

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING PLANNED UNIT DEVELOPMENT NO. PUD-104-73 (REV. 2018) AMENDING THE USES PERMITTED ON A PORTION OF PLANNED UNIT DEVELOPMENT NO. PUD-104-73 TO FACILITATE DEVELOPMENT OF AN AUTOMATIC CAR WASH, A DRIVE-THRU PAD RESTAURANT, AND A SIT-DOWN RESTAURANT ON THE PARCELS LOCATED AT 12101 AND 12111 VALLEY VIEW STREET, AND AMENDING THE SIGN REQUIREMENTS OF THE PUD

City Attorney Summary

This Ordinance approves an amendment to Planned Unit Development No. PUD-104-73 to modify the uses permitted on the properties located on the west side of Valley View Street, south of Chapman Avenue, at 12101 and 12111 Valley View Street, to allow an automatic car wash, a drive-thru pad restaurant, and a sit-down restaurant, and to amend the sign requirements of the PUD, including: to allow multi-tenant signage within the cabinet display area of an existing pole sign, and to allow non-LED/non-digital movie poster board graphic signage on the exterior wall marquee and exterior wall display boards, and to allow a vertical sign on the new building tower element of the movie theater.

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE FINDS AND DETERMINES AS FOLLOWS:

WHEREAS, on August 21, 1973, the Garden Grove City Council adopted Resolution No. 4472-73, approving Planned Unit Development No. PUD-104-73 and rezoning an approximately 17.67-acre parcel located at the southwest corner of Chapman Avenue and Valley View Street to PUD-104-73, subject to all of the conditions and provisions as set forth in Planning Commission Resolution No. 2673; and

WHEREAS, the 17.67-acre site is currently comprised of one (1) residential lot and five (5) commercial lots; and

WHEREAS, the uses and activities currently permitted on the six (6) lots within PUD-104-73, respectively, include a 126-unit townhouse condominium development, a bowling alley, a movie theater, a 7,500 square foot restaurant, a McDonald's restaurant, and an aged care facility; and

WHEREAS, the signage permitted within PUD-104-73 is set forth in condition of approval D. of Planning Commission Resolution No. 2673; and

WHEREAS, Dan Akarakian for Cinemas Management, Inc., on behalf of Valley View Cinema Center, LLC, owner of the two commercial lots located at 12101 and 12111 Valley View Street containing the movie theater and large restaurant, has requested approval of an amendment to Planned Unit Development No. PUD-104-73 to facilitate the redevelopment of these two lots with the demolition of the existing large restaurant, an expansion of the existing movie theatre, and the

addition of an automatic car wash, a 1,870 square foot drive-thru pad restaurant, and a 2,700 square foot sit-down restaurant, and to modify the sign requirements of the PUD, including to allow for multi-tenant signage within the cabinet display area of an existing pole sign, to allow a vertical sign on a new tower building element of the movie theater, and to allow non-LED/ non-digital movie poster board graphics to be displayed on the exterior wall marquee and wall display boards of the movie theater; and

WHEREAS, the proposed amendment to Planned Unit Development No. PUD-104-73 is being processed in conjunction with (a) Site Plan No. SP-057-2018 to allow the construction of a 4,241 square foot automatic car wash, an 1,870 square foot drive-thru pad restaurant, a 2,700 square foot sit-down restaurant, a 2,846 square foot expansion to the existing movie theater, and related site improvements on the properties located at 12101 and 12111 Valley View Street, (a) Lot Line Adjustment No. LLA-019-2018 to modify existing lot lines to consolidate the two (2) subject parcels into one (1); and (c) Conditional Use Permit No. CUP-140-2018 to allow the operation of the proposed automatic car wash; and

WHEREAS, the uses, activities, and improvements contemplated by the proposed PUD amendment, Site Plan No. SP-057-2018, Lot Line Adjustment No. LLA-019-2018, and Conditional Use Permit No. CUP-140-2018 are collectively referred to as the "Project"; and

WHEREAS, following a public hearing held on October 18, 2018, the Planning Commission adopted Resolution No. 5931-18 recommending City Council approval of Planned Unit Development No. PUD-104-73 (Rev. 2018);

WHEREAS, on October 18, 2018, the Planning Commission also adopted Resolution No. 5932-18 approving Site Plan No. SP-057-2018 and Lot Line Adjustment No. LLA-019-2018 and Resolution No. 5933-18 approving Conditional Use Permit No. CUP-140-2018, each subject to the City Council's approval of Planned Unit Development No. PUD-104-73 (Rev. 2018);

WHEREAS, pursuant to a legal notice, a Public Hearing was held by the City Council on November 13, 2018, and all interested persons were given an opportunity to be heard; and

WHEREAS, the City Council gave due and careful consideration to the matter; and

WHEREAS, the City Council hereby determines that the proposed Project is categorically exempt from the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 et. seq.) pursuant to Section 15303 (New Construction or Conversion of Small Structures) and Section 15301 (Existing Facilities) of the CEQA Guidelines (14 Cal. Code Regs., Sections 15301 and 15303); and

WHEREAS, the City Council hereby incorporates by reference the findings and reasons set forth in Planning Commission Resolution Nos. 5931-18, 5932-18, and

5933-18 and makes the following findings regarding Planned Unit Development No. PUD-104-73 (Rev. 2018):

A. The location of the buildings, architectural design, and uses proposed pursuant to the PUD amendment are compatible with the character of existing development in the vicinity and will be well integrated into its setting.

B. The amended plan will produce a stable and desirable environment and will not cause undue traffic congestion on surrounding streets.

C. Provision is made for both public and private open spaces.

D. Provision is made for the protection and maintenance of private areas reserved for common use.

E. The quality of the Project achieved through the proposed amendment to the existing planned unit development zoning is greater than could be achieved through traditional zoning.

F. The amendment to the PUD is internally consistent with the goals, objectives, and elements of the General Plan.

G. The amendment to the PUD will promote the public interest, health, and welfare.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES ORDAIN AS FOLLOWS:

SECTION 1: The above recitals are true and correct.

SECTION 2: Planned Unit Development No. PUD-104-73 (Rev. 2018) is hereby approved pursuant to the findings set forth herein and the facts and reasons stated in Planning Commission Resolution No. 5931-18, a copy of which is on file in the Office of the City Clerk, and which is incorporated herein by reference with the same force and effect as if set forth in full.

SECTION 3: Planned Unit Development No. PUD-104-73 is hereby amended to modify the uses and activities permitted on the 12101 and 12111 Valley View Street parcels in PUD-104-73, as set forth in Planning Commission Resolution No. 2673, by adding new Condition of Approval "X" to read as follows

"X. Only the following uses shall be permitted on the 12101 and 12111 Valley View Street parcel(s):

A movie theatre, subject to Site Plan approval

An automatic car wash, subject to Site Plan and Conditional Use Permit approval

An 1,870 square foot drive-thru pad restaurant, subject to Site Plan approval

A 2,700 square foot sit-down restaurant, subject to Site Plan approval"

The 7,500 square foot restaurant described in Planning Commission Resolution No. 2673, located at 12101 Valley View Street, is being demolished and shall no longer be a permitted use within Planned Unit Development No. PUD-104-73. The uses and activities permitted on the other parcels within Planned Unit Development No. PUD-104-73 shall remain the same.

SECTION 4: Planned Unit Development No. PUD-104-73 is hereby amended to modify the sign requirements, as set forth in Planning Commission Resolution 2673, as follows (additions shown in ***bold/italics***; deletions shown in ~~strikethrough~~):

D. ~~Signing~~ **Signage** in the residential portion shall be in accordance with the provisions of the R-2, Limited Multiple Residential zone. ~~Signing~~ **Signage** in the commercial area shall be as follows and shall be subject to be the square footage permitted in the C-1, Limited **Neighborhood Commercial** zone.

- 1) One pole sign shall be permitted for each of the four **primary commercial uses (the bowling alley, the movie theater, the automatic car wash, and McDonald's)** provided that they shall be located a minimum of 200 feet apart, and that they shall not exceed 35 feet in height. **The pole sign cabinet for the automatic car wash may be designed to allow for a multi-tenant display area to accommodate signage for the drive-thru restaurant and the sit-down restaurant located on-site. The proposed display area of any new pole sign cabinet shall comply with the total sign area requirements of the C-1 zone.**
- 2) ~~One wall sign, not extending above the top of any wall, for the large restaurant, the theater, and the bowling alley. Two wall signs for McDonald's as approved under PUD 107-71 (1st Revised).~~ **Wall signs shall not extend above the top of any wall, and no roof signs are permitted. Proposed wall signs for each use shall comply with the total allowable sign area requirements of the C-1 zone.**
- 3) **Permitted signage for the movie theater may also include a vertical sign on the new building tower element, and non-LED/non-digital movie poster board graphics on the exterior wall marquee and/or on the exterior wall movie poster display boards.**

SECTION 5. Severability. If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this

Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words or portions thereof be declared invalid or unconstitutional.

SECTION 6. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after adoption.