

Garden Grove 2021-2029 (6th Cycle) Housing Element HCD Comments Matrix

Revised October 14, 2021

HCD Review Comments on the Draft Housing Element from September 8, 2021 Call	How HCD Comments Have Been Addressed in the Revised Housing Element
<p>A: Review and Revision</p> <p>As part of the evaluation of programs in the past cycle, the element must provide an explanation of the effectiveness of goals, policies, and related actions in meeting the housing needs of special needs populations (e.g., elderly, persons with disabilities, large households, female headed households, farmworkers and persons experiencing homelessness). For example, quantify how many people the shelter served or how many referrals were made to Regional Center of Orange County pursuant to Program 10.</p>	<p>Within the 2014-2021 Housing Element Program Accomplishments, an assessment of the City’s progress in addressing the housing needs of the special populations through program implementation has been added to the opening paragraph. We have identified referrals made to the Regional Center of Orange County.</p>
<p>A: Housing Needs, Resources, and Constraints</p>	
<p>1. Affirmatively further[ing] fair housing (AFFH)</p> <p>The element, among other things, must include outreach, an assessment of fair housing, identification, and prioritization of contributing factors to fair housing issues and goals and actions sufficient to overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity. This information must be provided both at the local level compared at the regional level and be informed by regional and local data and knowledge from stakeholders within the City.</p>	<p>In the Constraints on Housing Development, the AFFH analysis has been revised to address integration and segregation, including numerous maps and discussions related to fair housing assessment, complaints file with HUD, local fair housing enforcement and outreach, expanded discussion on Race and Ethnicity, persons with disabilities, family status, income level, racially concentrated areas of affluence, disproportionate need, cost burden, overcrowding, environmental justice, physical displacement, and fair housing issues.</p>
<p>Progress in Meeting the RHNA: The element must clarify conflicting data on Tables 12-31 and 12-32. For example, Table 12-32 states 896 units approved to extremely- and very low-income and 38 units to low-income categories, but Table 12-31 shows 41 units to very low-, 359 units to lo-w, 124 units to moderate-, and 436 units to above moderate-income categories.</p>	<p>The numbers have been corrected.</p>
<p>2. Sites Inventory: Appendix B (Sites Inventory) states that there is no infrastructure capacity on these sites. HCD understands that this is an</p>	<p>The discussion has been corrected to show that there are no infrastructure capacity issues.</p>

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<p>error. The sites inventory must clarify whether infrastructure including dry utilities is available for these parcels.</p>	
<p>Realistic Capacity: While the element provides assumptions of buildout for sites included in the inventory, it must also provide support for these assumptions. For sites in zones that allow nonresidential uses, the element needs to analyze the likelihood that the identified units will be developed as noted in the inventory. This analysis should consider the likelihood of nonresidential development, performance standards, and development trends supporting residential development.</p>	<p>An expanded discussion that includes a survey of recently approved or under construction mixed-use projects in Anaheim and Santa Ana demonstrates the demand for the capacity of residential units compared to commercial square footage as part of a mixed-use development project.</p>
<p>Suitability of Nonvacant Sites: The element must include an analysis demonstrating the potential for redevelopment of nonvacant sites. To address this requirement, the element describes in general the existing use of each nonvacant site for example “commercial” or “shopping center”. This alone is not adequate to demonstrate the potential for redevelopment in the planning period. The description of existing uses should be sufficiently detailed to facilitate an analysis demonstrating the potential for additional development in the planning period. In addition, the element needs to also analyze the extent that existing uses may impede additional residential development. For example, the element includes sites identified as single-family residents, religious institutions, a culinary school, an adult daycare and senior center, but no analysis was provided to demonstrate whether these existing uses would impede development of these sites within the planning period. The element can summarize past experiences converting existing uses to higher density residential development, include current market demand for the existing use, provide analysis of existing leases or contracts that would perpetuate the existing use or prevent additional residential development and include current information on development trends and market conditions in the City and relate those trends to the sites</p>	<p>Additional analysis has been added to show how sites selected to meet Lower-Income RHNA suitability requirement of nonvacant sites conform to the law. For each site meeting the lower-income RHNA category, a suitability column was added to Table 12-41 that identifies (where information is available) building-to-land value ratio (under 1.0), building age (over 40 years old), lease expiring within housing period, identified owner interest in potential redevelopment, existing floor-area ratio under 0.50, and physical building condition based on visual review.</p>

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<p>identified. The element could also consider indicators such as age and condition of the existing structure expressed developer interest, low improvement to land value ratio, and other factors. In addition, some of the sites are identified as civic facilities. There must be discussion and analysis on whether the City has plans to redevelop these sites or plans to sell the property if owned by the City, and how the jurisdiction will comply with the Surplus Land Act (Article 8 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5).</p> <p>In addition, if the housing element relies upon nonvacant sites to accommodate more than 50 percent of the RHNA for lower-income households, the housing element must demonstrate that the existing use is not an impediment to additional residential development in the planning period (Gov. Code, § 65583.2, subd. (g)(2)). This can be demonstrated by providing substantial evidence that the existing use is likely to be discontinued during the planning period (Gov. Code, § 65583.2, subd. (g)(2)).</p>	
<p>Accessory Dwelling Units (ADU): The element assumes an average of 436 ADUs per year will be constructed during the planning period, for a total of 3,618 ADUs. The element’s analysis and programs do not support this assumption. Specifically, in addition to other methods, HCD accepts the use of trends in ADU construction since January 2018 to estimate new production. Based on past production between 2018 to 2020, the City is averaging about 144 ADUs per year. To support assumptions for ADUs in the planning period, the element could reduce the number of ADUs assumed per year or reconcile trends with HCD records, including additional information such as more recent permitted units and inquiries, resources and incentives, other relevant factors and modify policies and programs as appropriate. The element should support its ADU assumptions based on the number of ADU permits issued, not the number of ADU</p>	<p>The ADU numbers have been reassessed. The City recognizes and acknowledges that the ADU counts for Garden Grove in the Annual Planning Reports (APRs) are undercounted. Based on real permitted information from the Building and Safety Division, Garden Grove has permitted ADUs between 2018 and 2021 as follows: 195 in 2018, 223 units in 2019, 271 in 2020, and as of September 15, 2021, 201 units have already been permitted during the first three three-quarters of the months of 2021. Based on these real numbers, we are projecting average ADU production during the planning period of 242 per year. The total ADU count will be adjusted from 3,618 to a projection of 2,009 ADUs.</p> <p>We included in Program 9 to update previously submitted APRs to show the correct permitted ADU numbers and ensure consistency</p>

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<p>applications. The element must also commit to monitor ADU production throughout the course of the planning period and implement additional actions if not meeting target numbers anticipated in the housing element. In addition to monitoring production, this program should also monitor affordability. Additional actions, if necessary, should be taken in a timely manner (e.g., within 6 months). Finally, if necessary, the degree of additional actions should be in stride with the degree of the gap in production and affordability. For example, if actual production and affordability of ADUs is far from anticipated trends, then rezoning or something similar would be an appropriate action. If actual production and affordability is near anticipated trends, then measures like outreach and marketing might be more appropriate.</p>	<p>between HCD’s numbers and the accurate ADU numbers in Garden Grove.</p>
<p>Environmental Constraints: Per third party comments, some of the sites are currently and have been used for decades for metal recycling and auto repairs, so the soil is probably very polluted with lead and other heavy metals. The element must describe and analyze environmental constraints that may impede the development of housing within the planning period on these sites, specifically the provision of housing affordable to lower-income housing.</p>	<p>An expanded discussion of potential environmental constraints related to industrial contamination has been added in the Housing Resources chapter. Program 4 has been revised to include City assistance, both technical and funding, where available, to sites that have been determined to be contaminated based on environmental site assessments.</p>
<p>Sites with Zoning for a Variety of Housing Types:</p> <p>Emergency Shelters: While the element notes emergency shelters are allowed in the M-1 zone, it must demonstrate the City still has sufficient capacity to accommodate the identified housing need for emergency shelters and evaluate the available acreage for characteristics like parcel size or potential redevelopment or reuse opportunities, proximity to services and describe development standards.</p>	<p>The discussion on emergency shelters has been expanded to include additional information about the suitability of the M-1 zone for shelter development, including total M-1 acreage.</p>

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<p>Transitional & Supportive Housing: The element does not adequately address requirements for transitional housing and supportive housing. Pursuant to Senate Bill 2 (Chapter 633, Statutes of 2007), transitional and supportive housing must be permitted as a residential use in all zones and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone. The element must demonstrate consistency with these statutory requirements and include a program as appropriate.</p>	<p>The definition in the Garden Grove Municipal Code identifies all transitional and supportive housing developed in a housing unit as a permitted use; these do not require a CUP. Those that are institutional in nature (e.g., community care facility) require a CUP if seven or more units are provided (not operated out of a multi-family unit).</p>
<p>3. Development Standards: The element must identify and analyze all relevant land-use controls impacts as potential constraints on a variety of housing types (e.g., multifamily rental housing, mobile homes, transitional housing). The analysis must also evaluate the cumulative impacts of land-use controls on the cost and supply of housing, including the ability to achieve maximum densities and the capacity assumed in the housing element sites inventory. In particular, the element should analyze the limitation that only 50 percent of the building area in a multifamily development may be three stories and the one-story requirement within 20 feet of a R-1 zone property and requirements for the provision of outdoor recreational and leisure area. The analysis should describe past or current efforts to remove identified governmental constraints, and the element should include programs to address or remove the identified constraints.</p>	<p>The following text has been added:</p> <p><i>The height requirements for the R-2 and R-3 may be considered a constraint to multi-family housing and will be evaluated to be potentially modified and/or removed as identified in Program 17 (Zoning Code Update). Additionally, all multi-family open space requirements will also be evaluated for potential constraints, and is also identified under Program 17.</i></p> <p>Program 17: Zoning Code Update has been revised to add the following objectives to remove governmental development standards constraints:</p> <ul style="list-style-type: none"> • <i>Remove the requirements that: (i) restrict multi-family third-story building area at 50 percent; and (ii) restrict a building to one story if within 20 feet of an R-1 zone property.</i> • <i>Review, and modify as necessary, the outdoor recreation requirements, including private open space and communal space requirements for multifamily developments.</i>
<p>Local Processing and Permit Procedures: The element generally describes the discretionary permitting process for multifamily</p>	<p>The following text has been added:</p>

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<p>development (p. 12-41). The element must analyze the process as a potential constraint on housing supply and affordability. The analysis should identify findings of approval and their potential impact on development approval certainty, timing, and cost. In particular, the element must evaluate the following review criteria:</p> <ul style="list-style-type: none"> • complying with the spirit and intent of applicable provisions, conditions, and requirements • compatibility with the physical, functional, and visual quality of the neighboring uses • desirable neighborhood characteristics and planning and design • attain an attractive environment for the occupants of the property <p>The element must demonstrate this process is not a constraint, or it must include a program to address and remove or mitigate constraints to the approval of multifamily development related to these requirements.</p>	<p><i>City records indicate that no multi-family project application has been denied based on the findings of approval listed above or has been rendered infeasible as a result of the conditions of approval applied to such project. In addition, the City must comply applicable state law when reviewing housing development projects, including the Housing Accountability Act. The Housing Accountability Act places strict limitations on the City's ability to deny, reduce the density of, or condition certain housing development projects through a discretionary process unless specified findings can be made. The City must, and will, only apply the above findings in a manner consistent with the Housing Accountability Act. As a result, the discretionary process is not considered to be a constraint to the approval of multi-family developments.</i></p>
<p>Constraints on Housing for Persons with Disabilities: While the element makes reference to reasonable accommodation for persons with disabilities, it does not provide any information on the City's reasonable accommodation procedure. The element should describe the City's reasonable accommodation procedure, including how requests are made and processed, and any approval findings. In addition, the element details that residential care facilities serving six or fewer persons are permitted in all residential zones. However, residential care facilities serving seven or more persons require a Conditional Use Permit (CUP). The element should analyze the process as a potential constraint on housing for persons with disabilities and add or modify programs as appropriate to ensure zoning permits group homes objectively with approval certainty.</p>	<p>Garden Grove's Housing Authority has an application when a Reasonable Accommodation request is submitted. Housing Authority staff will engage in discussion with an individual or family to determine what policy exception or reasonable accommodation is being requested and to identify acceptable alternative accommodations if necessary.</p> <p>Program 23 has been added to prepare Reasonable Accommodation application and related promotional materials advertising the availability of the process.</p>

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<p>4. The element must be revised to include analysis of requests to develop housing at densities below those anticipated, and the length of time between receiving approval for a housing development and submittal of an application for building permits that potentially hinder the construction of a locality’s share of the regional housing need. Page 12-34 lists the requirement but does not provide analysis.</p>	<p>An analysis was added to identify trend of applications that have required densities below anticipated densities allowed in the Zoning Code and length of time between receiving approval for a housing development and submittal of an application for building permits.</p>
<p>5. While the element quantifies the City’s special needs populations, it must also analyze their special housing needs. For a complete analysis of each population group, the element should discuss challenges faced by the population, the existing resources to meet those needs (e.g., availability of senior housing units, number of large units, number of deed restricted units, etc.), an assessment of any gaps in resources, and proposed policies, programs, and funding to help address those gaps. Additionally, the element must include an estimate of the number of persons experiencing homelessness based upon the most recent from Point in Time (PIT) data.</p>	<p>An analysis has been included that expands the discussion on special needs populations: senior housing units; large units, deed restricted units and an assessment of gaps in resources, and proposed policies, programs (see pages 12-25 to 12-30). Homeless Point in Time data was expanded on page 12-29, including adding Table 12-15.</p> <p>We have added Point in Time homes Count for 2019: Unsheltered: 163; Sheltered: 62; Total: 225 (162 individuals; 63 families).</p>
<p>C. Housing Programs</p> <p>1. To address the program requirements of Government Code section 65583, subdivision (c)(1-6), and to facilitate implementation, programs should include: (1) a description of the City’s specific role in implementation; (2) definitive implementation timelines; (3) objectives, quantified where appropriate; and (4) identification of responsible agencies and officials. Programs to be revised include the following:</p> <p>Program 9 (Accessory Dwelling Units): The program must include specific timeframes for the preparation of pre-approved plans, the development of promotional materials, and when the city with consider the establishment of the ADU amnesty program.</p>	<p>Programs 9, 10, 11, and 22 have updated to provide a specific time frame, as well as the addition of follow-up actions.</p>

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<p>Program 10 (Density Bonus): Provide a specific timeline for review and evaluation with specific actions.</p> <p>Program 11 (Inclusionary Housing Ordinance): Provide a specific timeframe for the consideration and evaluation of the development of inclusionary housing ordinance. (5 years)</p> <p>Program 22 (Affordable Housing Overlay): Provide a specific timeframe for the consideration and adoption of an affordable housing overlay. (5 years)</p>	
<p>2. As noted in Finding B2, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. The element indicates that sites will require rezoning and general plan amendments which is expected to occur prior to the start of the planning period (October 15, 2021) (page 12-78). Please be aware, if rezonings are not completed by that date, the element must include a program(s) to identify sites with appropriate zoning to accommodate the regional housing need within the planning period. (Gov. Code, § 65583.2, subd. (h) and (i).)</p>	<p>Zoning Code and map amendments to meet sites inventory will be adopted in tandem with the Housing Element.</p>
<p>Program 8 (Residential Sites Inventory and Monitoring of No Net Loss): The program should be amended to commit to amending the City’s sites inventory if a shortfall is identified pursuant to Government Code section 65863.</p>	<p>We have added the following language:</p> <p><i>If a proposed reduction of residential density will result in the residential sites inventory failing to accommodate the RHNA by income level, identify and make available additional adequate sites to accommodate its share of housing need by income level within 180 days of approving the reduced density project pursuant to Government Code section 65863.</i></p>

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<p>Nonvacant Sites Reliance to Accommodate RHNA: As the element relies upon nonvacant sites to accommodate the regional housing need for lower-income households, it should include a program(s) to promote residential development affordable to lower-income housing on these sites. The program could commit to provide financial assistance, regulatory concessions such as a streamlined permit processing, or incentives including the adoption of an affordable housing overlay pursuant to Program 22 to encourage and facilitate new, or more intense, residential development on the sites. In addition, the element could amend Program 12 to monitor development on sites in the mixed-use zone as it relates to the provision of housing affordable to lower-income households and commit provision of additional actions as necessary to facilitate development.</p>	<p>See discussion under <i>Suitability of Nonvacant Sites</i> above.</p>
<p>3. While the element includes programs to assist in the development of very low-, low-, and moderate-income households, it must also include a program(s) to assist in the development of housing affordable extremely low-income (ELI) households. Programs must be revised or added to the element to assist in the development of housing for ELI households. For example, Program 13 in the element could describe what the City will do to encourage developers to include ELI units with wraparound services. In addition, the element states that the City is working with the owners of the Tamerlane Dr. property (p.12-63) to preserve at-risk units. Program 7 could be updated to reflect these efforts.</p>	<p>Program 7 (Preservation of Affordable Rental Housing) was revised with the following text.</p> <p><i>City staff will be prepared to provide technical assistance to owners, tenants, and non-profit housing corporation buyers of existing subsidized low-income housing complexes to extend subsidy contracts and/or find government financing for acquisition of affordable rental units. If conversion of a subsidized complex or other affordable housing to market rate becomes likely, the City will work with tenants of at-risk units and provide them with education regarding tenant rights, first right of refusal, and conversion procedures. The City will also provide tenants information regarding Housing Choice Voucher (Section 8) rent subsidies through the Garden Grove Housing Authority and other affordable housing opportunities.</i></p>

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<p>4. As noted in Findings B3 and B4, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.</p>	<p>Program 17 (Zoning Code Update) was updated to remove any constraints identified in the Zone Code under the Constraints on Housing Development chapter of the Housing Element.</p>
<p>Program 14 (Parking Standards): The element identified the City’s parking standards as a potential constraint to development. The element must include specific commitments to mitigate or remove constraints with specific timelines.</p>	<p>Program 14 was revised to review parking standards within two years of adoption of the Housing Element.</p>
<p>5. The element must be revised to add or modify goals and actions based on the outcomes of a complete analysis as noted in Finding B1. Goals and actions must specifically respond to the analysis and to the identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends. Actions must have metrics and milestones as appropriate and must address housing mobility enhancement, new housing choices and affordability in high opportunity areas, place-based strategies for community preservation and revitalization and displacement protection. For example, Program 1 (Housing Rehabilitation) can target or prioritize grants in lower or moderate-resourced neighborhoods, or Program 17 (Zoning Code Update) could be amended to include relocation and protections for those long-term tenants in SRO or motels which could be displaced if converted to permanent housing.</p>	<p>An expanded analysis of Affirmatively Furthering Fair Housing has been added to the Constraints chapter, including new AFFH mapping.</p>
<p>D. Public Participation</p> <p>While the element includes a general summary of the public participation process (p. 12-6 to 12-10, Appendix C), it must also demonstrate diligent efforts were made to involve all economic</p>	<p>The Housing Element Introduction under the Community Surveys section has been expanded to identify the methods City staff conducted to reach the various economic segments of the</p>

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<p>segments of the community in the development of the housing element. The element should be revised to discuss outreach to lower-income and special needs groups during the public participation efforts, solicitation efforts for survey responses, and participation in community workshops. HCD reviewed third-party comments as part of this review. These should be considered as part of the revised element. In addition, the element should also summarize the public comments and describe how they were considered and incorporated into the element. For additional information, see the Building Blocks at http://www.hcd.ca.gov/community-development/building-blocks/getting-started/public-participation.shtml.</p>	<p>community. It also identifies the quantitative survey numbers describing income results: 151 (30%) survey respondents make under \$24,999; 119 (24%) make between \$25,000 and \$49,000. Appendix A has been revised to include new table that identifies apartments (both the number of affordable and in disadvantaged communities) and surveys/flyers sent out to community. The first Community Survey summary has been added to Appendix A. Additional language has been added to describe the community resource centers where surveys and fact sheets were handed out and to the different groups they served: seniors, lower-income, racially diverse.</p>