as new driveways, drive aisles, and/or parking spaces.

For example, most properties in the CC-1 zone are small-sized parcels developed with existing single-family dwellings. Development standards of the CC-1 zone allow for the conversion of a single-family dwelling to a commercial structure/use with a particular focus on preserving existing structures to maintain neighborhood character. With the existing development standards in place, it is difficult to meet the intent of the CC-1 zone, which is to preserve existing older structures, while also providing for required improvements such as drive aisles and parking spaces.

Staff has noted a need to address the allowance of parking spaces, and turning aisles to parking spaces, to be located within required setbacks, with landscaped buffering required in certain situations. The proposed modifications to the Code will allow future developments to incorporate better site plan design, increased feasibility for the provision of adequate parking and vehicular circulation, while complying with all other development standards.



The following presents proposed zoning text amendments to Title 9 of the Municipal Code that would address the allowance of parking spaces, and turning aisles to parking spaces, to be located within portions of required setbacks.

The proposed Code changes are as follows:

**Modify Subsection C.2., Setbacks Unobstructed, under Municipal Code Section 9.18.100.020, Development Standards Applicable to All Mixed Use Zones, as follows:**

(deletions shown in ~~strikethrough~~, additions shown in ***bold-italics***)

2. Setbacks Unobstructed. Required setbacks shall be open and unobstructed from the ground to the sky except for trees and other plant material. No building, parking space, or turning aisle to any parking space shall occupy any portion of any required setback. ***Notwithstanding this Section, parking spaces, and turning aisles to parking spaces, within the CC-1 (Civic Center East), CC-2 (Civic Center Main Street), and CC-3 (Civic Center Core) zones may be located within required setbacks, subject to Site Plan approval, and shall require a landscaped buffer between the property line and parking space(s) and/or turning aisle(s) to any parking space(s) fronting along a street. Any landscaped buffer shall have a minimum depth of five feet. This excludes the depth of any driveway throat, which shall be as determined by the Traffic Engineering Division, Public Works Department.*** Easements for utilities (e.g., electrical, communications) are exempt from the requirements of this section.

**RECOMMENDATION:**

Staff recommends that the Planning Commission:

1. Adopt the proposed Resolution recommending approval of Amendment No. A-021-2017 to the City Council.

LEE MARINO  
Planning Services Manager

By: Chris Chung  
Urban Planner