

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING AMENDMENT NO. A-034-2022, A TEXT AMENDMENT TO CHAPTER 9.18 (MIXED USE REGULATIONS AND DEVELOPMENT STANDARDS) OF TITLE 9 OF THE CITY OF GARDEN GROVE MUNICIPAL CODE TO ESTABLISH "AUTOMOBILE FLEET STORAGE" AS A CONDITIONALLY PERMITTED USE IN THE NMU (NEIGHBORHOOD MIXED USE) ZONE, AND TO ESTABLISH RELATED SPECIAL OPERATING CONDITIONS AND DEVELOPMENT STANDARDS.

CITY ATTORNEY SUMMARY

This Ordinance approves an amendment to Chapter 9.18 (Mixed Use Regulations and Development Standards) of Title 9 of the Municipal Code to establish "Automobile Fleet Storage" as a conditionally permitted use in the NMU (Neighborhood Mixed Use) zone, subject to specified Special Operating Conditions and Development Standards. Under the Ordinance, automobile fleet storage may only be conducted in conjunction with an existing new car dealership located within the City and on sites within the Pacific Electric / OCTA right-of-way that are not located directly adjacent to or abutting residentially zoned and developed properties. In addition, the Ordinance prohibits the loading or unloading of automobiles on-site or within the public right-of-way, as well as the storage or maintenance of used automobiles, inoperable automobiles, or automobiles in a wrecked or dismantled condition.

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

WHEREAS, Andresen Architecture, Inc., the applicant, with authorization from the property owner, Hewson/Howard G.C., LLC, has submitted a request for a zoning text amendment to allow "Automobile Fleet Storage" as a conditionally permitted use in the NMU (Neighborhood Mixed Use) zone in conjunction with an existing new car dealership located within the City of Garden Grove;

WHEREAS, proposed Amendment No. A-034-2022 would amend Chapter 9.18 (Mixed Use Regulations and Development Standards) of Title 9 of the Municipal Code to establish "Automobile Fleet Storage" as a conditionally permitted use in the NMU (Neighborhood Mixed Use) zone, and to establish Special Operating Conditions and Development Standards;

WHEREAS, pursuant to the 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.*, the proposed project is categorically exempt from CEQA pursuant to Section 15301, Existing Facilities, and Section 15061(b)(3), Common Sense, of the CEQA Guidelines;

WHEREAS, the Planning Commission, at a Public Hearing held on April 7, 2022, adopted Resolution No. 6038-22 recommending that the City Council approve Amendment No. A-034-2022;

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

WHEREAS, the City Council gave due and careful consideration to the matter during its meeting of (TBD); and

WHEREAS, the City Council of the City of Garden Grove hereby makes the following findings regarding Amendment No. A-034-2022:

A. The proposed Amendment is internally consistent with the goals, policies, and elements of the General Plan.

Under the proposed Amendment No. A-034-2022, text amendments to Chapter 9.18 (Mixed Use Regulations and Development Standards) of Title 9 of the Municipal Code would establish "Automobile Fleet Storage" as a conditionally permitted use in the NMU zone, subject to certain Special Operating Conditions and Development Standards for said use.

Policy LU-2.1 of the General Plan Land Use Element strives to protect residential areas from the effects of potentially incompatible uses and provides that, where new commercial or industrial development is allowed adjacent to residentially zoned districts, standards for circulation, noise, setbacks, buffer areas, landscaping and architecture, which ensure compatibility between the uses, should be maintained. Special Operating Conditions and Development Standards established through the proposed amendment, as well as site specific Conditions of Approval required through the Site Plan and Conditional Use Permit process, will mitigate any potential impacts to nearby uses. Standards and requirements imposed through the proposed Amendment include, but are not limited to, the following: automobile fleet storage may only be conducted in conjunction with an existing new car dealership located within the City; automobile fleet storage shall only be permitted on sites located within the Pacific Electric / OCTA right-of-way; automobile fleet storage uses shall not be located directly adjacent to or abutting residentially zoned and developed properties; automobile fleet storage uses will only be permitted to store new automobiles and will be prohibited from storing used, inoperable, or wrecked/dismantled automobiles; automobile fleet storage lots must be secured by a perimeter fence; minimum setbacks of 15 feet (15'-0") will be required from any public right-of-way, with enhanced landscaping to buffer the lot from surrounding uses; and loading or unloading of automobiles (e.g., via semi-truck) will not be permitted on-site or within any public right-of-way.

Policy LU-2.4 of the General Plan Land Use Element strives to assure that the type and intensity of land use shall be consistent with that of the immediate neighborhood. Special Operating Conditions and Development Standards, as well as site specific

Conditions of Approval required through the Site Plan and Conditional Use Permit process, will mitigate any potential impacts to nearby uses and ensure that automobile fleet storage uses will be designed in a manner that maintains consistency with the type and intensity of existing land uses in the immediate neighborhood area.

Policy LU-4.5 of the General Plan Land Use Element requires that commercial and industrial developments adjoining residential uses be adequately screened and buffered from residential areas. The Special Operating Conditions and Development Standards established through the proposed amendment would prohibit automobile fleet storage uses in the NMU zone from being located directly adjacent to residentially zoned and developed properties, would require perimeter fencing, and would require a minimum 15-foot landscaped setback from any property line.

B. The proposed Amendment will promote public interest, health, safety, and welfare by establishing Special Operating Conditions and Development Standards and requiring the approval of a Site Plan and Conditional Use Permit for any proposed automobile fleet storage lot. The Special Operating Conditions and Development Standards, as well as site specific Conditions of Approval required through the Site Plan and Conditional Use Permit process, will collectively mitigate any potential impacts to nearby uses. Standards and requirements established through the proposed Amendment include, but are not limited to, the following: automobile fleet storage may only be conducted in conjunction with an existing new car dealership located within the City; automobile fleet storage shall only be permitted on sites located within the Pacific Electric / OCTA right-of-way; automobile fleet storage uses shall not be located directly adjacent to or abutting residentially zoned and developed properties; automobile fleet storage uses will only be permitted to store new automobiles and will be prohibited from storing used, inoperable, or wrecked/dismantled automobiles; automobile fleet storage lots must be secured by a perimeter fence; minimum setbacks of 15 feet (15'-0") will be required from any public right-of-way with enhanced landscaping to buffer the lot from surrounding uses; and loading or unloading of automobiles (e.g., via semi-truck) will not be permitted on-site or within any public right-of-way.

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. The facts and reasons stated in Planning Commission Resolution No. 6038-22 recommending approval of Amendment No. A-034-2022, 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. Amendment No. A-034-2022 is hereby approved.

Section 4. Table 9.18-1, "Use Regulations for the Mixed Use Zones", set forth in Section 9.18.020 (Uses Permitted) of Chapter 9.18 (Mixed Use Regulations and

Development Standards) of Title 9 of the Municipal Code is amended as follows to establish "Automobile Fleet Storage" as a conditionally permitted use in the NMU (Neighborhood Mixed Use) zone (deletions shown in strikethrough, additions shown in ***bold-italics-underline***):

Permitted Uses	GGMU-1, -2, -3	CC-1	CC-2	CC-3	CC-OS	NMU	AR	Additional Regulations and Comments
...
Industrial								
...
<i>Transit/Transportation</i>								
<u><i>Automobile Fleet Storage</i></u>	[-]	[-]	[-]	[-]	[-]	<u>C</u>	[-]	<u><i>See Section 9.18.030.075 (Automobile Fleet Storage).</i></u>
Helistop	C	[-]	[-]	C	[-]	[-]	[-]	In the CC-3 zone, permitted in association only with a public use.

Section 5. Subdivision 9.18.030.075 is hereby added to Section 9.18.030 (Specific Uses - Special Operating Conditions and Development Standards) of Chapter 9.18 (Mixed Use Regulations and Development Standards) of Title 9 of the Garden Grove Municipal Code to read as follows:

"9.18.030.075 Automobile Fleet Storage

Automobile fleet storage shall be conducted only in conjunction with an existing new car dealership located within the City and shall be subject to the following conditions:

- A. Automobile fleet storage shall only be permitted on sites zoned NMU (Neighborhood Mixed Use) that are also within the Pacific Electric/OCTA (Orange County Transportation Authority) Right-of-Way.
- B. Automobile fleet storage shall not be located directly adjacent to, or abutting, residentially zoned and developed properties.
- C. A Site Plan and Conditional Use Permit shall be required, pursuant to Municipal Code Section 9.32.030.
- D. On-site vehicle storage or maintenance shall be limited to new automobiles. There shall be no storing or maintaining of used automobiles, inoperable automobiles, or automobiles in a wrecked or dismantled condition.
- E. The automobile fleet storage lot shall be secured by a perimeter fence or wall with a minimum height of six feet, but not to exceed eight feet, and

shall also include a vehicular access gate(s) providing access to a public street(s). Site access, for vehicular ingress and egress, shall be limited to principal, major, primary, or secondary arterial streets, as identified in the City's Master Plan of Streets and Highways. There shall be no access to residential streets or adjacent properties. The perimeter fence/wall and the location of any vehicular access gate(s) shall be subject to review and approval by the Planning Division and the Public Works Department, Engineering Division. Perimeter fencing shall not include the use of barbed wire, "Constantine" wire, razor wire, or other similar fence treatment that is visible from the public street or located on top of the fence.

- F. The perimeter fence or wall for the site shall maintain a minimum setback of 15 feet to any property line (as measured from the ultimate right-of-way) along a public street. All required setbacks shall be fully landscaped with automatic irrigation and shall comply with the City's Water Efficiency Ordinance, pursuant to Municipal Code Section 9.18.120.020, Water Efficiency Requirements. All landscaped areas, within required setbacks, shall be planted with an effective combination of trees, grass berms, ground cover, lawn, shrubbery, and/or approved dry decorative landscaping material.
- G. All on-site lighting shall comply with the City's lighting standards, pursuant to Municipal Code Section 9.18.140.070, Parking Design Standards.
- H. No site signage shall be permitted.
- I. There shall be no loading or unloading of automobiles (e.g., via semi-truck) on-site or within any public right-of-way. All automobiles that access the automobile fleet storage lot shall be driven individually by authorized employees of the new car dealership, within the City of Garden Grove, that the lot is serving.
- J. All parking spaces, driveways and maneuvering areas shall be fully paved and maintained with asphalt, concrete, or other City approved material."

Section 6. 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 7. 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 date that is thirty (30) days after adoption.

The foregoing Ordinance was passed by the City Council of the City of Garden Grove on the XX^{XX} day of (TBD).