



## A G E N D A

### GARDEN GROVE PLANNING COMMISSION

#### REGULAR MEETING

---

November 4, 2021

COMMUNITY MEETING CENTER  
11300 STANFORD AVENUE

Members of the public who wish to comment on matters before the Commission, in lieu of doing so in person, may submit comments by emailing [planning@ggcity.org](mailto:planning@ggcity.org) no later than 3:00 p.m. the day of the meeting. The comments will be provided to the Commission as part of the meeting record. Members of the public are asked to consider very carefully before attending this meeting in person and are encouraged to wear face masks and maintain a six foot distance from others. Please do not attend this meeting if you have had direct contact with someone who has tested positive for COVID-19, or if you are experiencing symptoms such as coughing, sneezing, fever, difficulty breathing or other flu-like symptoms.

#### REGULAR SESSION – 7:00 P.M.

ROLL CALL: CHAIR PEREZ, VICE CHAIR LINDSAY  
COMMISSIONERS ARESTEGUI, CUNNINGHAM, LEHMAN, RAMIREZ,  
SOEFFNER

Members of the public desiring to speak on any item of public interest, including any item on the agenda except public hearings, must do so during Oral Communications at the beginning of the meeting. Each speaker shall fill out a card stating name and address, to be presented to the Recording Secretary, and shall be limited to five (5) minutes. Members of the public wishing to address public hearing items shall do so at the time of the public hearing.

**Meeting Assistance:** Any person requiring auxiliary aids and services, due to a disability, should contact the Department of Community & Economic Development at (714) 741-5312 or email [planning@ggcity.org](mailto:planning@ggcity.org) 72 hours prior to the meeting to arrange for special accommodations. (Government Code §5494.3.2).

All revised or additional documents and writings related to any items on the agenda, which are distributed to all or a majority of the Planning Commissioners within 72 hours of a meeting, shall be available for public inspection (1) at the Planning Services Division during normal business hours; and (2) at the City Community Meeting Center at the time of the meeting.

Agenda item descriptions are intended to give a brief, general description of the item to advise the public of the item's general nature. The Planning Commission may take legislative action it deems appropriate with respect to the item and is not limited to the recommended action indicated in staff reports or the

#### PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

- A. ORAL COMMUNICATIONS - PUBLIC
- B. APPROVAL OF MINUTES: October 21, 2021

C. PUBLIC HEARING(S) (Authorization for the Chair to execute Resolution shall be included in the motion.)

C.1. AMENDMENT NO. A-032-2021

APPLICANT: CITY OF GARDEN GROVE  
LOCATION: CITYWIDE

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 15061 – Common Sense, 15301 – Existing Facilities, and 15303 – New Construction or Conversion of Small Structures.

STAFF RECOMMENDATION: Recommend approval of Amendment No. A-032-2021 to City Council.

D. MATTERS FROM COMMISSIONERS

E. MATTERS FROM STAFF

F. ADJOURNMENT

GARDEN GROVE PLANNING COMMISSION  
Community Meeting Center  
11300 Stanford Avenue, Garden Grove, CA 92840

Meeting Minutes  
Thursday, October 21, 2021

CALL TO ORDER: 7:01 p.m.

ROLL CALL:

Chair Perez  
Vice Chair Lindsay  
Commissioner Arestegui  
Commissioner Cunningham  
Commissioner Lehman  
Commissioner Ramirez  
Commissioner Soeffner

Absent: None.

PLEDGE OF ALLEGIANCE: Led by Commissioner Lehman.

ORAL COMMUNICATIONS – PUBLIC – None.

September 2, 2021 MINUTES:

Action: Received and filed.  
Motion: Lindsay Second: Lehman  
Ayes: (7) Arestegui, Cunningham, Lehman, Lindsay, Perez,  
Ramirez, Soeffner  
Noes: (0) None

Commissioner Arestegui recused herself from the following item.

CONTINUED PUBLIC HEARING – MITIGATED NEGATIVE DECLARATION, MITIGATION MONITORING AND REPORTING PROGRAM, AND SITE PLAN NO. SP-101-2021 FOR PROPERTY LOCATED ON THE NORTH SIDE OF WESTMINSTER AVENUE, WEST OF BROOKHURST STREET, AT 13861 BROOKHURST STREET.

Applicant: DENNIS O'NEIL (SUNBELT STORES, INC.)  
Date: October 21, 2021

Request: Site Plan approval to expand an existing 180,449 square foot shopping center, which is currently improved with the Garden Grove Superstore,

a Target retail store, and a Firestone auto repair shop, by constructing (i) two (2) new 4,000 square foot drive-thru pad buildings, (ii) one (1) new 4,000 square foot multi-tenant commercial building attached to the existing Target, and (iii) replacing the existing Firestone auto repair shop with a 5,600 square foot drive-thru multi-tenant building. The site is in the C-1 (Neighborhood Commercial) zone. In conjunction with the request, the Planning Commission will also consider the adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the project.

Action: In order to finalize cost estimates and the construction phasing plan, the applicant requested a continuance to the November 18<sup>th</sup> Planning Commission meeting. With the public hearing left open, the request was approved.

Motion: Lehman Second: Lindsay

Ayes: (6) Cunningham, Lehman, Lindsay, Perez, Ramirez, Soeffner

Noes: (0) None

Absent: (1) Arestegui

Commissioner Arestegui rejoined the meeting at 7:06 p.m.

PUBLIC HEARING – CERTIFICATION OF THE ENVIRONMENTAL IMPACT REPORT (EIR) FOR FOCUSED GENERAL PLAN UPDATE AND ZONING AMENDMENTS, GENERAL PLAN AMENDMENT NO. GPA-003-2021, AND AMENDMENT NO. A-031-2021, FOR CITY OF GARDEN GROVE, CITYWIDE.

Applicant: CITY OF GARDEN GROVE

Date: October 21, 2021

Request: To recommend to the City Council: (i) Certification of the Environmental Impact Report (EIR) for the proposed focused General Plan Update and Zoning Amendments; (ii) Adoption of a General Plan Update (GPA-003-2021), which includes updates to the Housing Element, the Land Use Element, and the Safety Element, along with the adoption of a new Environmental Justice Element; and (iii), Adoption of Text/Map Amendments (A-031-2021) to Title 9 of the Municipal Code and to the Zoning Map to implement the goals and policies of the Housing Element and Land Use Element. The focus of the General Plan Update is to comply with State Law provisions, including complying with the 6<sup>th</sup> Cycle (2021-29) of the Regional Housing Needs Assessment (RHNA) that requires the City to Plan for 19,168 residential dwelling units for all income levels during the 2021-29 planning period.

A copy of the Draft EIR is available for public review at Garden Grove City Hall and on the City's website at [ggcity.org/planning](http://ggcity.org/planning).

The Draft of the Housing Element, Land Use Element, Safety Element, and Environment Justice Element for public review is only available on the City's website at [ggcity.org/housing-element](http://ggcity.org/housing-element).

As part of the Land Use Element update, the General Plan Land Use designation of selected parcels will be changed. The parcels are generally located along Garden Grove Boulevard in the vicinity of the Beach Boulevard and Harbor Boulevard intersections, as well as along Harbor Boulevard between Trask Avenue and Westminster Avenue, along Westminster Avenue at the Taft Street and Euclid Street intersections, on Brookhurst Street, south of 15<sup>th</sup> Street, and those at the southeast corner of Katella Avenue and Magnolia Street. The specific parcels proposed to be changed are as follows:

**GENERAL PLAN LAND USE DESIGNATION CHANGING FROM LIGHT COMMERCIAL TO RESIDENTIAL/COMMERCIAL MIXED-USE 1:**

7861 GARDEN GROVE BLVD APN# 131-682-62	7942 GARDEN GROVE BLVD APN# 096-281-14
7761 GARDEN GROVE BLVD APN# 131-682-61	7701 GARDEN GROVE BLVD APN# 131-682-05
7942 GARDEN GROVE BLVD APN# 096-281-14	7900 GARDEN GROVE BLVD APN# 096-281-09
7912 GARDEN GROVE BLVD APN# 096-281-11, APN# 096-281-13	

**GENERAL PLAN LAND USE DESIGNATION CHANGING FROM LIGHT COMMERCIAL TO RESIDENTIAL/COMMERCIAL MIXED-USE 2:**

11092 MAGNOLIA ST APN# 132-061-32	8301 GARDEN GROVE BLVD APN# 131-541-20
11072 MAGNOLIA ST APN# 132-061-31	10721 WESTMINSTER AVE APN# 099-504-47
11052 MAGNOLIA ST APN# 132-061-28	10711 WESTMINSTER AVE APN# 099-504-45
11012 MAGNOLIA ST APN# 132-061-29	10691 WESTMINSTER AVE APN# 099-504-44
11002 MAGNOLIA ST APN# 132-061-18	10742 WESTMINSTER AVE APN# 099-181-12

**GENERAL PLAN LAND USE DESIGNATION CHANGING FROM LIGHT COMMERCIAL TO RESIDENTIAL/COMMERCIAL MIXED-USE 3:**

12141 GARDEN GROVE BLVD APN# 231-404-13

**GENERAL PLAN LAND USE DESIGNATION CHANGING FROM LIGHT COMMERCIAL TO INTERNATIONAL WEST MIXED-USE:**

13971 HARBOR BLVD APN# 100-130-74	13945 HARBOR BLVD APN# 100-130-73
13933 HARBOR BLVD APN# 100-130-71	13911 HARBOR BLVD APN# 100-130-72
13970 HARBOR BLVD APN# 101-681-22	13552 HARBOR BLVD APN# 101-080-75
13950 HARBOR BLVD APN# 101-681-18	13512 HARBOR BLVD APN# 101-080-76
13462 HARBOR BLVD APN# 101-642-01 APN# 101-681-17	12091 TRASK AVE APN# 101-642-02

**GENERAL PLAN LAND USE DESIGNATION CHANGING FROM LIGHT COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL:**

10081 13 <sup>TH</sup> ST APN# 099-173-20	11001 WESTMINSTER AVE APN# 100-151-33
14202 BROOKHURST ST APN# 099-173-08	11025 WESTMINSTER AVE APN# 100-151-34
14212 BROOKHURST ST APN# 099-173-10, APN# 099-173-45	

**GENERAL PLAN LAND USE DESIGNATION CHANGING FROM INDUSTRIAL TO INTERNATIONAL WEST MIXED-USE:**

13962 SEABOARD CIR APN# 100-130-68	13932 SEABOARD CIR APN# 100-130-67
11901 WESTMINSTER AVE APN# 100-130-69	13902 SEABOARD CIR APN# 100-130-66
13821 HARBOR BLVD APN# 100-130-79	13862 SEABOARD CIR APN# 100-130-58
13821 HARBOR BLVD APN# 100-130-79	

**GENERAL PLAN LAND USE DESIGNATION CHANGING FROM INDUSTRIAL TO MEDIUM DENSITY RESIDENTIAL:**

11461 WESTMINSTER AVE APN# 100-141-10	13931 NEWHOPE ST APN# 100-141-09
11431 WESTMINSTER AVE APN# 100-141-11	

**GENERAL PLAN LAND USE DESIGNATION CHANGING FROM HEAVY COMMERCIAL TO INTERNATIONAL WEST MIXED-USE:**

13831 HARBOR BLVD APN# 100-130-56	13731 HARBOR BLVD APN# 100-130-52
13691 HARBOR BLVD APN# 100-123-09	13631 HARBOR BLVD APN# 100-123-02
13571 HARBOR BLVD APN# 100-122-33	13551 HARBOR BLVD APN# 100-122-11
13501 HARBOR BLVD APN# 100-122-40	13531 HARBOR BLVD APN# 100-122-12
13501 HARBOR BLVD APN# 100-122-39	13592 HARBOR BLVD APN# 101-080-73
13571 HARBOR BLVD APN# 100-122-32	13852 HARBOR BLVD APN# 101-315-33
13822 HARBOR BLVD APN# 101-311-17	13812 HARBOR BLVD APN# 101-311-19
13802 HARBOR BLVD APN# 101-311-24	13792 HARBOR BLVD APN# 101-311-21
13772 HARBOR BLVD APN# 101-311-20	13752 HARBOR BLVD APN# 101-311-25
13732 HARBOR BLVD APN# 101-080-71	13700 HARBOR BLVD APN# 101-080-63
13692 HARBOR BLVD APN# 101-080-64	13666 HARBOR BLVD APN# 101-080-68
13650 HARBOR BLVD APN# 101-080-66	13592 HARBOR BLVD APN# 101-080-74
11942 TRASK AVE APN# 100-122-22, APN# 100-122-23	

**GENERAL PLAN LAND USE DESIGNATION CHANGING FROM CIVIC INSTITUTION TO INTERNATIONAL WEST MIXED-USE:**

12501 GARDEN GROVE BLVD APN# 231-561-16	12609 GARDEN GROVE BLVD APN# 231-561-24
12555 GARDEN GROVE BLVD APN# 231-561-25	12601 GARDEN GROVE BLVD APN# 231-561-22
12601 GARDEN GROVE BLVD APN# 231-561-23	12665 GARDEN GROVE BLVD APN# 231-323-21
12892 PALM ST APN# 231-561-15	12601 GARDEN GROVE BLVD APN# 231-561-14
12665 GARDEN GROVE BLVD APN# 231-323-22, APN# 231-323-20	

AS PART OF THE ZONING MAP AMENDMENT, THE ZONING DESIGNATION OF SELECTED PARCELS WILL BE CHANGED. THE PARCELS ARE GENERALLY LOCATED ALONG GARDEN GROVE BOULEVARD IN THE VICINITY OF BEACH BOULEVARD AND THE HARBOR BOULEVARD INTERSECTIONS, ALONG HARBOR BOULEVARD BETWEEN TRASK AVENUE AND WESTMINSTER AVENUE, ALONG WESTMINSTER AVENUE AT THE TAFT STREET AND EUCLID STREET INTERSECTIONS, ON BROOKHURST STREET, SOUTH OF 15<sup>TH</sup> STREET, AT THE SOUTHEAST CORNER OF KATELLA AVENUE AND MAGNOLIA STREET, AND THOSE IN THE CIVIC CENTER AREA. THE SPECIFIC PARCELS PROPOSED TO BE REZONED ARE AS FOLLOWS:

**ZONE CHANGE FROM C-1 (NEIGHBORHOOD COMMERCIAL) TO R-3 (MULTIPLE-FAMILY RESIDENTIAL):**

10081 13 <sup>TH</sup> ST APN# 099-173-20	14202 BROOKHURST ST APN# 099-173-08
14212 BROOKHURST ST APN# 099-173-10, APN# 099-173-45	

**ZONE CHANGE FROM C-1 (NEIGHBORHOOD COMMERCIAL) TO NMU (NEIGHBORHOOD MIXED-USE):**

11092 MAGNOLIA ST APN# 132-06-132	11072 MAGNOLIA ST APN# 132-061-31
11052 MAGNOLIA ST APN# 132-061-28	11012 MAGNOLIA ST APN# 132-061-29
11002 MAGNOLIA ST APN# 132-061-18	

**ZONE CHANGE FROM C-2 (COMMUNITY COMMERCIAL) TO GGMU-1 (GARDEN GROVE MIXED-USE 1):**

7861 GARDEN GROVE BLVD APN# 131-682-62	7761 GARDEN GROVE BLVD APN# 131-682-61
7701 GARDEN GROVE BLVD APN# 131-682-05	7900 GARDEN GROVE BLVD APN# 096-281-09
7942 GARDEN GROVE BLVD APN# 096-281-14	7942 GARDEN GROVE BLVD APN# 096-281-14
7912 GARDEN GROVE BLVD APN# 096-281-11, APN# 096-281-13	

**ZONE CHANGE FROM C-2 (COMMUNITY COMMERCIAL) TO GGMU-2 (GARDEN GROVE MIXED-USE 2):**

8301 GARDEN GROVE BLVD APN# 131-541-20

**ZONE CHANGE FROM M-1 (LIMITED INDUSTRIAL) TO R-3 (MULTIPLE-FAMILY RESIDENTIAL):**

11461 WESTMINSTER AVE APN# 100-141-10	13931 NEWHOPE ST APN# 100-141-09
11431 WESTMINSTER AVE APN# 100-141-11	

ZONE CHANGE FROM HCSP-DC (HARBOR CORRIDOR SPECIFIC PLAN-DISTRICT COMMERCIAL) TO GGMU-3 (GARDEN GROVE MIXED-USE 3):

12141 GARDEN GROVE BLVD APN# 231-404-13

ZONE CHANGE FROM CC-OS (CIVIC CENTER- OPEN SPACE) TO CC-3 (CIVIC CENTER CORE):

11211 ACACIA PKWY APN# 090-143-12	11221 ACACIA PKWY APN# 090-143-13
11231 ACACIA PKWY APN# 090-143-14	11391 ACACIA PKWY APN# 090-154-57
11261 ACACIA PKWY APN# 090-154-58	11200 STANDARD AVE APN# 090-143-27
12821 5 <sup>TH</sup> ST APN# 090-143-15	12811 5 <sup>TH</sup> ST APN# 090-143-16
12801 5 <sup>TH</sup> ST APN# 090-143-17	APN# 090-154-56
12772 5 <sup>TH</sup> ST APN# 090-154-49	

AS PART OF THE ZONING AMENDMENT, THE RESIDENTIAL DENSITIES OF SECTIONS 9.18.090.020, 9.18.090.030, 9.18.090.070, 9.18.090.080 OF CHAPTER 18 OF TITLE 9 OF THE MUNICIPAL CODE WILL BE AMENDED TO BE CONSISTENT WITH THE DENSITIES OF THE LAND USE ELEMENT UPDATE, AND SECTION 9.18.190 WILL BE INCORPORATED TO CREATE A MIXED-USE OVERLAY ZONE. THE PARCELS INCLUDED IN THE MIXED-USE OVERLAY ZONE ARE GENERALLY LOCATED ALONG HARBOR BOULEVARD, BETWEEN CHAPMAN AVENUE AND WESTMINSTER AVENUE, ALONG WESTERN AVENUE BETWEEN LAMPSON AVENUE AND CHAPMAN AVENUE, AND ON WESTMINSTER AVENUE AT TAFT STREET.

THE FOLLOWING PARCELS WILL BE INCLUDED IN THE INTERNATIONAL WEST MIXED-USE OVERLAY:

APN# 101-011-06	APN# 231-561-14	APN# 101-080-63	APN# 100-352-20
APN# 101-080-68	APN# 101-080-64	APN# 100-130-67	APN# 100-130-66
APN# 231-491-12	APN# 231-491-13	APN# 231-491-14	APN# 231-491-15
APN# 231-451-40	APN# 231-451-38	APN# 231-451-37	APN# 231-451-36
APN# 100-130-56	APN# 101-611-78	APN# 100-130-71	APN# 100-345-23
APN# 101-681-22	APN# 101-642-02	APN# 101-452-02	APN# 100-335-25
APN# 101-611-02	APN# 100-335-34	APN# 100-335-37	APN# 100-130-72
APN# 100-335-30	APN# 100-130-74	APN# 100-130-73	APN# 101-642-01
APN# 101-080-71	APN# 101-080-73	APN# 101-080-74	APN# 231-441-36
APN# 100-347-15	APN# 231-405-01	APN# 100-122-33	APN# 101-080-76
APN# 100-345-21	APN# 101-311-25	APN# 101-343-65	APN# 231-441-35
APN# 101-011-02	APN# 101-315-33	APN# 231-422-14	APN# 231-422-07
APN# 231-422-12	APN# 231-422-15	APN# 231-423-09	APN# 231-422-09
APN# 231-423-08	APN# 231-422-08	APN# 231-422-22	APN# 231-422-21
APN# 231-422-20	APN# 231-422-19	APN# 231-422-18	APN# 231-422-17
APN# 231-422-16	APN# 231-422-11	APN# 231-423-15	APN# 231-423-16
APN# 231-423-14	APN# 231-423-13	APN# 231-423-12	APN# 231-423-11
APN# 231-423-10	APN# 231-422-10	APN# 231-423-02	APN# 231-423-01
APN# 231-423-03	APN# 231-423-04	APN# 231-423-05	APN# 231-423-06
APN# 231-423-07	APN# 101-311-17	APN# 101-011-03	APN# 101-311-19
APN# 101-311-24	APN# 101-311-21	APN# 101-311-20	

THE FOLLOWING PARCELS WILL BE INCLUDED IN THE INDUSTRIAL/RESIDENTIAL 1 MIXED-USE OVERLAY:

6			
APN# 131-671-11	APN# 131-671-09	APN# 131-671-10	APN# 131-671-08
APN# 215-032-01			

THE FOLLOWING PARCELS WILL BE INCLUDED IN THE RESIDENTIAL/COMMERCIAL MIXED-USE 2 RESIDENTIAL OVERLAY:

10721 WESTMINSTER AVE APN# 099-504-47	10711 WESTMINSTER AVE APN# 099-504-45
10691 WESTMINSTER AVE APN# 099-504-44	10742 WESTMINSTER AVE APN# 099-181-12

Action: Jose Rodriguez, the MIG Consultant for the Housing Element update project, conducted a presentation on the Engagement Tools and Methods for the Housing Element, which included community surveys, land-use mapping surveys, forums, inclusion of public comments, and Planning Commission Study Sessions. Housing Element

topics included the overall Process, Regional Housing Needs Allocation (RHNA), Key Housing Programs, HCD Review and Comments, Land Use Element, Safety Element, Environmental Justice Element, Focused Zoning Elements, Environmental Impact Report, and Staff Recommendations. Though Commissioners were in favor of developments, specific concerns related to Open Space vs. Park Land, higher densities (40%) without additional park land, a density increase in already overcrowded areas, adequate infrastructure in future higher density areas, the potential need for a larger police force, the health risks from future development adjacent to industrial areas, CA Senate Bill 9, and the unequitable vision of the Update in regard to zoning, increased density, and development in disadvantaged areas. Staff noted that higher density in disadvantaged areas would not make the areas more disadvantaged as public improvements could be done in conjunction with development. Staff then added that if the Housing Element was not approved, the City could incur fines, lose land use authority, especially with affordable projects, and possibly lose the ability to issue building permits.

Resolution Nos. 6031-21 (GPA) and 6032-21 (A) were approved. One letter, dated 10/21/21, was submitted by Mitchell M. Tsai, Attorney at Law, on behalf of the Southwest Regional Council of Carpenters (SWRCC) in regard to hiring locally and using skilled and trained workers.

Motion: Ramirez Second: Lehman

Ayes: (4) Cunningham, Lehman, Ramirez, Soeffner  
Noes: (3) Arestegui, Lindsay, Perez

MATTERS FROM COMMISSIONERS: Vice Chair Lindsay asked if a recycling facility was permitted at Magnolia Street and Mays Avenue. Staff would look into the matter. Updates were provided on Cottage Industries, Site C, Site B2, Raising Canes, Sprouts, and the Valley View bowling alley.

MATTERS FROM STAFF: Staff gave a brief description of future agenda items.

ADJOURNMENT: At 8:57 p.m. to the next Meeting of the Garden Grove Planning Commission on Thursday, November 4, 2021, at 7:00 p.m. in the Community Meeting Center, 11300 Stanford Avenue, Garden Grove.

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Judith Moore, Recording Secretary



# COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<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: 15301 – Existing Facilities; & 15303 – New Construction or Conversion of Small 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)).

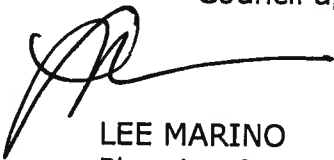
Here, implementation of the Amendment will require installing a limited number of fences/railings, and/or as requested, patio covers or similar canopies. No other permanent structures will be constructed as a part of the outdoor seating area. These features are exempt pursuant to both the Class 1 (negligible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

## Exhibit "A"

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING 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.

### **City Attorney Summary**

***This Ordinance approves zoning text amendments to portions of Chapter 9.16 (Commercial, Office Professional, Industrial, and Open Space Development Standards) of Title 9 of the Garden Grove Municipal Code to update the special operating conditions and development standards, and parking requirements for eating establishments/restaurant uses with outdoor dining within C-1 (Neighborhood Commercial), C-2 (Community Commercial), C-3 (Heavy Commercial), M-1 (Limited Industrial), and M-P (Industrial Park) zones. The amendments revise the existing standards in a manner that makes them generally consistent with the standards applicable to similar incidental outdoor dining areas in the mixed use zoning districts. Restaurant uses that include outdoor dining areas are a permitted use in commercial and industrial zoning districts. This Ordinance enacts additional and more specific operating conditions and development standards for these uses, including provisions regulating the design and location of outdoor dining areas, requirements for separation of outdoor dining areas from pedestrian and vehicular pathways and the public right-of-way, and alcoholic beverage sales in outdoor dining areas. This Ordinance also creates separate parking requirements for outdoor dining areas within commercial and industrial zoning districts, which provide that no additional parking is required for the first 500 square feet of an outdoor dining area that is open on at least three sides and not covered by a roof structure.***

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

WHEREAS, outdoor dining at eating establishments is currently a permitted incidental and accessory use within the commercial and industrial zones;

WHEREAS, portions of commercial and industrial zoned properties can accommodate outdoor dining areas that do not encroach into, and that still preserve, the required path of travel for pedestrians, and on-site vehicle circulation;

WHEREAS, allowing for and encouraging more outdoor dining areas in commercial and industrial zones will further General Plan goals and policies;

WHEREAS, Amendment No. A-032-2021 was initiated by the City of Garden Grove and is 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 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 commercial and industrial zoning districts;

WHEREAS, following a Public Hearing held on November 4, 2021, the Planning Commission adopted Resolution No. 6033-21 recommending approval of Amendment No. A-032-2021;

WHEREAS, pursuant to a legal notice, a Public Hearing regarding the proposed adoption of this Ordinance was held by the City Council on \_\_\_\_\_, 2021, and all interested persons were given an opportunity to be heard;

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

WHEREAS, the City Council hereby incorporates by reference the findings and reasons set forth in Planning Commission Resolution No. 6033-21, and makes the following findings regarding Amendment No. A-032-2021:

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

B. The Amendment will promote the public interest, health, safety and welfare.

WHEREAS, the City Council finds that the proposed Ordinance 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).

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. 6033-21 recommending approval of Amendment No. A-032-2021, 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: Subdivision V of Section 9.16.020.050 (Special Operating Conditions and Development Standards) of Chapter 9.16 (Commercial, Office Professional, Industrial, and Open Space Development Standards) of Title 9 of the

Garden Grove Municipal Code is hereby amended as follows (deletions shown in ~~strikethrough~~, additions shown in ***bold-italics***):

V. Eating Establishment/Restaurant with Outdoor Seating.

1. ***Incidental Use Only. With the exception of permitted joint-use outdoor dining areas as provided for in paragraph 5 below, the outdoor dining area must be accessory to the eating establishment/restaurant.***

~~2. The seating area must not encroach into any required setback, parking and/or circulation area, required landscape areas, or required paths of travel.~~

~~3. The outdoor seating areas shall have a clearly marked perimeter.~~

2. ***Design. Outdoor dining areas shall be open on at least three sides, and open to the sky. Non-fixed umbrellas and awnings and canopies that accent the building are permitted. Side panels or any other accessories that enclose the outdoor dining area are prohibited.***

3. ***Location.***

a. ***The seating area shall not encroach into any required front setback, parking and/or vehicular circulation area, required landscape areas, required paths-of-travel, or public rights-of-way.***

b. ***Within any Commercial or Industrial zone, outdoor dining areas may be permitted within the required side or rear setback area, consistent with the requirements of this chapter.***

c. ***The outdoor dining area must be located immediately adjacent to, abutting, and adjoining the establishment with which it is associated, and shall not extend beyond the building and/or storefront frontage and/or length of the tenant space of the associated primary establishment.***

4. ***Delineation of Area. Any outdoor dining area serving a single business shall maintain a clearly marked perimeter and shall be separated from vehicular pathways and public sidewalks with low walls and/or landscape hedges a minimum of 30 inches in depth or 42 inches in height. Establishments that include the service or sale of alcoholic beverages are subject to additional separation requirements provided in subsection 6 (Alcoholic Beverage Sales in Outdoor Dining Areas) of this section.***

5. ***Outdoor dining areas for joint-use between businesses shall be separated from pedestrian and vehicular pathways with low walls and/or landscaping. Joint-use outdoor dining areas are not required to be located immediately adjacent to an establishment, but shall be located within 25 feet of at least one establishment participating in the joint-use area. Where adjacent to a public right-of-way, the area shall be delineated as required by subsection 4 (Delineation of Area) of this subdivision V. No alcohol shall be served in any outdoor dining area that serves more than one business.***

**6. Alcoholic Beverage Sales in Outdoor Dining Areas. The service of alcoholic beverages and its consumption by customers in an outdoor dining area shall comply with Section 9.16.020.080 (Alcohol Beverage Sales) and furthermore, shall be restricted as follows:**

**a. Any establishment permitted to sell alcohol that maintains an outdoor dining area shall separate the outdoor dining area with a wall, fence, or hedge that is intended to clearly delineate the dining area from pedestrian traffic, and prevent ease of access in any manner to this area by pedestrians and other non-patrons. The wall, fence, or hedge shall fully enclose the outdoor dining area to separate it from public access ways. The wall, fence, or hedge shall consist of a minimum five-foot-high barrier and/or other special separation/improvement from surroundings that would hinder access from pedestrians to the outdoor dining area, as determined by the Police Chief. The barrier/fencing shall be subject to the following standards:**

**i. Any barrier/fencing around the outdoor area perimeter shall allow visibility into the area from adjacent properties and streets.**

**ii. Any barrier/fencing around the outdoor area perimeter shall be architecturally compatible with the structure housing the eating or drinking establishment.**

**iii. The location, design, and placement of any barrier/fencing are subject to review and approval by the Planning Services Division during the site plan review or conditional use permit review process.**

**b. Ingress and egress to/from the outdoor dining area shall be from the interior of the eating or drinking establishment only. There shall be no ingress or egress permitted to/from the outdoor dining area to any parking area, landscape area, or public right-of-way except for emergency purposes only. Any proposed accesses located within the outdoor dining area that lead to any locations other than into the eating or drinking establishment shall be marked as emergency exits only and shall be provided with panic hardware.**

**c. The operator shall post a written notice to customers, as approved by the City, which states that the drinking or carrying of an alcoholic beverage outside of the outdoor dining area is prohibited and unlawful.**

**d. Hours of operation shall not begin prior to 7:00 a.m. nor extend later than 10:00 p.m.**

**SECTION 4: Subsection 2 (Eating/Drinking Establishments – Restaurants, Cafés, Cafeterias, Lounges, Bars) of Subdivision B (Commercial Uses) of Section**



9.16.040.150 (Parking Spaces Required) of Chapter 9.16 (Commercial, Office Professional, Industrial, and Open Space Development Standards) of Title 9 of the Garden Grove Municipal Code is hereby amended as follows to add specific parking standards for outdoor dining areas associated with eating and drinking establishments (additions shown in ***bold-italics***):

USE	REQUIRED MINIMUM PARKING SPACES
2. Eating/Drinking Establishments – Restaurants, Cafés, Cafeterias, Lounges, Bars	
a. Attached 0-16 seats less than 300 sq. ft. of customer/dining area	1 space per 200 sq. ft. of gross floor area
b. Attached 16+ seats	1 space per 100 sq. ft. of gross floor area with a min. of 10 spaces
c. Freestanding	1 space per 100 sq. ft. of gross floor area with a min. of 10 spaces
d. With entertainment	1 space per 100 sq. ft. of gross floor area (seating and service), plus 1 space per 35 sq. ft. of entertainment area, plus 1 space per 7 sq. ft. of dance floor
<b><i>e. Outdoor dining</i></b>	<b><i>No additional parking required for the first 500 square feet of outdoor dining area. For any area in excess of 500 square feet, parking shall be provided as required above for the applicable use. Where dining areas are enclosed on at least three sides, all parking shall be provided as required for the above applicable use.</i></b>

**SECTION 5:** 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.