

RESOLUTION NO. 5904-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING THAT THE CITY COUNCIL APPROVE AMENDMENT NO. A-021-2017, TO AMEND PORTIONS OF CHAPTERS 9.04 (DEFINITIONS) AND 9.18 (MIXED USE REGULATIONS AND DEVELOPMENT STANDARDS) OF TITLE 9 OF THE CITY OF GARDEN GROVE MUNICIPAL CODE, PERTAINING TO USES WITHIN THE CIVIC CENTER MIXED USE ZONES THAT INVOLVE ENTERTAINMENT AND/OR ALCOHOL SALES OR CONSUMPTION AND PERMISSIBLE ENCROACHMENTS WITHIN SETBACKS.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on November 2, 2017, does hereby recommend that the City Council approve Amendment No. A-021-2017 and adopt the draft Ordinance attached hereto as Exhibit "A".

BE IT FURTHER RESOLVED in the matter of Amendment No. A-021-2017, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The case was initiated by the City of Garden Grove.
2. The City of Garden Grove is proposing a zoning text amendment to portions of Chapters 9.04 (Definitions) and 9.18 (Mixed Use Regulations and Development Standards) of Title 9 of the City of Garden Grove Municipal Code to update the definitions, operating conditions, and development standards in the City's Land Use Code pertaining to uses that involve entertainment and/or alcohol sales or consumption.
3. The Planning Commission recommends the City Council find that the proposed amendment is not subject to the California Environmental Quality Act ("CEQA"; Cal. Pub. Resources Code Section 21000 et seq.) pursuant to Section 15061(b)(3) of the State CEQA Guidelines (Cal. Code of Regs., Title 14, Section 15000 et seq.) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
4. Pursuant to legal notice, a public hearing was held on November 2, 2017, and all interested persons were given an opportunity to be heard.
5. Report submitted by City staff was reviewed.
6. The Planning Commission gave due and careful consideration to the matter during its meeting of November 2, 2017; and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission are as follows:

FACTS:

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 of the CC-1 zone is 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 Garden Grove City Council 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.

The proposed zoning text Amendment would update the definitions, operating conditions, and development standards in the City's Land Use Code 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 Municipal 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.

Specifically, the proposed Amendment would make the following changes to Chapters 9.04 (Definitions) and 9.18 (Mixed Use Regulations and Development Standards) of Title 9 of the City of Garden Grove Municipal Code: (i) add a new definition for "Communal Dining with Entertainment and/or Alcohol" to Chapter 4

(Section 9.04.060); (ii) revise Table 9.18-1, Use Regulations for the Mixed Use Zones, to add a new use, "Communal Dining with Entertainment and/or Alcohol"; (iii) 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 (Section 9.18.090.040 and 9.18.090.060); and (iv) allow parking spaces and turning aisles to be located within portions of required setbacks, with the provision of a landscape buffer (Section 9.18.100.020).

FINDINGS AND REASONS:

1. The Amendment is internally consistent with the goals, objectives and elements of the City's General Plan.

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, and the Civic Center Mixed Use zoning districts were created to implement the goals of the General Plan.

The General Plan contains goals, policies, and implementation programs that address well-planned growth with a mix of uses, neighborhood preservation, and land use compatibility.

Goal LU-1 of the General Plan calls for the City of Garden Grove to be a well-planned community with sufficient land uses and intensities to meet the needs of the anticipated growth and achieve the community's vision. Several policies and implementation programs are specified towards meeting this goal. For example, Policy LU-1.3 of the General Plan directs the City to encourage a wide variety of retail and commercial services, such as restaurants and cultural arts/entertainment, in appropriate locations, while Policy LU-1.10 encourages the promotion of future patterns of urban development and land use that reduce infrastructure costs and make better use of existing and planned public facilities. In addition, Implementation Program LU-IMP-1B calls for amending the Zoning Code to implement mixed use zoning districts that provide development standards for mixed use development. The proposed Code Amendment furthers these goals, policies, and implementation programs by establishing development standards designed to encourage restaurants and entertainment and the more efficient use of underutilized properties in the Civic Center areas, by allowing entertainment and/or alcohol sales or consumption in communal dining areas and for parking spaces to

encroach into required setbacks. Consistent with Goal LU-1, the proposed text amendments will also help the City achieve the community's vision for mixed use areas by facilitating the combination of complimentary dining and entertainment uses in a manner that brings energy and vitality to the Civic Center areas during both daytime and after-work hours.

Goal LU-2 of the General Plan calls for the City to have stable, well-maintained residential neighborhoods in Garden Grove, and Goal LU-4 of the General Plan calls for the City to develop uses that are compatible with one another. Several policies are specified towards meeting these goals. For example, Policy LU-2.1 of the General Plan directs the City to protect residential areas from the effects of potentially incompatible uses, and where new commercial or industrial development is allowed adjacent to residentially zoned districts, to maintain standards for circulation, noise, setbacks, buffer areas, landscaping and architecture, which ensure compatibility between the uses. Policy LU-4.5 of the General Plan directs the City to require that the commercial developments adjoining residential uses be adequately screened and buffered from residential areas. Policy LU-4.6 of the General Plan states where residential/commercial or residential/industrial mixed use is permitted, that the City is to ensure compatible integration of adjacent uses to minimize conflicts. The proposed Amendment furthers these goals and policies by ensuring that any proposed use involving entertainment and/or alcohol sales: will not be contrary to the public interest or injurious to nearby properties; will not unreasonably interfere with the use and enjoyment of neighboring property or cause or exacerbate the development of urban blight; will not interfere with operation of other businesses or uses within the area; will not be contrary to any program of neighborhood conservation or revitalization; will be subject to the approval of a Conditional Use Permit; will include proper buffering and sound attenuation to adjacent residential uses; and will comply with all distance, pedestrian, vehicular, and any other applicable requirements of the Municipal Code. Furthermore, the proposed Code Amendment will allow parking spaces, and turning aisles to parking spaces, to be located within portions of required setbacks, which 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.

2. The Amendment will promote the public interest, health, safety and welfare.

The zoning and development standards proposed in this Amendment promote the public interest, health, safety, and welfare by facilitating joint use dining areas in the Civic Center Mixed Use areas while ensuring that uses involving entertainment and/or alcohol consumption: will not be contrary to the public interest or injurious to nearby properties; will not unreasonably interfere with the use and enjoyment of neighboring property or cause or exacerbate the development of urban blight; will not interfere with operation of other businesses or uses within the area; will not be contrary to any program of neighborhood conservation or revitalization; will be

subject to the approval of a Conditional Use Permit; will include proper buffering and sound attenuation to adjacent residential uses; and will comply with all distance, pedestrian, vehicular, and any other applicable requirements of the Municipal Code. The proposed text amendments to allow parking spaces and turning aisles to parking spaces will also promote the public interest, health, safety and welfare by allowing future developments in the Civic Center Mixed Use zoning districts to incorporate better site plan design and increased feasibility for the provision of adequate parking and vehicular circulation, while complying with all other development standards.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT:

In addition to the foregoing the Planning Commission incorporates herein by this reference, the facts and reasons set forth in the staff report.

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. Amendment No. A-021-2017 possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030.D.1 (Code Amendment).
2. The Planning Commission recommends that the City Council approve Amendment No. A-021-2017 and adopt the draft Ordinance attached hereto as Exhibit "A".

Adopted this 2nd day of November, 2017

ATTEST:

/s/ GEORGE BRIETIGAM
VICE CHAIR

/s/ JUDITH MOORE
RECORDING SECRETARY

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS:
CITY OF GARDEN GROVE)

I, JUDITH MOORE, Secretary of the City of Garden Grove Planning Commission, do hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Garden Grove, California, at a meeting held on November 2, 2017, by the following vote:

AYES:	COMMISSIONERS:	(5)	BRIETIGAM, LAZENBY, LEHMAN, NGUYEN, TRUONG
NOES:	COMMISSIONERS:	(0)	NONE
ABSENT:	COMMISSIONERS:	(2)	KANZLER, SALAZAR

/s/ JUDITH MOORE
RECORDING SECRETARY