

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING A TEXT AMENDMENT TO PLANNED UNIT DEVELOPMENT NO. PUD-104-73 (REV. 2018/REV. 2021) TO EXPAND THE USES PERMITTED TO ALSO INCLUDE THE USES PERMITTED IN THE C-1 (NEIGHBORHOOD COMMERCIAL) ZONE, AND TO AMEND THE SIGN REQUIREMENTS OF THE PUD

***City Attorney Summary***

***This Ordinance approves an amendment to Planned Unit Development No. PUD-104-73 (Rev. 2018/Rev. 2021) to amend the uses permitted to also include the uses permitted in the C-1 (Neighborhood Commercial) zone, and to amend the sign requirements of the PUD.***

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;

WHEREAS, the 17.67-acre site was originally comprised of one (1) residential lot, an aged facility, and four (4) commercial lots;

WHEREAS, the uses and activities originally permitted within PUD-104-73, respectively, included a 126-unit townhouse condominium development, a bowling alley, a movie theater, a 7,500 square foot restaurant, a McDonald's restaurant, and a senior care facility;

WHEREAS, on November 13, 2018, the Garden Grove City Council adopted Ordinance No. 2895, approving a text amendment to Planned Unit Development No. PUD-104-73 (Rev. 2018), amending the permitted uses for the properties located at 12101 and 12111 Valley View, to allow an automatic carwash, a drive-thru pad restaurant, and a sit-down restaurant, and to amend the sign requirements of the PUD;

WHEREAS, upon the effectiveness of Planned Unit Development No. PUD-104-73 Rev. 2018, Planning Commission Resolution No. 5932-18 approving 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, and Lot Line Adjustment No. LLA-019-2018 to modify existing lot lines to consolidate the two (2) subject parcels into one (1); and Planning Commission Resolution No. 5933-18 approving Conditional Use Permit No. CUP-140-2018 to allow the operation of the proposed automatic car wash also became effective.

WHEREAS, the uses and activities currently permitted within each of the three (3) existing commercial PUD parcels include (1) a bowling alley (12141 Valley View Street); (2) a movie theater, automatic car wash, 1,870 square foot drive-thru pad restaurant, and a 2,700 square foot sit-down restaurant (12111, 12103, 12101 Valley View Street; and (3) a McDonald's restaurant (12051 Valley View Street);

WHEREAS, the signage permitted within PUD-104-73 Rev. 2018 is set forth in City Council Ordinance No. 2895 as modified; and

WHEREAS, Dan Akarakian for Cinemas Management, Inc., on behalf of Valley View Cinema Center, LLC, owner of the commercial lot located at 12141 Valley View Street and developed with a 33,375 square foot vacant bowling alley building, has requested approval of an amendment to Planned Unit Development No. PUD-104-73 Rev. 2018 to expand the commercial uses permitted to also include the uses allowed by the C-1 (Neighborhood Commercial) zone to facilitate the redevelopment of the subject site by re-purposing the existing building with new commercial retail and restaurant uses, along with construction of a new 2,000 square foot pad drive thru restaurant, and to modify the sign requirements of the PUD;

WHEREAS, the proposed amendment to Planned Unit Development No. PUD-104-73 (Rev. 2018) is being processed in conjunction with (i) General Plan Amendment No. GPA-002-2021 to change the land use designation of the property from Civic Institution to Light Commercial, and (ii) Site Plan No. SP-097-2021 to modify and reduce the size of the existing bowling alley building from 33,375 square feet to 19,296 square feet to accommodate four (4) tenants, including an anchor tenant of 12,082 square feet, and three (3) restaurants with a combined total area of 7,214 square feet, with one tenant designed with a drive-thru lane, along with the construction of a new 2,000 square foot pad drive-thru restaurant, and related site improvements;

WHEREAS, the uses, activities, and improvements contemplated by the proposed PUD amendment, General Plan Amendment, and Site Plan No. SP-097-2021 are collectively referred to as the "Project";

WHEREAS, following a public hearing held on March 4, 2021, the Planning Commission adopted Resolution No. 6019-21 recommending City Council approval of General Plan Amendment No. GPA-002-2021 and Planned Unit Development No. PUD-104-73 (Rev. 2018/ Rev. 2021);

WHEREAS, on March 4, 2021, the Planning Commission also adopted Resolution No. 6020-21 approving Site Plan No. SP-097-2021, subject to the City Council's approval of Planned Unit Development No. PUD-104-73 (Rev. 2018/Rev. 2021);

WHEREAS, pursuant to a legal notice, a Public Hearing was held by the City Council on April 13, 2021, 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 qualifies for a Negative Declaration as the proposed Project cannot, or will not, have a significant effect on the environment pursuant to California Environmental Quality Act, California Public Resources Code Section 21000 *et seq.* ("CEQA") and CEQA's implementing guidelines, California Code of Regulations, Title 14, Section 15000 *et seq.*;

WHEREAS, the City Council hereby incorporates by reference the findings and reasons set forth in Planning Commission Resolution No. 6019-21, and makes the following findings regarding Planned Unit Development No. PUD-104-73 (Rev. 2018/Rev. 2021):

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/Rev. 2021) is hereby approved pursuant to the findings set forth herein and the facts and reasons stated in Planning Commission Resolution No. 6019-21, 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 (Rev. 2018) is hereby amended to modify the uses and activities permitted on the 12051, 12101, 12111, and 12141 parcels, as set forth in City Council Ordinance No. 2895, by amending Condition of Approval "X" to read as follows (additions shown in ***bold/italics***; deletions shown in ~~strikethrough~~):

X. ~~Only~~ ~~†~~The following uses shall be permitted on the 12051, 12101, and 12111 **and 12141** Valley View Street parcel(s):

- 1) ***A bowling alley, subject to Site Plan approval***
- 2) A movie theatre, subject to Site Plan approval
- 3) An automatic car wash, subject to Site Plan and Conditional Use Permit approval
- 4) ~~An 1,870 square foot~~ ***Drive-thru pad restaurants***, subject to Site Plan approval
- 5) ~~A 2,700 square foot~~ ***Sit-down restaurants***, subject to Site Plan approval
- 6) ***All uses permitted in the C-1 (Neighborhood Commercial) zone, subject to the use and development standards of the C-1 zone and approval of the appropriate land use entitlements required for the establishment and operation of the use, as specified in the Municipal Code.***

***All new construction shall be subject to the development standards of the C-1 zone and the provisions of Chapter 9.32 (Procedures and Hearings) of the Municipal Code, provided, however, that encroachments into required setback areas for parking and drive-thru lanes or deviations from the height requirement for architectural projections may be permitted at the discretion of the Planning Commission in conjunction with a 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 (Rev. 2018) is hereby amended to modify the sign requirements, as set forth in City Council Ordinance No. 2895, as follows (additions shown in ***bold/italics***; deletions shown in ~~strikethrough~~):

D. Signage in the residential portion shall be in accordance with the provisions of the R-2, Limited Multiple Residential zone. Signage in the

commercial area shall be as follows and shall be subject to be the square footage permitted in the C-1, Neighborhood Commercial zone.

- 1) One pole sign shall be permitted for each of the four primary commercial uses (the **multi-tenant anchor building, formerly 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 **Each** 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. **Existing pole signs may be replaced with a monument sign that complies with the monument sign requirements of the Municipal Code.**
- 2) 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.