

EXHIBIT "A"
PROPOSED ORDINANCE

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING PLANNED UNIT DEVELOPMENT NO. PUD-128-12(A), AN AMENDMENT TO PLANNED UNIT DEVELOPMENT NO. PUD-128-12, TO ESTABLISH SEPARATE IMPLEMENTATION PROVISIONS AND DEVELOPMENT STANDARDS FOR PROPERTY LOCATED ON THE EAST SIDE OF HARBOR BOULEVARD, BETWEEN CHAPMAN AVENUE AND TWINTREE LANE, AT 12202 HARBOR BOULEVARD (ASSESSOR PARCEL NUMBER 231-491-21)

City Attorney Summary

This Ordinance approves an amendment to Planned Unit Development No. PUD-128-12 to establish a new Subarea A with separate implementation provisions and development standards applicable to an approximately 0.83 acre site in the City of Garden Grove located on the east side of Harbor Boulevard, between Chapman Avenue and Twintree Lane, covering property identified as 12202 Harbor Boulevard (Assessor Parcel Number 231-491-21), in order to permit and facilitate the future development of a freestanding pad restaurant and related site improvements on the property.

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

WHEREAS, Raising Cane's Restaurants, LLC, the applicant, submitted a request to construct the 3,267 square foot pad drive-thru restaurant, along with associated site improvements, on a 0.83-acre lot, located at 12202 Harbor Boulevard, Assessor's Parcel No. 231-491-21, collectively (the "Property"), which is owned by Mann Enterprises, Inc.; and

WHEREAS, the applicant has requested the following approvals to facilitate the proposed development: (a) amendment of Planned Unit Development No. PUD-128-12, for a 0.83-acre lot located at 12202 Harbor Boulevard (Assessor's Parcel No. 231-491-21), to create a new subarea, PUD-128-12(A), to facilitate the development of a new pad restaurant; and (b) approval of Site Plan No. SP-099-2021 to construct a 3,267 square foot pad drive-thru restaurant, along with associated site improvements (collectively, the "Project"); and

WHEREAS, the subject site has a General Plan Land Use Designation of International West Mixed Use, and is currently zoned Planned Unit Development No. PUD 128 12; and

WHEREAS, in 2012, the City Council approved General Plan Amendment No. GPA-2-12(B) and Planned Unit Development No. PUD-128-12 to facilitate the future development of a resort hotel development project known as the "Site C Project." As adopted in 2012, PUD-128-12 allows for the construction of up to 769 rooms

within three (3) hotels and up to 104,000 aggregate square feet of conference/banquet facilities, restaurant/entertainment uses on freestanding pads, and hotel restaurants on an aggregate approximately 5.2-acre combined site that encompasses both the subject property and the abutting properties to the east and south; and

WHEREAS, in 2013, the City of Garden Grove approved the Grove District Resort Hotel Development Agreement (DDA). The DDA provided that the City would acquire and convey approximately 4.3 acres of the combined 5.2-acre site to a developer for the "Site C Project." The DDA gave the developer the option of acquiring the approximately 0.83-acre property at 12202 Harbor Boulevard that is the subject the instant application at its own cost and adding it to the City-owned 4.3 acres for the "Site C Project." The "Site C Project" developer ultimately did not acquire the property, however, and it was thus not incorporated into the "Site C Project"; and

WHEREAS, in 2017, the City approved Site Plan No. SP-043-2017, Tentative Tract Map No. TT-17455, and Development Agreement No. DA-008-2017 to implement the Site C Project. These land use approvals reduced the "Site C Project" site from the original 5.2 acres to 4.3 acres to exclude the subject property. In addition, the 2017 "Site C Project" entitlements authorized the development of 100,762 aggregate square feet of combined restaurant and conference/banquet uses on that 4.3 acres, taking up nearly all of the building area allotted for such uses pursuant to PUD-128-12; and

WHEREAS, because the subject site was never integrated into the "Site C Project" as originally contemplated in 2012, it is necessary to modify the current zoning for the site to facilitate its development independent of the "Site C Project"; and therefore, the applicant is requesting to create a new "Subarea A" of PUD-128-12; and

WHEREAS, the proposed Planned Unit Development amendment would establish a new subarea PUD-128-12(A) with separate implementation provisions and development standards governing development on the subject site that are at least as restrictive as those approved under PUD-128-12 in order to allow for the development of a pad restaurant on the subject 0.83-acre site; and

WHEREAS, following a public hearing held on May 6, 2021, the Planning Commission adopted Resolution No. 6022-21, establishing implementation provisions and development standards for Subarea A and recommending City Council approval of Planned Unit Development No. PUD-128-12(A); and

WHEREAS, on May 6, 2021, the Planning Commission also adopted Resolution No. 6023-21 approving Site Plan No. SP-099-2021, subject to the City Council's adoption of an Ordinance approving Planned Unit Development No. PUD-128-12(A); and

WHEREAS, pursuant to a legal notice, a public hearing was held by the City Council on _____, 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 Project is categorically exempt from review under the California Environmental Quality Act, California Public Resources Code Section 21000 *et. seq.* ("CEQA") pursuant Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines (14 Cal. Code Regs., Section 15303); and

WHEREAS, the City Council hereby incorporates by reference the findings and reasons set forth in Planning Commission Resolution No. 6022-01, and makes the following findings regarding Planned Unit Development No. PUD-128-12(A):

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.

H. The subject parcel is physically suitable for the requested PUD designation, compatible with surrounding land uses, and consistent with the General Plan.

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

Section 1. The above recitals are true and correct.

Section 2. The facts and reasons stated in Planning Commission Resolution No. 6022-21 recommending approval of Planned Unit Development No. PUD-128-12(A), a copy of which is on file in the Office of the City Clerk, are hereby incorporated herein by reference with the same force and effect as if set forth in full.

Section 3. Planned Unit Development No. PUD-128-12(A) is hereby approved, subject to the implementation provisions and development standards set forth in Planning Commission Resolution No. 6022-21. Except as otherwise expressly provided, the Planned Unit Development provisions and development standards set forth in Planning Commission Resolution No. 5779-12, adopted October 4, 2012, and as incorporated into and modified by Ordinance No. 2824, adopted November 27, 2012, as these provisions may be amended from time to time, shall not apply to "Subarea A."

Section 4. Approval of Planned Unit Development subarea PUD-128-12(A) will change the zoning of the project site to PUD-128-12(A) zoning, as shown on the attached map. Zoning Map part S-09 is amended accordingly.

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 on the later of (i) the date that is thirty (30) days after adoption.