

ORDINANCE NO. 2819

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING A NEGATIVE DECLARATION AND APPROVING AMENDMENT NO. A-169-12, A TEXT AMENDMENT TO SUBSECTION (b)(4) OF SECTION 9360.3.4 OF THE HARBOR CORRIDOR SPECIFIC PLAN TO MODIFY THE LIMITATION ON THE SIZE OF MEDICAL OFFICE USES WITHIN RETAIL SHOPPING DEVELOPMENTS LOCATED IN THE DISTRICT COMMERCIAL ZONE OF THE HARBOR CORRIDOR SPECIFIC PLAN AREA IN ORDER TO INCREASE THE ALLOWABLE SIZE OF SUCH MEDICAL OFFICE USES TO A MAXIMUM OF 25 PERCENT OF THE TOTAL BUILDING SQUARE FOOTAGE OF A RETAIL SHOPPING DEVELOPMENT, SUBJECT TO SATISFACTION OF APPLICABLE PARKING REQUIREMENTS

**City Attorney Summary**

***This Ordinance approves a text amendment to the Harbor Corridor Specific Plan to modify the limitation on the size of medical office uses within retail shopping developments located within the District Commercial zone of the Harbor Corridor Specific Plan area in order to increase the allowable size of such medical office uses from the current limit of the lesser of 4,000 square feet or 5 percent of the total building square footage of a retail shopping development to a new limit of a maximum of 25 percent of the total building square footage of a retail shopping development, subject to satisfaction of applicable parking requirements.***

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

WHEREAS, the subject case was initiated by Harbor Plaza, LLC c/o Athena Property Management;

WHEREAS, the Applicant requests to amend the text of Sub-subsection (4) (Permitted Uses) of Subsection (b) (Regulations and Standards) of Section 9360.3.4 (District Commercial) of the Harbor Corridor Specific Plan to modify the limitation on the size of medical office uses within retail shopping developments set forth in Condition (a) applicable to Professional office (including medical) uses, in order to increase the allowable size of such medical office uses to a maximum of 25 percent of the total building square footage of a retail shopping development, subject to satisfaction of applicable parking requirements;

WHEREAS, the subject site has a General Plan Land Use Designation of International West Mixed Use and is zoned HCSP-DC (Harbor Corridor Specific Plan – District Commercial);

WHEREAS, Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 *et. seq.*, and the CEQA guidelines, 14 California Code of Regulations Sec. 15000 *et. seq.*, an initial study has been prepared for the project, and it has been determined that the proposed project

qualifies for a Negative Declaration because the proposed project cannot, or will not, have a significant effect on the environment;

WHEREAS, the Negative Declaration was prepared and circulated in accordance with applicable law, including the CEQA guidelines;

WHEREAS, the Planning Commission of the City of Garden Grove held a duly noticed Public Hearing on July 5, 2012, and considered all oral and written testimony presented regarding the initial study, the Negative Declaration, and the project;

WHEREAS, following a Public Hearing held on July 5, 2012, the Planning Commission adopted Resolution No. 5775-12 recommending City Council adoption of the Negative Declaration and approval of Amendment No. A-169-12;

WHEREAS, pursuant to a legal notice, a Public Hearing was held by the City Council on August 28, 2012, 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 makes the following findings regarding Amendment No. A-169-12:

A. The amendment is internally consistent with the goals, policies, and elements of the General Plan. The General Plan Land Use Designation of the HCSP-DC zoned properties is International West Mixed Use, which is intended to provide for a mix of uses. The proposed Amendment would not change the type of uses currently permitted in the area; rather, it would merely increase the permitted size of medical office uses located within retail shopping developments, subject to meeting parking requirements. Thus, it is consistent with the property's General Plan Land Use Designation. The proposed Amendment is also consistent with Goal LU-5 of the General Plan, which seeks to promote economically viable, vital, and attractive commercial centers throughout the city that serve the needs of the community, and the corresponding Policy LU-5.1, which calls for the City to work with property owners of vacant commercially zoned property to develop their sites into appropriate, economically viable projects. The proposed Amendment is also consistent with Goal LU-6 of the General Plan, which encourages the revitalization of aging, underused or deteriorated commercial corridors, centers, and properties in the city, and corresponding Policy LU-6.2, which calls for the City to encourage a mix of retail shops and services along the commercial corridors and in centers that better meet the needs of the area's present and potential clientele. Due to market forces, the demand for medical office uses has increased, and relaxing the existing restriction on the amount of space in retail shopping developments that may be occupied by medical office uses will assist commercial centers in the HCSP-DC zone to remain vital, economically viable, and fully utilized.

B. The Amendment is deemed to promote the public health, safety, and welfare. Due to market forces, the demand for medical office uses has increased, and relaxing the existing restriction on the amount of space in retail shopping developments that may be occupied by medical office uses will promote the health, safety, and welfare by assisting commercial centers in the HCSP-DC zone to remain vital, economically viable, and fully utilized. In addition, the requirement that any such medical office uses be able to meet applicable minimum parking requirements will further ensure that the public health, safety, and welfare is not compromised as a result of the Amendment.

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 City Council has considered the proposed Negative Declaration together with comments received during the public review process. The record of proceedings on which the City Council's decision is based is located at the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California. The custodian of record of proceedings is the City Clerk. The City Council finds on the basis of the record before it, including the initial study and comments received, that there is no substantial evidence that the project will have a significant effect on the environment. The City Council further finds that the adoption of the Negative Declaration reflects the City Council's independent judgment and analysis. Therefore, the City Council of the City of Garden Grove adopts the Negative Declaration.

SECTION 3. Amendment No. A-169-12 is hereby approved pursuant to the findings set forth herein and the facts and reasons stated in Planning Commission Resolution No. 5775-12, a copy of which is on file in the City Clerk's Office, and which is incorporated herein by reference with the same force and effect as if set forth in full.

SECTION 4. Section 9360.3.4 (District Commercial) of the Harbor Corridor Specific Plan is hereby amended to read as follows (deleted text struck out; added text in bold/underline):

"9360.3.4. District Commercial (DC).

(a) Intent.

1) The District Commercial use district is intended as an area of citywide significance for the retail commercial sales of a selected variety of products and provision of consumer services.

2) The District Commercial area is a grouping of existing and proposed commercial centers at the crossroads formed by Harbor Boulevard and Garden Grove Boulevard. Each center features an anchor use with subordinate attached and satellite shops with related uses occupying smaller adjacent properties.

3) The District is intended to meet City general commercial needs beyond the neighborhood level with a mix of general commercial businesses, offices, specialty shops, and some convenience services, but not approaching the level of a regional center.

4) It is intended to draw upon markets beyond the city boundary to the extent specific uses are capable of such attraction and to reinforce and expand upon the existing quality commercial centers located at the crossroads.

5) The District will establish and maintain a distinctive urban appearance and character, contrasting with less intense surrounding development.

6) Urban spaces along the arterial highways are to be accented by close-in satellite structures with the bulk of landscaped parking and drive areas located between the satellites and main structures.

(b) Regulations and Standards

- |                    |   |
|--------------------|---|
| 1) Primary Use:    | Retail Commercial uses, catering to the everyday needs of the community |
| 2) Secondary Use:  | Office  |
| 3) Base District:  | C-1 – Neighborhood Commercial   |
| 4) Permitted Uses: | Retail Bakeries   |
|                    | Financial Institutions  |
|                    | Barber shops and beauty salons  |
|                    | Christmas Tree sales lot (subject to restrictions of Municipal Code)    |
|                    | Clothes cleaning (excluding laundry processing plants)                  |
|                    | Clothing stores   |
|                    | Delicatessen stores or meat markets                                     |
|                    | Department stores   |
|                    | Drug stores   |
|                    | Fireworks stands (subject to restrictions of Municipal Code)            |
|                    | Florist shops   |
|                    | Grocery stores (excluding mini markets)                                 |
|                    | Hardware stores   |
|                    | Jewelry stores  |
|                    | Liquor stores (subject to conditional use permit)                       |

Outdoor Food Vendors, subject to the following regulations:

- (a) A Conditional Use Permit is required.
- (b) A Conditional use permit application shall have the approval of the property owner of the site on which the vendor will operate.
- (c) Vendors shall not be located within any required off-street parking space or aisle for vehicular circulation.
- (d) Vendors shall be restricted to selling food products only and shall be approved by the Orange County Health Department prior to the issuance of a Conditional Use Permit.
- (e) The Conditional Use Permit shall have an annual review by the Hearing Body.
- (f) Vendors are expressly prohibited on public sidewalks and public streets.
- (g) Outdoor food vendors in conjunction with grand openings or special event sales shall be regulated by Section 9.08.060 of the Municipal Code.

Prescription pharmacies

Professional office (including medical) subject to the following:

- (a) Medical office uses shall not occupy more than 4,000 square feet or five **twenty-five** percent **(25%)** of the total building square footage of a retail shopping development, whichever is less. **In addition, the minimum parking requirements set forth in Municipal Code Section 9.16.040.150 (Parking Spaces Required) for Medical, dental and related service support facilities uses shall**

**apply to any such medical office uses, and any new or expanded medical office use in a retail shopping development that would result in an increase in the minimum number of required parking spaces in excess of that currently permitted for the development shall not be permitted unless a shared parking management plan is reviewed and approved by the City pursuant to Municipal Code Section 9.16.040.180 (Joint Use/Parking Management Plan).**

Public Utility commercial offices

Restaurants

Restaurants, with entertainment, subject to the following:

- (a) Conditional Use Permit required.
- (b) Restaurant shall be at least 4,000 square feet in area.
- (c) No dancing permitted.
- (d) Entertainment shall be incidental to restaurant use (such as background music).

Real Estate, Insurance and Stock Brokers

Retail Commercial uses

Shoe stores or shoe repair shop

Similar Business and Professional offices (subject to Advisory Agency approval as outlined in General Provision #8)

Studios, interior decorating, photographer, couturier, artist and music (primarily for retail sales)

Tailors

Retail quick print shops

Retail plumbing shops

5) Height:

45 feet

6) Setbacks:

Street Frontage – 10' for a maximum of 40% of the lineal distance of the property line; 45' plus vehicular drive area, if any, for the remaining frontage.

Corner cut-off – 20' on a line

- perpendicular to the mid-point tangent of the intersection.  
Interior side – 0' for compatible uses; 20' or solar setback, whichever is greater, for incompatible uses.  
Rear – same as interior side.
- 7) Minimum site requirements: 50,000 sf lot size, 300' street frontage  
8) Landscape: 10 percent coverage  
9) Signing: Wall and monument signs are permitted."

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.

The foregoing Ordinance was passed by the City Council of the City of Garden Grove on the \_\_\_\_ day of \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) SS:  
CITY OF GARDEN GROVE )

I, KATHLEEN BAILOR, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Ordinance was introduced for first reading and passed to second reading on August 28, 2012, with a vote as follows:

AYES: COUNCIL MEMBERS: (4) BEARD, BROADWATER, JONES, DALTON  
NOES: COUNCIL MEMBERS: (0) NONE  
ABSENT: COUNCIL MEMBERS: (1) NGUYEN