

RESOLUTION NO. 5929-18

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING THAT THE CITY COUNCIL APPROVE AMENDMENT NO. A-022-2018, A ZONING TEXT AMENDMENT TO CHAPTERS 9.18 (MIXED USE REGULATIONS AND DEVELOPMENT STANDARDS) AND 9.32 (PROCEDURES AND HEARINGS) OF TITLE 9 OF THE CITY OF GARDEN GROVE MUNICIPAL CODE TO ESTABLISH REGULATIONS PERTAINING TO OUTDOOR DINING AREAS IN THE PUBLIC RIGHT-OF-WAY ON HISTORIC MAIN STREET.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on September 6, 2018, does hereby recommend that the City Council approve Amendment No. A-022-2018.

BE IT FURTHER RESOLVED in the matter of Amendment No. A-022-2018, 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 9.18 (Mixed Use Regulations and Development Standards) and 9.32 (Procedures and Hearings) of Title 9 of the City of Garden Grove Municipal Code to establish regulations pertaining to outdoor dining in the public right-of-way on Historic Main Street area. The proposed zoning text changes are set forth in Exhibit "A" attached hereto.
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 September 6, 2018, 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 September 6, 2018.

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

FACTS:

Recently, the City has received numerous requests from eating establishment owners within the Historic Main Street area for outdoor dining in the public right-of-way between Garden Grove Boulevard and Acacia Parkway. Historically, the public right-of-way has been an area designated for pedestrian and vehicular travel, however, City events, such as the Garden Grove Farmer's Market and Car Show, have been held periodically within Main Street.

Parallel parking exists on the east and west sides of Main Street, however, there is no curb separating the walkway from the street parking area. The existing width of the public right-of-way along Main Street is 75 feet, with a 15-foot walkway between the front property line of each storefront and the parallel parking spaces. Therefore, it is proposed that outdoor dining areas in the public right-of-way be only allowed within the 15-foot area directly in front of the eating establishment to allow vehicular travel to remain as is.

Currently, eating establishment/restaurant uses within the Historic Main Street area, which are a permitted use in the CC-2 zone, are not permitted to have outdoor dining that encroaches into the public right-of-way. However, the City recognizes that visitors and individual businesses within the Historical Main Street area may benefit from outdoor dining in the public right-of-way. Outdoor dining in the public right-of-way may invigorate the street, while offering restaurants an opportunity for additional seating. The City's General Plan encourages outdoor dining in the Civic Center to be a pedestrian friendly area to contribute to the walkability appeal of Downtown, encourage opportunities for social interaction, and contribute to Downtown's identity and streetscape, as well as to "*preserve the Main Street character and charm.*" Moreover, outdoor dining in the public right-of-way may be a unifying element throughout the Downtown that will encourage new businesses to open in the Historic Main Street area. As a result, the City is proposing a zoning text amendment that will establish design standards and guidelines to ensure that outdoor areas dining in the public right-of-way are of high quality design to contribute to the creation of a functional and aesthetically pleasing streetscape that suits the historic character of Main Street.

The proposed Land Use Code amendments would establish a process for eating establishments fronting Historic Main Street to obtain a Main Street Outdoor Dining Permit authorizing them to maintain and use an outdoor dining area in the public right-of-way that is incidental and accessory to the eating establishment use and would address design standards, aesthetic concerns, and operational requirements for these outdoor dining areas.

FINDINGS AND REASONS:

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

The General Plan 2030 Land Use Element established the Civic Center Area as the "Heart of the City" and encourages the area to have pedestrian friendly streets that provide a human scale and balance between vehicular and pedestrian traffic. The City's General Plan encourages opportunities for social interaction that contribute to Downtown's identity and streetscape, as well as to "*preserve the Main Street character and charm.*" The Community Design Element, under Goal CD-5, identifies Main Street as one of Garden Grove's landmarks and encourages its unique character and pedestrian friendly environment be kept and enhanced with outdoor dining and streetscape in character with the Civic Center area. The proposed amendment encourages outdoor dining along Main Street, which will add to Downtown's identity to meet the intent of the City's General Plan under Goal LU-10, the restoration of the Civic Center as the heart of the City. Moreover, to preserve the Main Street character, the proposed amendment will require that the design of the dining area be architecturally and aesthetically compatible with the Historic Main Street area, and in keeping with the design of the existing buildings, and planters, lamps, benches, and other streetscape elements that exist within the right-of-way.

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

The design and operational standards proposed in this amendment promote the public interest, health, safety, and welfare by providing regulations that will limit impacts to the neighboring area. The proposed amendment will address the requirements of City and State departments, such as the City of Garden Grove's Public Works Department, Police Department, and the Community and Economic Development Department, as well as the State of California Alcoholic Beverage Control Department (ABC), and the Americans with Disabilities Act (ADA) for outdoor dining in the public right-of-way within the Historic Main Street area. Allowing for outdoor dining in the public right-of-way for eating establishments along Main Street, with the proposed design and operational requirements, ensures that the outdoor dining area will not interfere with the public interest, health, safety, and welfare of the neighboring properties or the Civic Center area. The proposed amendment limits outdoor dining areas to areas of the public right-of-way that are able to maintain proper accessibility and will not interfere with visibility, vehicular or pedestrian mobility or access, while maintaining the character and architectural aesthetics of the Historical Main Street area.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN THE 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-022-2018 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-022-2018.

Adopted this 6th day of September 2018

ATTEST: /s/ GEORGE BRIETIGAM  
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 September 6, 2018, by the following vote:

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

/s/ JUDITH MOORE  
RECORDING SECRETARY

PLEASE NOTE: Any request for court review of this decision must be filed within 90 days of the date this decision was final (See Code of Civil Procedure Section 1094.6).

A decision becomes final if it is not timely appealed to the City Council. Appeal deadline is September 27, 2018.