

# COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

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| <b>AGENDA ITEM NO.:</b> C.1.              | <b>SITE LOCATION:</b> Citywide  |
| <b>HEARING DATE:</b> November 4, 2021     | <b>GENERAL PLAN:</b> N/A  |
| <b>CASE NO.:</b> Amendment No. A-032-2021 | <b>ZONE:</b> N/A  |
| <b>APPLICANT:</b> City of Garden Grove    | <b>APN:</b> N/A   |
| <b>OWNER:</b> N/A                         | <b>CEQA DETERMINATION:</b> Exempt:<br>15301 – Existing Facilities; & 15303 –<br>New Construction or Conversion of Small<br>Structures |

## **REQUEST:**

A request that the Planning Commission recommend City Council approval of a City-initiated text amendment to Title 9 of the Garden Grove Municipal Code to update the operating conditions and development standards pertaining to eating establishments/restaurants with outdoor seating within the City's commercial and industrial zones. The proposed Amendment would permit outdoor dining areas up to 500 square feet without additional parking requirements, in the C-1 (Neighborhood Commercial), C-2 (Community Commercial), C-3 (Heavy Commercial), M-1 (Limited Industrial), and M-P (Industrial Park) zones. In addition, the Amendment would introduce new operating conditions and development standards for restaurants with outdoor dining areas in the C-1 (Neighborhood Commercial), C-2 (Community Commercial), C-3 (Heavy Commercial), M-1 (Limited Industrial), and M-P (Industrial Park) zones to be consistent with outdoor dining areas in the mixed-use zoning districts.

## **BACKGROUND:**

In response to the COVID-19 pandemic in 2020, the City initiated the Accessible Businesses Program. A key feature of the Program was allowing businesses, particularly restaurants, to temporarily relocate their dining operations outside, where the risk of transmitting the virus was decreased. The success of the Program led to a community-wide interest in allowing more outdoor dining areas on a permanent basis. With the Accessible Businesses Program set to expire at the end of the year, the City is initiating the subject Code Amendment in an effort to increase the number of restaurants with outdoor dining areas.

Section 9.16.020.030 of the Garden Grove Municipal Code automatically permits outdoor dining areas as a use in the C-1 (Neighborhood Commercial), C-2 (Community Commercial), C-3 (Heavy Commercial), M-1 (Limited Industrial), and M-P (Industrial Park) zones. As the Code is currently written, however, the outdoor dining area is considered an extension to the interior dining room for the purposes of

parking. Thus, outdoor dining areas must be included in calculating the number of required parking spaces, in addition to the parking spaces required for the gross floor area of the building itself. Providing the additional parking requirements for the outdoor seating can be a hindrance to many restaurants, particularly in older commercial shopping centers. Many older commercial and industrial-zoned properties are fully built out, and cannot accommodate additional parking for outdoor dining areas, as the Code currently requires.

In the mixed-use zones, outdoor dining is permitted in dining areas up to 500 square feet without requiring additional parking spaces. Furthermore, in the mixed-use zoning districts, development standards and regulations for outdoor dining areas are clearer, and better protect the health, welfare, and safety of patrons of the dining areas. Similar development standards and regulations are necessary in the commercial and industrial zones, to better facilitate the siting and development of outdoor dining areas.

### **DISCUSSION:**

The following discussion summarizes the proposed amendments to the Municipal Code to establish development standards and regulations regarding outdoor dining in the commercial and industrial zones, while minimizing associated impacts. These proposed new standards and regulations are intended to improve the current character of the City's commercial centers, and individual restaurants.

Currently, the Commercial, Office Professional, Industrial, and Open Space Development Standards in Chapter 9.16 automatically permit restaurant uses that include outdoor seating. In addition, there are limited special operating conditions and development standards for the use. Specifically, the operating conditions and development standards currently include: the outdoor dining area must be accessory to the Eating Establishment/Restaurant, the seating area must not encroach into any required setback, parking and/or circulation area, required landscape areas, or required paths of travel, and the outdoor dining areas shall have a clearly marked perimeter.

Updates to Title 9 of the Municipal Code under this Amendment are twofold: (1) updating the Special Operating Conditions for Eating Establishments/Restaurants with Outdoor Seating, and (2) adding Outdoor Dining as a use in the Parking Spaces Required for the C-1 (Neighborhood Commercial), C-2 (Community Commercial), C-3 (Heavy Commercial), M-1 (Limited Industrial), and M-P (Industrial Park) zones.

### **Special Operating Conditions and Development Standards:**

To provide more guidance for the siting and design of the outdoor dining areas, new operating conditions and development standards are necessary. The proposed alterations to Section 9.16.020.050 (Special Operating Conditions and Development Standards) will help ensure the safe operation of the outdoor dining areas. These standards help provide clarity to restaurant owners and operators as far as how the outdoor dining area needs to be designed and operated.

As proposed, the Amendment will distinguish between joint outdoor dining areas, and individual ones. Joint dining areas are larger seating areas that can serve multiple restaurants within the same commercial center. Individual dining areas are intended to serve a single restaurant, must be directly adjacent to that restaurant's tenant space, can serve alcohol, and must be accessory to that restaurant use. In contrast, joint dining areas only have to be adjacent to one restaurant that the dining area serves, cannot serve alcohol, are a feature for the whole site, and are therefore not accessory to any individual restaurant use.

Dining areas installed according to the proposed Amendment cannot be located in the required fifteen-foot (15'-0") front setbacks in the commercial zones, and the fifteen-foot (15'-0") landscape buffer along the street frontage in the industrial zones. In addition, the dining area must remain open on at least three (3) sides, as well as be open to the sky. Canopies, awnings, umbrellas, and similar shade structures would be permissible, as long as they are consistent with the architecture of the building.

All outdoor dining areas must maintain a clearly marked perimeter. For any dining areas that are adjacent to public sidewalks or vehicle drive aisles, or that serve alcohol, railings, fences, and/or planters must be provided. The demarcation of the dining area helps to ensure compliance with the Americans with Disabilities Act (ADA) path-of-travel requirements, and that the dining areas do not encroach on, or disrupt, adjacent parking or vehicle drive aisles.

Lastly, the proposed Amendment includes standards for outdoor dining areas that serve alcohol. The standards include enclosure requirements, controlled entry/exit points in accordance with California Alcoholic Beverage Control (ABC) requirements, and limited hours of operation. As written, the Amendment also provides the Garden Grove Police Department control over the manner in which alcohol is sold and served in the outdoor dining areas.

With much of the C-1 (Neighborhood Commercial), C-2 (Community Commercial), C-3 (Heavy Commercial), M-1 (Limited Industrial), and M-P (Industrial Park) zoned properties already fully developed, it is expected that the majority of outdoor dining areas proposed as a result of this Amendment will accompany restaurants already in operation. The manner in which most of the older commercial and industrial zones are developed does not allow for expansive outdoor dining areas. It is likely that the typical dining area will be a handful of café tables, and a railing installed in front of an existing in-line tenant space in an existing shopping center. Other than a fence or railing to delineate the area, small awnings or umbrellas, and possibly minor ADA upgrades, construction and overall impact is expected to be minimal. The proposed special operating conditions and development standards help ensure the impacts will be minimal.

#### Parking Spaces Required:

The Amendment also proposes to add a new use in the parking regulations of Section 9.16.040.150 (Parking Spaces Required). "Outdoor Dining" would be a new use category for parking standards in the commercial and industrial zones.

The commercial and industrial zones currently require all outdoor dining to be parked at one (1) space per 100 square feet. In older shopping centers, where parking is already at a premium, the current parking standard is often cited as a major hindrance to providing more outdoor dining. Therefore, in an effort to encourage the establishment of more outdoor dining areas, the proposed Amendment includes a caveat that outdoor dining spaces 500 square feet and smaller do not require additional parking. By allowing the first 500 square feet of outdoor dining to be installed without additional parking, the expectation is that more restaurants will be able to install outdoor dining areas.

In practice, this will allow for those restaurants with existing patio spaces, or wider walkways adjacent to their restaurant spaces to add dining areas without adding new parking. As is mentioned previously, based on the constraints of much of the built-out commercial and industrial-zoned properties, the resulting dining areas will likely consist of a handful of tables. With the small amount of tables expected to be added, most restaurants could be within the 500 square foot threshold and exempted from providing additional parking.

Collectively, with the two (2) proposed changes to the Code, the outdoor dining regulations in the commercial and industrial zones will much more closely reflect those in the mixed-use zones. This will not only bring consistency for similar uses across different zones, but will also allow for more consistent implementation and regulation of outdoor dining areas.

#### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):**

CEQA's Class 1 exemption applies to existing facilities (CEQA Guidelines §15301.). A project can qualify for a Class 1 exemption if it "involves negligible or no expansion of use." Notably, the Class 1 exemption lists several examples to assist agencies in determining whether the exemption applies to the project under consideration. One of the examples provided states that if a proposed project does not exceed 50% of the floor area of the existing structure, or 2,500 square feet, whichever is less, the proposed project should qualify for the Class 1 exemption. (CEQA Guidelines §15301(e)(1)).

Here, most of the restaurants that will add outdoor dining areas are "existing facilities" as they already have an indoor dining space. Furthermore, most of the existing restaurants in the C-1 (Neighborhood Commercial), C-2 (Community Commercial), C-3 (Heavy Commercial), M-1 (Limited Industrial), and M-P (Industrial Park) have an indoor dining space of 1,000 square feet or larger, thus adding a 500 square foot outdoor dining area will not exceed 50% of the existing structure's floor area. Therefore, the addition of outdoor dining is similar to the example listed above. Thus, the addition of small outdoor dining areas involves a negligible expansion of an existing use.

CEQA's Class 3 exemption applies to: the construction and location of limited numbers of new, small facilities or structures; installation of new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the

structure. This exemption includes accessory structures, such as garages, carports, patios, swimming pools, and fences (CEQA Guidelines §15303(e)).

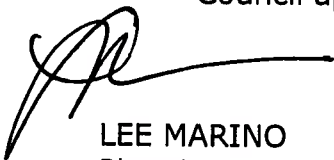
Here, implementation of the Amendment will require installing a limited number of fences/railings, and/or as requested, patio covers or similar canopies. No other permanent structures will be constructed as a part of the outdoor seating area. These features are exempt pursuant to both the Class 1 (negligible expansion of an existing use) and Class 3 (new, small facilities or structures) exemptions.

Collectively, the Amendment is exempt from CEQA under the Class 1 and Class 3, exemptions (CEQA Guidelines §15301, and §15303, respectively).

**RECOMMENDATION:**

Staff recommends that the Planning Commission:

1. Adopt Resolution No. 6033-21 recommending that the Garden Grove City Council approve Amendment No. A-032-2021.



LEE MARINO  
Planning Services Manager



By: Priit Kaskla  
Assistant Planner

RESOLUTION NO. 6033-21

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING THAT THE CITY COUNCIL APPROVE AMENDMENT NO. A-032-2021, A ZONING TEXT AMENDMENT TO PORTIONS OF CHAPTER 9.16 (COMMERCIAL, OFFICE PROFESSIONAL, INDUSTRIAL, AND OPEN SPACE DEVELOPMENT STANDARDS) OF TITLE 9 OF THE CITY OF GARDEN GROVE MUNICIPAL CODE ESTABLISHING ENHANCED DEVELOPMENT AND OPERATIONAL STANDARDS, AND MODIFIED PARKING REQUIREMENTS FOR INCIDENTAL OUTDOOR DINING AREAS ASSOCIATED WITH EATING ESTABLISHMENTS/RESTAURANTS WITHIN THE COMMERCIAL AND INDUSTRIAL ZONES.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on November 4, 2021, does hereby recommend that the City Council approve Amendment No. A-032-2021 and adopt the draft Ordinance attached hereto as Exhibit "A".

BE IT FURTHER RESOLVED in the matter of Amendment No. A-032-2021, 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 Chapter 9.16 (Commercial, Office Professional, Industrial, And Open Space Development Standards) of Title 9 (Land Use Code) of the City of Garden Grove Municipal Code to establish enhanced special operating conditions and development standards, and modified parking requirements for eating establishments/restaurants with outdoor dining areas within the C-1 (Neighborhood Commercial), C-2 (Community Commercial), C-3 (Heavy Commercial), M-1 (Limited Industrial), and M-P (Industrial Park) zoning districts.
3. The Planning Commission recommends the City Council find that the proposed Amendment is exempt from the California Environmental Quality Act ("CEQA"), Cal. Pub. Resources Code Section 21000 et seq., pursuant to Sections 15301, Existing Facilities, and 15303, New Construction or Conversion of Small Structures, of the State CEQA Guidelines (Cal. Code of Regs., Title 14, Sections 15301 and 15303).
4. Pursuant to legal notice, a public hearing was held on November 4, 2021, 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 4, 2021; and

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

FACTS:

Pursuant to Section 9.16.020.030 of the Garden Grove Municipal Code, an eating establishment / restaurant with outdoor seating is currently designated as a permitted use in the C-1 (Neighborhood Commercial), C-2 (Community Commercial), C-3 (Heavy Commercial), M-1 (Limited Industrial), and M-P (Industrial Park) zones, subject to compliance with the applicable special operating conditions and development standards set forth in Subdivision V of Section 9.16.020.050. The current standards in Section 9.16.020.050 are not as detailed or specific as the later enacted special operating conditions and development standards applicable to outdoor dining areas in the City's mixed-use zoning districts.

In addition, Section 9.16.040.150 (Parking Spaces Required) does not currently contain separate parking requirements for outdoor seating areas associated with eating establishments / restaurants. Outdoor dining/seating areas are considered an extension of the interior dining room for the purpose of calculating parking requirements. Thus, outdoor dining areas currently must be included in the calculation of the required number of parking spaces for a restaurant and/or other eating establishment. The proposed Code Amendment would enhance the special operating conditions and development standards for eating establishments / restaurants with outdoor seating/dining in Subdivision V of Section 9.16.020.050, and add parking requirements specific to outdoor dining areas to Section 9.16.040.150 to more closely reflect corollary standards applicable in the mixed-use zones.

Specifically, the amendment to Section 9.16.020.050.V. will modify the operating standards and development standards for outdoor dining areas to introduce requirements for: locations of outdoor dining areas, railings and fences delineating dining areas, dining areas for joint use between multiple tenants, and the sale of alcohol within outdoor dining areas. The proposed enhanced development standards also specify that outdoor dining areas may not impede on-site vehicular and pedestrian circulation, including ADA path-of-travel requirements.

The proposed change to Section 9.16.040.150 adds "Outdoor Dining" as a use in the parking requirements of the code. Currently, the commercial and industrial zones require all outdoor dining areas to be parked at one (1) space per 100 square feet. Pursuant to the proposed Amendment, no additional parking spaces will be required for outdoor dining spaces 500 square feet or smaller, and that are open on at least three sides, and not covered by a roof structure. Dining areas that are larger than 500 square feet, or that are not open on three sides and to the sky, must still be parked according to the applicable parking standards of the use associated with the subject outdoor dining area.

FINDINGS AND REASONS:

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

The General Plan contains objectives, goals, policies, and implementation programs that address well-planned commercial areas with a variety of uses, safe and effective design standards, and land use compatibility. One of the many objectives in the City's General plan is to provide enhanced shopping, dining, and entertainment options, while improving the aesthetics of the community. The proposed Amendment achieves this objective by reducing a barrier to outdoor dining at restaurants through reduced parking requirements, while simultaneously enhancing the design and operating standards for outdoor dining uses. In particular, the Amendment is consistent with the following General Plan Goals, Policies, and Implementation Measures:

*Goal LU-1 The City of Garden Grove is a well-planned community with sufficient land uses and intensities to meets the needs of anticipated growth and achieve the community's vision.* Since the implementation of the City's Accessible Businesses Program, which more freely allowed outdoor dining on a temporary basis, there has been a greater interest in providing outdoor dining areas associated with restaurants on a permanent basis. The proposed amendment could increase the number of outdoor dining areas in the commercial and industrial zones, achieving the community's desire for more outdoor eating areas. The Amendment also anticipates future needs by allowing more flexibility in the design of new restaurant facilities.

*Policy LU-1.3 Encourage a wide variety of retail and commercial services, such as restaurants and cultural arts/entertainment, in appropriate locations.* By providing new guidelines on the design of outdoor dining areas, and exempting dining areas of 500 square feet or less from additional parking requirements, it is expected that a greater number of restaurants will provide outdoor dining areas. This could contribute to the overall variety of commercial uses, and the diversity of restaurant options in the commercial and industrial zones.

*Policy LU-1.4 Encourage active and inviting pedestrian-friendly street environments that include a variety of uses within commercial and mixed use areas.* The Amendment could increase the variety of uses in commercial and industrial areas, by encouraging the implementation of a use that is currently not widespread. By potentially increasing the number of outdoor dining areas in said zones, the Amendment could result in more pedestrian-friendly commercial environments. Outdoor dining and gathering places are common features of more walkable developments.



*Goal LU-4 The City seeks to develop uses that are compatible with one another.* Outdoor dining area uses are currently automatically permitted in the commercial and industrial zones. There are currently few development standards for outdoor dining areas in Commercial and industrial zones. By providing new development standards and operational conditions, the Amendment can further help ensure compatibility between the use, and other adjacent uses.

*Goal LU-5 Economically viable, vital, and attractive commercial centers throughout the City that serve the needs of the community.* Encouraging the development of outdoor dining areas can harbor more investment into commercial centers. That investment could result in stronger economic performance of the businesses, and more visually attractive commercial centers.

*Policy LU-6.2 Encourage a mix of retail shops and services along the commercial corridors and in centers that better meet the needs of area's present and potential clientele.* The proposed Amendment is a direct result of feedback from the public, and local business community, who expressed a desire for the opportunity to expand permanent outdoor dining uses. By accomplishing exactly this, the Amendment is catering to the current needs of the restaurants and their clientele. Furthermore, given how crucial useable outdoor areas became during the COVID-19 pandemic, allowing more outdoor dining areas and providing appropriate regulations could potentially insulate businesses against similar future circumstances.

*LU-IMP-6C Encourage façade renovation, enhanced parking area landscaping, improved lighting, development of pad buildings, and the use of pedestrian amenities, such as fountains, plazas, promenades, seating, and like features.* The proposed Amendment directly addresses and provides development standards that encourage the installation of patios, seating, and similar pedestrian-friendly amenities.

*Goal LU-9 Creation of a tourism- and entertainment-related destination area in the City that will benefit all of the City of Garden Grove.* Parts of the Grove District, or Harbor Boulevard Corridor, have uses implemented through the commercial zoning designations. Restaurants are considered a tourism-related use, and are a desired use in the resort area. Amending the Code to potentially allow more outdoor dining areas can create a more walkable environment along Harbor Boulevard, contributing to the overall resort feel. Developing standards for outdoor dining in association with restaurants can increase the number of said dining areas in the Grove District.

*Policy LU-9.1 Capture the benefits of the tourist trade generated by the Disneyland Resort and the Anaheim Convention Center.* The proposed Amendment could potentially encourage more restaurants, and a different variety of restaurants to locate to the Grove District along Harbor Boulevard. In particular, the exemption of parking requirements for outdoor dining areas 500 square feet or less could allow

larger restaurant service areas without requiring additional parking. This change benefits both new and existing restaurants. Restaurants in general are considered a tourism-related use, and are therefore an encouraged use in the Grove District. The Amendment could further capitalize on the large tourist clientele visiting the Disneyland Resort and Anaheim Convention Center.

*Goal CD-1 Create a positive and distinctive City image by protecting historic resources, and by strengthening the positive qualities of the City's overall image and neighborhood identity.* In the mixed-use zoning designations, outdoor dining areas for restaurants are already subject to similar operating conditions and development standards, and parking standards. By expanding similar allowances to the commercial and industrial zones, the Amendment helps cultivate a similar cultural image and identity to other parts of the City.

*Policy CD-1.3 Improve the appearance and function of regional commercial centers through improved site design, landscaping, and architectural integrity.* New outdoor dining areas approved as a result of the proposed Amendment can improve the appearance of existing shopping centers. The expectation is that the dining areas will be implemented primarily by existing restaurants. This Amendment could potentially bring more investment into existing commercial centers, enhancing their appearances and overall function.

*Goal CD-8 Lively and attractive activity nodes or gathering places, with a combination of quality seating, shade, fountains, and other pedestrian amenities enhance the experience for people to gather.* The intent of the proposed amendment is to facilitate the increase of outdoor dining areas in the commercial and industrial zones. Outdoor dining areas can become a lively, and attractive feature for commercial centers, in part because they can incorporate seating, umbrellas, fences, and other pedestrian-oriented amenities. Providing more of these spaces can add new outdoor gathering spaces across the City.

*CD-IMP-8A Amend the City's Zoning Code to incorporate development standards.* The proposed Amendment incorporates new development standards for outdoor dining areas in the commercial and industrial zones. Codifying development standards can contribute to a more cohesive Citywide aesthetic, and also assist business owners and operators when installing their dining areas.

*Goal ED-2 The City must attract new businesses, while supporting and assisting those already located within Garden Grove.* Amending the operating conditions and development standards, and adding parking requirements, can help attract new restaurants, as well as support existing ones. Compared to the Code as is currently written, the proposed Amendment aims to make installations of outdoor dining areas easier. By making outdoor dining areas easier to establish, the City becomes more business-friendly.

*Policy ED-2.1 Support a business friendly environment for new businesses to locate and existing businesses to flourish.* The proposed Amendment would provide additional benefit for both new and existing restaurants in the commercial and industrial zones. Providing development standards, and reducing the parking standards, can help support the restaurant community in the City.

*Policy AQ-4.1 Review site developments to ensure pedestrian safety and promote nonautomotive users.* The development standards proposed under the Amendment help ensure proper pedestrian safety. The language of the proposed Amendment includes provisions for physical delineation of the dining areas through fences, railings, planters, and so forth. These features physically separate the dining area, and can also protect patrons from vehicular traffic in the associated parking lots and drive aisles. Out of similar safety concerns, the Amendment does not allow dining areas to be located in any required parking spaces, nor does it allow dining areas within required front setbacks.

*SAF-IMP-2C Involve law enforcement agencies in the design and planning phases of ABC licensed establishments to reduce design elements that conceal or encourage criminal activity.* The proposed Amendment includes provisions in the operating conditions and development standards that address service of alcohol in outdoor dining areas. These provisions explicitly allow the Police Department to have more control in the design of outdoor dining areas when the restaurant is applying for a Conditional Use Permit in association with an Alcoholic Beverage Control (ABC) License. The intent of these provisions is to reduce the number of alcohol-related crimes, and promote the safe operation of the dining area.

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 outdoor dining areas in the commercial and industrial zones. The Special Operating Conditions and Development Standards, and Parking Requirements, in the Municipal Code provide regulations that help maintain public health, safety, and welfare, while also balancing the economic needs of the City.

The proposed alterations to the operating conditions and development standards can help ensure the safe operation of the outdoor dining areas. Amongst these development standards, they require that the seating areas not impede vehicular or pedestrian circulation, that the dining areas be confined to areas directly adjacent to their respective restaurants, and provide railings or other features to delineate the area. These standards help provide clarity to restaurants owners and operators on how to safely design and operate their outdoor dining areas.

The current special operating characteristics and development standards do not provide such safeguards for health, safety, and welfare. As proposed, the

Amendment will clarify where dining areas can be located, how they must be designed, and in what manner they must be operating. Collectively, these Code regulations help promote the public interest. At the same time, the Amendment still promotes the public interest in wanting more outdoor dining areas by not regulating parking standards for dining areas 500 square feet or less. Creating said exemption to the parking standards can provide more opportunities for more restaurants to establish such seating areas.

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-032-2021 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-032-2021 and adopt the draft Ordinance attached hereto as Exhibit "A".

Adopted this 4th day of November 2021

ATTEST: /s/ DAISY PEREZ  
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 4, 2021, by the following vote:

|         |                |     |   |
|---------|----------------|-----|---|
| AYES:   | COMMISSIONERS: | (5) | ARESTEGUI, CUNNINGHAM, LINDSAY, PEREZ, SOEFFNER |
| NOES:   | COMMISSIONERS: | (0) | NONE  |
| ABSENT: | COMMISSIONERS: | (2) | LEHMAN, RAMIREZ                                 |

/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 November 25, 2021.

MINUTE EXCERPT

GARDEN GROVE PLANNING COMMISSION

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PUBLIC HEARING – AMENDMENT NO. A-032-2021, CITY OF GARDEN GROVE, CITYWIDE.

Applicant: CITY OF GARDEN GROVE  
Date: November 4, 2021

Request: A City-initiated text amendment to Title 9 of the Garden Grove Municipal Code pertaining to Eating Establishments/ Restaurants with Outdoor Seating in the C-1 (Neighborhood Commercial), C-2 (Community Commercial), C-3 (Heavy Commercial), M-1 (Limited Industrial), and M-P (Industrial Park) zones. In conjunction with the request, the Planning Commission will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15301 – Existing Facilities, and 15303 – New Construction or Conversion of Small Structures.

Action: Resolution No. 6033-21 was approved.

Motion: Lindsay Second: Arestegui

Ayes: (5) Arestegui, Cunningham, Lindsay, Perez, Soeffner  
Noes: (0) None  
Absent: (2) Lehman, Ramirez