

ORDINANCE NO. ___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING CODE AMENDMENT NO. A-024-2018, A ZONING TEXT AMENDMENT TO SECTIONS 9.16.020.020.A.4 AND 9.16.020.050.AJ OF THE GARDEN GROVE MUNICIPAL CODE MODIFYING THE DEVELOPMENT STANDARDS FOR HOTELS LOCATED IN THE C-3 (HEAVY COMMERCIAL) ZONE.

City Attorney Summary

This Ordinance approves zoning text amendments to Sections 9.16.020.020.A.4 and 9.16.020.050.AJ of the Garden Grove Municipal Code modifying the development standards for hotels located in the C-3 (Heavy Commercial) zone. This Ordinance allows a Floor Area Ratio up to 1.0 for hotels and 0.55 for all other uses in the C-3 zone. This Ordinance also increases the maximum building height for hotels in the C-3 zone from four (4) stories and/or 55 feet to five (5) stories and/or 60 feet, and authorizes the City hearing body to permit up to a twenty percent (20%) reduction in the number of off-street parking spaces required pursuant to Garden Grove Municipal Code Section 9.16.040.050 for new hotels in the C-3 zone in conjunction with site plan and/or conditional use permit approval.

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

WHEREAS, the City of Garden Grove has received an application from Binh Tran on behalf of Garden Grove Hotel, LLC for approval of Municipal Code Amendment No. A-024-2018, consisting of text amendments to Sections 9.16.020.020.A.4 and 9.16.020.050.AJ of the Garden Grove Municipal Code modifying the development standards for hotels located in the C-3 (Heavy Commercial) zone; and

WHEREAS, Municipal Code Amendment No. A-024-2018 is being processed in conjunction with (a) General Plan Amendment No. GPA-002-2018, a text amendment to the General Plan Land Use Element to increase the maximum allowable Floor Area Ratio for hotels on property with a Land Use Designation of Heavy Commercial (HC) from 0.60 to 1.0; (b) Site Plan No. SP-056-2018 to allow the construction of a 62,763 square foot, 124-room, 5-story, 59-foot-tall hotel and related incidental and accessory hotel amenities, 100 on-site surface parking spaces, landscaping, and related improvements on two (2) currently vacant parcels with a total land area of approximately 1.48-acres located on the east side of Harbor Boulevard between Trask Avenue and Westminster Avenue at 13624 through 13650 Harbor Boulevard, Assessor's Parcel No. 101-080-66 and 101-080-27; (c) Conditional Use Permit No. CUP 134 2018 to allow for operation of the proposed hotel use; and (d) Lot Line Adjustment No. LLA-018-2018 to eliminate the existing boundary lot line and to consolidate the two (2) existing parcels into a single parcel in order to facilitate development of the proposed hotel project (collectively, the "Project"); and

WHEREAS, the Planning Commission of the City of Garden Grove held duly noticed public hearing on November 15, 2018 and considered all oral and written

testimony presented regarding the initial study, the Mitigated Negative Declaration, the Mitigation Monitoring and Reporting Program, and the Project; and

WHEREAS, on November 15, 2018, following the public hearing, the Planning Commission (i) adopted Resolution No. 5939-18 recommending that the City Council adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project and approve General Plan No. GPA-002-2018 and Municipal Code Amendment No. A-024-2018; and (ii) adopted Resolution No. 5940-18 approving Site Plan No. SP-056-2018, Conditional Use Permit No. CUP-134, 2018, and Lot Line Adjustment No. LLA-018-2018, subject to City Council's approval of a Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Project, General Plan Amendment No. GPA-024-2018, and Municipal Code Amendment No. A-024-2018; and

WHEREAS, a duly noticed public hearing was held by the City Council on _____, and all interested persons were given an opportunity to be heard; and

WHEREAS, the City Council adopted Resolution No. _____ during its meeting on _____, adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project pursuant to the California Environmental Quality Act, California Public Resources Section 21000 et seq. ("CEQA") and CEQA's implementing guidelines, California Code of Regulations, Title 14, Sections 15000 et seq.; and

WHEREAS, the City Council adopted Resolution No. _____ during its meeting on _____, approving General Plan Amendment No. GPA-002-2018; and

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

WHEREAS, the City Council hereby makes the following findings regarding Amendment No. A-024-2018:

A. The Municipal Code Amendment is internally consistent with the goals, policies, and elements of the General Plan. The City Council has approved General Plan Amendment No. GPA-002-2018, which increased the maximum allowable Floor Area Ratio for hotels on property with a Land Use Designation of Heavy Commercial (HC) from 0.60 to 1.0. The C-3 (Heavy Commercial) zone implements the Heavy Commercial (HC) General Plan Land Use Designation. Municipal Code Amendment No. A-024-2018 allows a Floor Area Ratio of up to 1.0 for hotels in the C-3 zone, which is consistent with the provisions of the General Plan Land Use Element, as amended pursuant to General Plan Amendment No. GPA-002-2018. The Municipal Code Amendment also allows for a slight increase in the allowable heights for hotels in the C-3 zone and authorizes the discretionary approval of up to a 20% reduction in required parking for new hotels in the C-3 zone. These amendments will facilitate the development of a five (5) story, 59'-0" high, 124-room hotel with 100 on-site surface parking spaces, landscaping, and related site improvements on a vacant, underutilized, and highly visible site on Harbor Boulevard. This is consistent with

Goal ED-1 of the General Plan's Economic Development Element, which provides that opportunities for development of tourism-related businesses shall be enhanced, and with Policy ED-1.1 of the Economic Development Element, which encourages the development and expansion of hotel facilities on key corridors in the City, such as Harbor Boulevard. The Municipal Code Amendment is also consistent with Goals LU-1, LU-5, and LU-6 of the Land Use Element because it will provide for a hotel development intensity to meet the needs of anticipated growth and achieve the community's vision for the development of tourism-related businesses, and is consistent with the General Plan goals and policies to facilitate the revitalization of commercial corridors and vacant and underutilized sites in the City with economically viable projects.

B. The Municipal Code Amendment will promote the public health, safety and welfare. The Municipal Code Amendment increases the allowable intensity of hotel developments in the C-3 zone and allows for a slight increase in height and for a reduction in required parking for new hotels, in order to facilitate a hotel development on Harbor Boulevard that is consistent with the City's intent and vision for the property and which will not result in significant environmental impacts. Due to physical site constraints and limitations imposed by other applicable development standards, the possibility of hotel development that takes full advantage of the proposed amended standards is practically limited to a relatively small number of properties. Other than the Applicant's proposed hotel on Harbor Boulevard, it is not presently anticipated that additional hotel development will occur as a result of the Municipal Code Amendment. The site of the proposed hotel development on Harbor Boulevard was previously owned by the City, and Applicant's development of a hotel on the property was contemplated in the purchase and sale agreement between the City and Applicant. The Municipal Code Amendment is necessary to facilitate this project and make it economically viable. The City will continue to have authority to evaluate the suitability and impacts of all new hotel developments on sites to which the Municipal Code Amendment applies on a case-by-case basis through the discretionary Site Plan and Conditional Use Permit process in order to ensure any such developments are in the public interest and do not harm the health, safety, or welfare of City residents and property owners. The Garden Grove Planning Commission has approved a Site Plan and Conditional Use Permit for the proposed hotel development, subject to the City Council's approval of the Municipal Code Amendment, and made all of the required findings related thereto.

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

SECTION 1 The City Council finds that the above recitals are true and correct.

SECTION 2. City Council Resolution No. _____ adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project is incorporated herein by reference with the same force and effect as if set forth in full.

SECTION 3. Municipal Code Amendment No. A-024-2018 is hereby approved pursuant to the findings set forth herein and the facts and reasons stated

in Planning Commission Resolution No. 5939-18, 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 4. Subsection A.4. of Section 9.16.020.020 (Summary of Zones) of Section 9.16.020 (Permitted Uses in Commercial, Office Professional, Industrial, and Open Space) of Chapter 9.16 (Commercial, Office Professional, Industrial, and Open Space Development Standards) of the Garden Grove Municipal Code is hereby amended as follows (additions shown in **bold/underline/italic** text, deletions shown in ~~strikethrough-text~~):

4. C-3 (Heavy Commercial). The C-3 zone is intended to provide for a wide range of commercial uses, primarily more intensive services and uses of wholesale/retail combinations, normally incompatible with other commercial activities or residential uses. **A Floor Area Ratio up to 1.0 for hotels and 0.55 for all other uses is allowed in the C-3 zone.**

SECTION 5. Sub-subsection 5 of Subsection AJ (Hotel/Motel) of Section 9.16.020.050 (Special Operating Conditions and Development Standards) of Section 9.16.020 (Permitted Uses in Commercial, Office Professional, Industrial, and Open Space) of Chapter 9.16 (Commercial, Office Professional, Industrial, and Open Space Development Standards) of the Garden Grove Municipal Code is hereby amended as follows (additions shown in **bold/underline/italic** text, deletions shown in ~~strikethrough-text~~):

AJ. Hotel/Motel. Subject to the following conditions:

1. The minimum site area shall be 30,000 square feet.
2. The minimum street frontage of the site shall be 100 feet.
3. In hotels, no provisions for cooking facilities shall be provided within individual rooms or suites.
4. No consecutive occupancy shall exceed 30 days, nor shall any nonconsecutive occupancy exceed 30 days in 45 consecutive days.
5. The following ~~building setbacks are required~~ **development standards apply**:
 - a. **Minimum** Front setback—20-foot depth from the lot front property line;
 - b. **Minimum** Interior side setback—seven and one-half foot width from the lot side line, unless adjacent to residentially zoned property; then setback increases to 25 feet;
 - c. **Minimum** Exterior side setback—10-foot width from the lot side line;

d. **Minimum** Rear setback—seven and one-half foot depth from the lot rear line, unless adjacent to residentially zoned property; then setback increases to 25 feet;

e. The setbacks shall be fully landscaped except for points of ingress and egress;

f. **Maximum** Building height (**other than in the C-3 zone**): four stories and/or 55 feet (hotel only);

g. Special standards for hotels in the C-3 zone – the following standards apply to hotels located in the C-3 zone only:

i. A Floor Area Ratio of up to 1.0 is allowed for hotels in the C-3 zone.

ii. A maximum building height of five stories and/or 60 feet is allowed for hotels in the C-3 zone.

iii. For new hotels in the C-3 zone, the hearing body may permit up to a twenty percent (20%) reduction in the number of off-street parking spaces required pursuant to Section 9.16.040.150 in conjunction with site plan and/or conditional use permit approval, provided the applicant demonstrates that sufficient parking will be provided to serve the intended uses and the intent of the City's parking regulations is met. Any approved reduction in required parking shall be subject to such conditions as the hearing body deems appropriate to ensure that sufficient parking remains available to serve the intended and actual uses on the subject site, including, but not limited to, preparation and compliance with a parking management plan.

6. Hotels and motels are also subject to Chapter 8.70 of the municipal code.

7. In motels, no more than 10% of the individual living units shall contain kitchen facilities.

SECTION 6: 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 thirty (30) days after adoption.