A G E N D A

GARDEN GROVE PLANNING COMMISSION

MAY 15, 2025 - 7:00 PM

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE

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

Agenda Item Descriptions: Are intended to give a brief, general description of the item. The Planning Commission may take legislative action deemed appropriate with respect to the item and is not limited to the recommended action indicated in staff reports or the agenda.

Documents/Writings: Any revised or additional documents/writings related to an item on the agenda distributed to all or a majority of the Planning Commission within 72 hours of a meeting, are made available for public inspection at the same time (1) in the Planning Services Division Office at 11222 Acacia Parkway, Garden Grove, CA 92840, during normal business hours; and (1) at the Community Meeting Center at the time of the meeting.

Public Comments: Members of the public who attend the meeting in-person and would like to address the Planning Commission are requested to complete a yellow speaker card indicating their name and address, and identifying the subject matter they wish to address. This card should be given to the Recording Secretary before the meeting begins. General comments are made during "Oral Communications" and are limited to three (3) minutes and to matters the Planning Commission has jurisdiction over. Persons wishing to address the Planning Commission regarding a Public Hearing matter will be called to the podium at the time the matter is being considered. 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 public-comment@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.

PLEASE SILENCE YOUR CELL PHONES DURING THE MEETING.

REGULAR MEETING AGENDA

ROLL CALL: COMMISSIONERS ASHLAND, BEARD, CUEVA, FLANDERS, LARICCHIA, LINDSAY, RAMIREZ

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

A. ORAL COMMUNICATIONS - PUBLIC

B. APPROVAL OF MINUTES – May 1, 2025

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

C.1. AMENDMENT NO. A-042-2025

APPLICANT: CITY OF GARDEN GROVE
LOCATION: CITYWIDE

REQUEST: A City-initiated Zoning Text Amendment to various provisions of Title 9 (Land Use) of the Garden Grove Municipal Code. The proposed amendment would update portions of Chapters 9.04 (General Provisions), 9.08 (Single-Family Residential development standards), 9.12 (Multifamily Residential development standards), 9.16 (Commercial, Office Professional, Industrial, and Open Space development standards), 9.18 (Mixed Use regulations and development standards), 9.32 (Procedures and Hearings), 9.54 (Accessory Dwelling Units and Junior Accessory Dwelling Units), and 9.60 (Special Housing Regulations) to conform to changes in state law and city policies, and to make clarifications and typographical corrections. In conjunction with the request, the Planning Commission will also consider a recommendation that the City Council determine that the proposed Amendment is categorically and statutorily exempt from review under the California Environmental Quality Act (CEQA).

STAFF RECOMMENDATION: Recommend approval of Amendment No. A-042-2025(A) and Amendment No. A-042-2025(B) to the City Council.

D. ITEMS FOR CONSIDERATION

D.1. Presentation on pertinent housing and land use laws.

E. MATTERS FROM COMMISSIONERS

F. MATTERS FROM STAFF

G. ADJOURNMENT

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

Meeting Minutes
Thursday, May 1, 2025

CALL TO ORDER: 7:00 p.m.

ROLL CALL:

Commissioner Ashland
Commissioner Beard
Commissioner Cueva
Commissioner Flanders
Commissioner Laricchia
Commissioner Lindsay
Commissioner Ramirez

Absent: Ramirez, Lindsay

Commissioner Lindsay joined the meeting at 7:02 p.m.

PLEDGE OF ALLEGIANCE: Led by Commissioner Flanders.

ORAL COMMUNICATIONS – PUBLIC – None.

April 3, 2025 MINUTES:

Action: Received and filed.

Motion: Laricchia Second: Ashland

Ayes:	(6)	Ashland, Beard, Cueva, Flanders, Laricchia, Lindsay
Noes:	(0)	None
Absent:	(1)	Ramirez

PUBLIC HEARING – SITE PLAN NO. SP-157-2025 AND LOT LINE ADJUSTMENT NO. LLA-036-2025 FOR PROPERTY LOCATED ON THE SOUTHEAST CORNER OF TRASK AVENUE AND MAGNOLIA STREET AT 9032 AND 9062 TRASK AVENUE.

Applicant: IN-N-OUT BURGERS, INC.
Date: May 1, 2025

Request: A request for Site Plan approval to construct a 778 square foot freestanding outdoor dining patio structure at an existing restaurant, In-N-Out Burger, and to reconfigure the existing drive-thru lane and parking area. The project includes the demolition of an existing vacant

restaurant building, formerly occupied by Mae's Café, to accommodate additional drive-thru vehicle queuing and parking spaces. Also, a request for Lot Line Adjustment approval to remove an existing lot line for the purpose of consolidating two (2) adjoining parcels into one (1) parcel to accommodate the proposed improvements. 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).

Action: In order to re-evaluate the design of the site plan, the applicant, who was not present, requested that the item be continued to the June 5, 2025 meeting. Staff read the report summary into the record and the public hearing was opened for testimony. With the public hearing open, the Planning Commission moved to continue the item to the June 5th date.

Motion: Lindsay Second: Cueva

Ayes: (6) Ashland, Beard, Cueva, Flanders, Laricchia, Lindsay
Noes: (0) None
Absent: (1) Ramirez

PUBLIC HEARING – SITE PLAN NO. SP-155-2025 FOR PROPERTY LOCATED ON THE NORTHEAST CORNER OF ACACIA AVENUE AND PALA DRIVE AT 7191 ACACIA AVENUE.

Applicant: LEISHAN CUBIT
Date: May 1, 2025

Request: A request for Site Plan approval to add 1,806 square feet of building area to an existing industrial building to accommodate additional mechanical equipment. In conjunction with the request, the Planning Commission will consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA).

Action: Resolution No. 6112-25 was approved.

Motion: Lindsay Second: Ashland

Ayes: (6) Ashland, Beard, Cueva, Flanders, Laricchia, Lindsay,
Noes: (0) None
Absent: (1) Ramirez

MATTERS FROM COMMISSIONERS:

None

MATTERS FROM STAFF: Staff gave a brief description of the upcoming items for the May 15, 2025 Planning Commission Meeting.

ADJOURNMENT: At 7:18 p.m.

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Rosemarie Jacot
Recording Secretary

COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING STAFF REPORT

AGENDA ITEM NO.: C.1.	**SITE LOCATION:** Citywide
HEARING DATE: April 17, 2025	**GENERAL PLAN:** N/A
CASE NO.: Amendment No. A-042-2025	**ZONE:** N/A
APPLICANT: City of Garden Grove	**APN:** N/A
OWNER: N/A	**CEQA DETERMINATION:** Exempt

REQUEST:

A City-initiated zoning text Amendment to various provisions of Title 9 (Land Use) of the Garden Grove Municipal Code. The proposed Amendment would update portions of Chapters 9.04 (General Provisions), 9.08 (Single-Family Residential Development Standards), 9.12 (Multifamily Residential Development Standards), 9.16 (Commercial, Office Professional, Industrial, and Open Space Development Standards), 9.18 (Mixed Use Regulations and Development Standards), 9.32 (Procedures and Hearings), 9.54 (Accessory Dwelling Units and Junior Accessory Dwelling Units), and 9.60 (Special Housing Regulations) to conform to changes in State law and City policies, and to make clarifications and typographical corrections. In conjunction with the request, the Planning Commission will also consider a recommendation that the City Council determine that the proposed Amendment is categorically and statutorily exempt from review under the California Environmental Quality Act (CEQA).

BACKGROUND:

A-042-2025(A) – ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

The State defines an Accessory Dwelling Unit (ADU) as an attached or detached residential dwelling unit that provides complete, independent living facilities for one or more persons, and is located on a lot with a proposed or existing primary residence. An ADU shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is, or will be, situated. The State defines a Junior Accessory Dwelling Unit (JADU) as a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure.

The State has identified ADUs and JADUs as innovative, effective, and affordable options for adding much needed housing in California, that aid in the Legislature's efforts to address the housing crisis across the state. Since 2016, the State has enacted multiple laws to reduce local government barriers and streamline the development of ADUs and JADUs. Over the years, the City has periodically adopted

updates to its ADU Ordinance. To ensure consistency with the most recent State ADU laws, the State requires cities to update their ADU ordinances.

The proposed Amendment would bring the City's ADU Ordinance into compliance with the latest State laws, including specifically Senate Bill (SB) 897, Assembly Bill (AB) 2221, SB 477, AB 434, AB 1332, AB 1033, AB 976, SB 1077, SB 1211, and AB 2533. The recent State law changes significantly restrict and preempt a local jurisdiction's authority to regulate many development aspects of ADUs and JADUs. Pursuant to State law, local jurisdictions that do not adopt a new ordinance consistent with State law may be: prohibited from imposing any zoning regulations on ADUs and JADUs beyond what is specified in State law and are subject to enforcement action by the California Department of Housing and Community Development (HCD) and the Attorney General.

Should the City Council adopt the amended ADU Ordinance, pursuant to Government Code Section 66326, within 60 days of adoption, City Staff would submit the amended ADU Ordinance to HCD for its review and approval, formally ensuring compliance with State ADU laws.

A-042-2025(B) - CODE CLEANUP ZONING AMENDMENT

Over the years, Staff has found various inconsistencies, typos, and generally minor verbiage issues within Title 9 of the Municipal Code. The intent of this proposed text Amendment would make the Municipal Code easier for property owners and Staff to understand and implement, and easier for Code Enforcement to regulate.

The text Amendment would target seven (7) chapters of Title 9 of the Municipal Code: 9.04 (General Provisions), 9.08 (Single-Family Residential Development Standards), 9.12 (Multifamily Residential Development Standards), 9.16 (Commercial, Office Professional, Industrial, and Open Space Development Standards), 9.18 (Mixed Use Regulations and Development Standards), 9.32 (Procedures and Hearings), and 9.60 (Special Housing Regulations). Within these chapters, the proposed Amendment would: enhance enforceability, simplify application, remove typos, clarify existing standards, update out-of-date language, create consistency across Code chapters, reword subjective standards to become objective, and amend existing provisions in a manner consistent with recently-enacted State laws.

The proposed Amendments generally draw language and standards from existing Staff policies, and other existing sections of the Code. By codifying existing language, the proposed Amendment would not be crafting new standards. In other areas, language would be modified to clarify regulations. This would help Code Enforcement Staff inspect properties, implement and regulate said regulations, and also assist home owners' understanding of the Code. All of which would streamline reviews, inspections, and enforcement of development throughout the City. In addition, new developments would be compatible across different zones, and certain procedural language would be crafted to be consistent with surrounding cities.

DISCUSSION:

A-042-2025(A) - ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

The proposed code Amendments to the City's ADU Ordinance fall into two (2) main categories: (1) mandatory updates that the City is required to adopt to comply with State ADU laws; and (2) additional updates aimed at clarifying and improving upon existing ADU code provisions. The State-mandated updates would include (GGMC sections and subsections are provided as parentheticals):

- Updating references to Government Code Sections in the Ordinance. As the State continues to pass new ADU laws, the Legislature re-chapters ADU laws into new Government Code Sections. (GGMC § 9.54.010.C)

- For lots with an existing or proposed primary dwelling unit, the City's ADU Ordinance currently allows a maximum of one (1) ADU and one (1) JADU per lot. Pursuant to Government Code Section 66323, the State now requires the City to allow an additional third type of ADU, in the form of an ADU conversion. An ADU conversion is typically a conversion of existing space within an existing single-family dwelling or within an existing accessory structure. (GGMC § 9.54.030.A)

- For lots with an existing or proposed multiple-family development, the City's ADU Ordinance currently allows up to two (2) detached ADUs, or ADU conversions of non-habitable space(s) attached to an existing multiple-family development, up to 25% of the number of existing multiple-family units. Pursuant to Government Code Section 66323, the State now requires the City to allow up to eight (8) detached ADUs (however, the number of detached ADUs allowable shall not exceed the number of existing units on the lot), plus ADU conversions of non-habitable space(s) attached to an existing multiple-family development, up to 25% of the number of existing multiple-family units. (GGMC § 9.54.030.B)

- ADU laws have clarified that when the application of a development standard would prohibit the construction of a new ADU of at least 800 square feet, the City shall waive such standards to the extent necessary, to allow the construction of an ADU that is at least 800 square feet in size. (GGMC § 9.54.040.A)

- Replacing existing subjective language requiring architectural compatibility between an ADU and the primary dwelling with objective design standards. (GGMC § 9.54.040.F)

- Increasing maximum height limits for ADUs to align with State law. Detached ADUs may be up to eighteen feet (18'-0") if located within a half-mile walking distance of a major transit stop or high-quality transit corridor. An additional two feet (2'-0") is allowed to match the roof pitch of the primary dwelling. For attached ADUs, the maximum height is twenty-five feet (25'-0"), or the height

of the existing primary dwelling, if it is lower than twenty-five feet (25'-0"). Additionally, cities must allow attached ADUs to be up to two (2) stories. (GGMC § 9.54.040.E)

- When off-street parking spaces are demolished in conjunction with the construction of an ADU, the City cannot require those parking spaces, which includes uncovered parking spaces, to be replaced. (GGMC § 9.54.040.G)

- Precluding the construction of an ADU from triggering a requirement that fire sprinklers be installed in the existing primary dwelling. (GGMC § 9.54.070.A)

- Adopting procedures to facilitate the review and approval of pre-approved ADU plans. (GGMC § 9.54.070.C)

- The City is prohibited from denying an ADU permit due to "nonconforming zoning conditions, building code violations, or unpermitted structures…" unless they present a threat to public health and safety. (GGMC § 9.54.070.D)

The following proposed updates to the City's ADU Ordinance would clarify and improve upon existing ADU code provisions:

- Updating the definition of "attached ADU" to clarify that an attached ADU may be attached to a primary dwelling or attached to an accessory structure that is attached to the primary dwelling. (GGMC § 9.54.010.C)

- Updating the definition of "Director" by removing references to "Economic Development" in relation to the "Community Development Department." In 2023, the City split the Economic Development and Community Development Departments. (GGMC § 9.54.010.C)

- Clarifying that the 150 square foot addition that is allowed for ADU conversions applies to both attached and detached accessory structures. (GGMC § 9.54.040.B.2.c)

- Clarifying that ADU conversions are allowed to add porches and/or patios, up eighty (80) square feet in size. (GGMC § 9.54.040.B.3.a)

- Establishing minimum interior dimensions for an ADU one-car garage. (GGMC § 9.54.040.B.3.b)

- Clarifying setbacks of four feet (4'-0") to ADU expansions, porches, patios, and garages that may be attached to an ADU. (GGMC § 9.54.040.C.2)

- Exempting projects that use a pre-approved ADU plan from architectural compatibility requirements. (GGMC § 9.54.040.F.2)

- Establishing requirements for laundry facilities and water heaters in ADUs. (GGMC § 9.54.040.J)

- Specifying visual screening requirements for mechanical equipment. (GGMC § 9.54.040.K, GGMC § 9.54.040.L)

- Establishing requirements that ensure the appropriate number of trash containers, including adequate spacing and access, is provided. (GGMC § 9.54.040.M)

The exact proposed changes to the Municipal Code are shown in Exhibit "A" (Proposed Code Amendment Redlines) of Attachment 1 (Resolution No. 6113-25 for Amendment No. A-042-2025(A)).

A-042-2025(B) - CODE CLEANUP ZONING AMENDMENT

The cleanup Amendment would target seven (7) chapters of Title 9 of the Municipal Code: 9.04 (General Provisions), 9.08 (Single-Family Residential Development Standards), 9.12 (Multifamily Residential Development Standards), 9.16 (Commercial, Office Professional, Industrial, and Open Space Development Standards), 9.18 (Mixed Use Regulations and Development Standards), 9.32 (Procedures and Hearings), and 9.60 (Special Housing Regulations). Within these chapters, the proposed Amendment would align with the following four (4) categories: Cleanup and Formatting, Clarification and Consistency, Enforceability, and State Law Compliance.

Cleanup and Formatting:

The proposed Amendment would generally fix typos and formatting within existing Garden Grove Municipal Code (GGMC) sections. There would be a variety of proposed changes, including adding data tables, adding columns to existing data tables, adding cross-references to existing subsections, adding language back to the GGMC that was mistakenly removed in previous Amendments, and fixing typos. These changes are non-substantive, as they either fix language errors, improve formatting, and/or revert the language back to the way it was intended to read. Changes would include (GGMC sections and subsections are provided as parentheticals):

- Allowing shared laundry rooms as an option in multiple-family developments. As currently written, it is implied that common laundry facilities are not allowed. Common laundry facilities/rooms were previously allowed in multiple-family zones. This option was erroneously deleted in a previous Amendment. Adding the suggested text would also create consistency with the standards for the mixed use zones, which allow for laundry rooms. (GGMC § 9.12.040.050.D)

- Clarifying Garden Grove Boulevard Plazas are not required for stand-alone multi-family uses that are not along major streets. In a previous Amendment, the standard was modified, but the language was unclear. The suggested text clarifies the intent of the standard, which would be consistent with Staff's interpretation and application. (GGMC § 9.18.090.020.F)

- Revising parking standards for Single Room Occupancy uses that misspelled "0.8" as "one-eighth." In the original Ordinance that adopted the standard in question, the parking values were "0.5" for single-occupancy, and "0.8" for

double-occupancy. Later, the parking value for double-occupancy units was mistakenly changed to "one-eighth." This Amendment would restore the parking back to the approved ordinance. (GGMC § 9.12.050.010.C.2.c)

- Allowing bank uses in the CC-3 (Civic Center Core) zone. When the mixed use zones were adopted, banks/financial institutions were not permitted in the CC-3 zone. In doing so, the creation of the CC-3 zone made two (2) existing banks legal nonconforming in the CC-3 zone. This may have been done in error; banks are allowed in every mixed use zone, except the CC-3 and CC-OS (Civic Center Open Space). The proposed Amendment would make the existing banks conforming to the Code, and make the CC-3 zone consistent with the other mixed use zones. (GGMC § 9.18.020.030 – Table 9.18-1)

- Removing references to "Economic Development" in relation to the "Community Development Department." In 2023, the City split the Economic Development and Community Development Department. The Amendment would only leave reference to the Community Development Director under the definition for "Department Director". (GGMC § 9.04.060.C)

- Removing an outdated cross-reference in the R-1 (Single-Family Residential) zone that does not lead to current Code subsection. The R-1 zone currently makes cross-reference to another Code subsection that no longer exists. This may be left-over language from a previous Code Amendment. The proposed Amendment would make the GGMC internally consistent. (GGMC § 9.080.040.020.A.6)

- Hyperlinking the "Additional Regulations" column with special operating conditions and development standards in the commercial zone Land Use Matrix. This would format the Land Use Matrix for commercial zones in the same way as the Land Use Matrix for mixed use zones. This would make the GGMC easier to navigate, and make the formatting consistent across different chapters. (GGMC § 9.16.020.030 – Table 1)

- Consolidating development standards for M-1 (Limited Industrial) and M-P (Industrial Park) zones into a data table. The M-1 and M-P zones currently do not have a consolidated data table. The Amendment would provide a table with lot area, setback regulations, building height provisions, and references to the General Plan for F.A.R. (Floor Area Ratio) requirements for the M-1 and M-P zones. All of the standards provided within the table are found elsewhere in the GGMC, or have otherwise been Staff policy. The Amendment would also remove provisions elsewhere that would be represented in the table to avoid redundancy. (GGMC § 9.16.040.030)

- Adding references to the General Plan F.A.R. (Floor Area Ratio) in the commercial and industrial zones development standards tables. Maximum allowable F.A.R.'s are listed in the General Plan, but not the GGMC. The Amendment would add a cross-reference to the General Plan, making the application of the standards easier. (GGMC § 9.16.040.010.A.1)

Clarification and Consistency:

The proposed Amendment would also update the Code in several places for clarity and consistency. The intent of these changes is to make the Code easier to understand and more consistent in its application throughout different zones across the City. These proposed revisions that would codify Staff interpretations, add clarity to otherwise confusing Code provisions, and/or make similar standards consistent across different Code chapters. These changes would include:

- Clarifying parking requirements for outdoor dining and updating special operating conditions of outdoor dining areas to allow them to be covered. Specifically, the GGMC is unclear as to the parking requirement for outdoor dining areas in excess of 500 square feet. The Amendment would require parking at a ratio of 1 space per 100 square feet of outdoor dining, for any area in excess of 500 square feet. The parking ratio would be consistent with Staff interpretation, and the parking ratio for restaurants. These provisions would also be added to the special operating conditions for outdoor dining areas. This Amendment would affect both commercial and mixed use zones. (GGMC §§ 9.16.040.150, 9.16.020.050.V, 9.18.140.030, & 9.18.030.300)

- Revising definitions for “Floor Area Ratio” and “Structure.” The definitions of Floor Area Ratio and Structure would be revised for clarity to add specificity, consistent with the intent of each definition. The revised language would be consistent with Staff’s interpretation and application. (GGMC § 9.04.060.C)

- Simplifying multiple-family open space and amenity standards to make the GGMC easier to apply, and to allow greater flexibility in recreation space designs. The Amendment would create consistent terminology throughout the open space requirements for both sites under and over 14,400 square feet. The applicable subsections would also be reorganized, making the provisions therein easier to understand. The clarity in the revised language would allow for a greater flexibility in open space design. The resulting provisions under the proposed Amendment would include size requirements, setbacks, amenities, and approved locations. Projects can provide either private, common, or both. Of the common spaces, it may be active or passive. Of the active common spaces, it may be indoors or outdoors. All common open spaces would require amenities. (GGMC §§ 9.12.040.050.I & 9.12.040.050.J)

- Specifying that fire or parapet walls, skylights, flagpoles, chimneys, wireless masts and similar structures in the R-1 zone may exceed the height of the structure to which they are attached to by a maximum of fifteen feet (15’-0”). The height exceedance would be consistent with allowable height exceedances in other zones. (GGMC § 9.08.040.030.F)

- Specifying duplex/triplex standards in the mixed use zones, which do not currently contemplate duplex/triplex developments, to match multiple-family residential zones. With exception to the required minimum setbacks of the zone, Staff has historically applied the Duplex/Triplex standards of the multiple-family residential zones to properties in the mixed use zones. The

proposed Amendment would formalize the applicability of the duplex/triplex standards to the mixed use zones. This would also create consistency between any duplexes/triplexes developed in multiple-family residential versus mixed use zones. (GGMC § 9.18.110.050.D)

- Matching the 120 cubic-foot private storage requirements between multiple-family residential and mixed use zones. Residential uses in the mixed use zones currently require 150 cubic feet of secured storage space. The Amendment would reduce the storage requirement to 120 cubic feet to match the standards of the multiple-family residential zones. (GGMC § 9.18.110.030.H.2)

- Creating consistent standards for 10% of guest parking to be provided outside of security gates in all zones. In various zones, 70% of guest parking is required outside of vehicular security gates. In other zones, 10% of such parking is required outside of vehicular security gates. The Amendment would require a consistent 10% of guest parking is required outside of vehicular security gates in all zones. (GGMC §§ 9.08.040.170.B.3, 9.16.040.170.B.3, & 9.18.140.050.D.2)

- Adding graffiti deterrence requirements, such as clinging vines and landscaping, for exposed walls and fences in multiple-family zones. Graffiti deterrence language is currently only required in duplex/triplex standards, and in mixed use zones. The Amendment would add the same language to all developments in the multiple-family zones. (GGMC § 9.12.040.140.B.13)

- Updating entitlement appeal provisions to clarify the intent and make appeal periods more consistent with neighboring cities. The Amendment would add specific procedural language for both the appealing party, and for City Staff. In addition, in surveying adjacent municipalities, Staff has found that seven (7) nearby cities limit appeal periods to ten (10) days. (GGMC §§ 9.32.110, 9.32.120, 9.32.130, & 9.32.150)

- Removing discretionary requirements to allow compact parking in mixed use zones. All other zones automatically allow a maximum percentage of compact spaces without the need for discretionary decisions. The Amendment would make the mixed use zones consistent with all other zones. (GGMC § 9.18.140.040.B.1)

- Removing outdated waiver provisions in the R-1 zone that no longer apply or have historically not been applied, and which do not have established procedures. The R-1 zone has remnant language that has not historically been applied, or is otherwise no longer applicable. The Amendment would remove provisions that are not applicable, irrelevant, or redundant. (GGMC §§ 9.08.040.030.F.2, 9.08.040.100.I, 9.08.040.110.B.4 and B.10, 9.08.040.180.B.1, & 9.08.040.190)

- Clarifying that new construction for R-1 zoned properties authorized to have a fifteen-foot (15’-0”) front setback shall measure the setback from the ultimate

right-of-way. The Amendment would be consistent with other Code provisions that specify setbacks are measured from ultimate rights-of-way. (GGMC § 9.08.040.100.D)

- Requiring public hearing notices to be sent to residential tenants, in addition to property owners. In surveying adjacent cities, Staff has found that six (6) adjacent cities notice both owners and tenants. The Amendment would make the GGMC similar to, and more consistent with other Orange County cities. (GGMC § 9.32.060)

Enforceability:

The proposed Amendment is also intended to make existing Code provisions more enforceable. These revisions would add specificity to otherwise vague or subjective Code standards, and codify certain Staff procedures. Some of these changes reflect common issues that the Code does not currently explicitly address. Specific examples include:

- Clarifying interior design standards applicable to attached and detached accessory structures, such as not allowing wall or ceiling insulation. The R-1 zone currently establishes that detached accessory structures, such as workshop spaces, detached garages, or other similar spaces may not have wall insulation or heating/cooling equipment, may only have one (1) wall outlet per every ten (10) feet, and may only have non-egress windows. As part of the Amendment, these provisions would be extended to attached accessory structures. The Amendment would also clarify that insulation is not permitted in any portion of an accessory structure, as opposed to only prohibiting insulation in walls. The suggested text would be consistent with Staff's historical interpretation and application. (GGMC § 9.08.040.030.D.9)

- Adding parking ratios for adult daycares, veterinarian uses, emergency shelters, and residential care facilities that have previously been applied solely by Staff interpretation. The Amendment would add parking calculations for common uses listed in permitted use tables that do not have dedicated parking standards. Historically, parking standards for these uses have been established by comparing to other similar uses, or are consistent with parking standards listed in other Code sections. (GGMC §§ 9.16.040.150 & 9.18.140.030.B)

- Establishing formal setback and height standards for swimming pools, spas, and other yard accessories. The Code does not currently provide setback or height requirements for swimming pools, spas, and other yard accessories, such as statues, fountains, planters, barbecues, counters, diving boards, slides, play and sports equipment, rock walls, and fireplaces or fire pits. Historically, the City has applied twenty-foot (20'-0") front setbacks and five-foot (5'-0") side setbacks for pools, and twenty-foot (20'-0") front setbacks, five-foot (5'-0") side setbacks, and ten-foot (10'-0") street side setbacks for other yard accessories taller than thirty-six inches (36"). The City has also limited the height to seventeen feet (17'-0") for yard accessories, similar to accessory

structures. The Amended Code would codify Staff's past interpretations. (GGMC § 9.08.040.030.I & J)

- Removing outdated orientation and access requirements for tattoo shops and arcade uses in mixed use zones, which require the entrance to face a principle, major, or primary street. The City originally established orientation and access requirements for tattoo shops and arcade uses in response to concerns related to these uses by the Police Department. Overtime, the concerns have lessened since these types of uses no longer tend to be problematic. The sentiment from the Police Department is that these standards have become outdated. Therefore, the proposed Amendment would remove these standards. (GGMC §§ 9.18.020.030 Table 9.18-1 & 9.18.030.040.A.2)

- Establishing Front Yard Determination procedures for the application of development standards on corner lots. The Code does not currently have procedures for Front Yard Determinations, although Chapter 9.08 (Single-Family Development Standards) indicates that a hearing body may determine which side of a corner lot in *any zone* is the front for the purposes of applying requirements for setbacks, wall, fence and hedge heights, parking, and landscaping. Historically, the City has approved Front Yard Determinations for other zones. Therefore, the amended text would remove the language from Chapter 9.08 and include procedures for Front Yard Determinations in Chapter 9.32 (Procedures and Hearings) for all zones subject to Director's Review as a minor deviation. The Amendment would be consistent with the City's past practice. (GGMC §§ 9.08.040.100.J & 9.32.030.D.11.a)

- Removing the outdated one-acre minimum lot size requirement for religious uses. The minimum acreage requirement would be removed by the Amendment for religious uses in single-family, multiple-family, commercial, and mixed use zones since it is considered outdated has been challenged as being inconsistent with the Religious Land Use and Institutionalized Persons Act (RLUIPA). (GGMC §§ 9.08.020.050.A, 9.12.020.050.A, 9.16.020.050.K, & 9.18.030.120)

- Updating required provisions for Affordable Housing Regulatory Agreements to ensure transparency and enforceability. The suggested text would address unit size mix to ensure proportional affordable unit types, location requirements for affordable units in mixed income projects, and requirements pertaining to annual tenant income verification, for-sale affordable units, marketing programs, marketing and management plans, monitoring and administration fees, and reimbursement of professional fees and costs. (GGMC § 9.60.050)

State Law Compliance:

Lastly, some provisions of the proposed Amendment are required due to State law. These updates are intended to comply with applicable State and Case law, which in part necessitate the removal of subjectivity, and establishing objective standards and requirements. These changes would include:

- Replacing subjective language and establishing objective standards for architectural compatibility and second floor privacy provisions. To comply with California's Housing Accountability Act, the amended Code would provide specific objective standards for architectural compatibility for new structures, attached additions, and detached structures pertaining to design features, such as roof type and pitch, eave details, colors, materials, and textures for single-family dwellings in the R-1 zone. The Amendment would also remove subjective standards for second floor privacy provisions to mitigate views from second story windows and balconies into adjacent recreation areas. The proposed objective language would improve applicability of these standards, as required by the Housing Accountability Act. (GGMC §§ 9.08.040.030.A & 9.08.040.030.C)

- Removing subjective and inapplicable hearing body review standards for wall, fence, and hedge standards to allow extended fence heights along freeway rights-of-way. The Code currently provides for "the hearing body" to review and approve fences exceeding six feet (6'-0") in height when abutting a freeway right-of-way. Such a requirement has been inconsistently applied and is impractical for existing development and for residential projects to which only objective development standards may be applied. Therefore, the revised text would remove approval of a hearing body to automatically allow the extended height. Subjective language, such as requiring that fences be "attractive" would also be removed to ensure compliance with State laws that require development standards applied to residential projects to be objective. (GGMC §§ 9.08.040.110.B.10, 9.12.040.140.B.10, 9.16.040.120.B.10, & 9.18.130.010.G)

- Updating parking space and parking lot standards for residential and non-residential uses in the R-1 zone, such as parking space minimum dimensions and compact space allowances. The Code does not currently provide specific dimensions for enclosed parking spaces, dimensions for standard, compact and parallel open parking spaces, and does not provide allowances for compact parking spaces for non-residential uses. To comply with California's housing laws, the Amendment would provide specific dimensions and compact space allowances up to 20%. The amended text would be consistent with standards in the multiple-family and mixed use zones and would establish objective development standards related to parking. (GGMC §§ 9.08.040.150, 9.08.040.160, 9.08.040.170, & 9.08.040.180)

- Removing the Conditional Use Permit (CUP) requirement for fortunetelling uses in the C-2 (Community Commercial), C-3 (Heavy Commercial), and NMU (Neighborhood Mixed Use) zones. Fortunetelling implicates free speech and

free exercise of religion rights, thus creating a higher burden for cities to impose special land use limitations on such uses. Fortunetelling is listed as a permitted use in the GGMU (Garden Grove Mixed Use) zones, but is still listed as subject to a CUP in the C-2, C-3, and NMU zones. The proposed Amendment would eliminate the CUP requirement in these zones and designate fortunetelling as a permitted use in the C-2, C-3, and NMU zones, consistent with treatment of the use in the GGMU zones. (GGMC §§ 9.16.020.030.A Table 1 & 9.18.020.030 Table 9.18-1)

- Adding "thrift retail stores" as a defined use and allowing them as by-right uses in commercial and mixed use zones. Assembly Bill 2632 (2024) prohibits local agencies from treating thrift retail stores differently from non-thrift retail stores for zoning, development, or permitting purposes. To implement this new law, the Amendment would add a definition for "thrift retail stores" and allow them by-right in the C-1 (Neighborhood Commercial), C-2 (Community Commercial), C-3 (Heavy Commercial), GGMU-1, 2, 3 (Garden Grove Boulevard Mixed Use 1, 2, and 3), CC-1 (Civic Center East), CC-2 (Civic Center Main Street), CC-3 (Civic Center Core), NMU (Neighborhood Mixed Use), and AR (Adaptive Reuse) zones, to align with the zones that currently allow other types of retail uses. The added use would allow for the retail sale of secondhand clothing, shoes, apparel, toys, and standard household goods, including furniture, fixtures, and small household appliances, excluding large household appliances and cars (GGMC §§ 9.04.060.C, 9.16.020.030.A Table 1 & 9.18.020.030 Table 9.18-1)

- Establishing shared parking agreement procedures and standards for the sharing of underutilized parking spaces by different sites. Assembly Bill 894 (2023) allows separate sites to share parking if one site has excess parking capacity. This law, codified in Government Code 65863.1, requires both the provider and receiving sites to meet specific criteria, and requires the parties to enter into a shared parking agreement approved by the City. The Amendment would add shared parking procedures and standards for multiple-family, commercial/industrial, office professional, and mixed use zones, consistent with AB 894's provisions. (GGMC §§ 9.12.040.200.A, 9.16.040.170.A.1, 9.18.140.050.C, & 9.18.140.060.H)

- Updating public noticing procedures for entitlement projects, including to address state law changes for noticing for Amendments. The Code currently requires a ten (10) day noticing period for public hearings upon a proposed Amendment to Title 9. Assembly Bill 2904 (2024) increased the required minimum noticing period for a public hearing to consider a zoning ordinance or Amendment from 10 days to 20 days. The proposed Amendment would update the provisions pertaining to public notices for zoning Amendments and other land use actions to be consistent with current State law, including the recent changes made by AB 2904. The revised text would require a twenty (20) day noticing period for Amendments affecting the uses of real property, would add additional clarifying noticing procedures for other land use actions, and would clarify the required content for notices. (GGMC § 9.32.060)

- Updating definitions and provisions of the Special Housing Regulations in Chapter 9.60 pertaining to Review of Housing Development Projects, Residential Density Bonus, Dwelling Unit Protection Regulations, and Supportive Housing Projects to reflect recent changes in State law. The suggested text would include updated Government Code sections applicable to housing development, clarification on how to calculate a density bonus, requirements for regulatory agreements and replacement of protected units, and updated definitions. (GGMC §§ 9.60.020, 9.60.040, 9.60.050, & 9.60.060)

The exact proposed changes to the Municipal Code are shown in Exhibit "A" (Proposed Code Amendment Redlines) of Attachment 2 (Resolution No. 6114-25 for Amendment No. A-042-2025(B)).

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

A-042-2025(A) - ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

The proposed Amendments to the City's ADU and JADU Code provisions are statutorily exempt and not subject to California Environmental Quality Act ("CEQA") pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h).

A-042-2025(B) - FOCUSED CLEANUP ZONING AMENDMENT

Pursuant to Section 15378(b)(5) of the State CEQA Guidelines, organizational and administrative actions of government that will not result in direct or indirect physical changes in the environment are not considered a Project under CEQA. Many of the proposed Code Amendments fall into this category, including those that correct typographical errors, delete obsolete provisions, add or correct cross-references to other Land Use Code sections or state statutes, clarify ambiguities in existing definitions or regulations, implement or repeat existing state law requirements, or relate only to review procedures or requirements.

Many of the proposed clean-up Code Amendments are also categorically exempt from review under CEQA because they are or relate to activities that fall within CEQA's Class 1 and/or Class 3 exemptions. The operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use, are categorically exempt from CEQA pursuant to CEQA's Class 1 Categorical exemption (CEQA Guidelines Section 15301). In addition, the construction and location of limited numbers of new, small facilities or structures, installation of small 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, are categorically exempt from CEQA pursuant to CEQA's Class 3 Categorical exemption (CEQA Guidelines Section15303.) To the extent they are subject to review under CEQA, both the Class 1 and Class 3 exemptions would apply to the Amendments adding graffiti deterrence requirements for exposed walls and fences in multiple-family zones and allowing bank uses in the CC-3 (Civic Center Core) zone, and the Class 3 exemption would apply to

the Amendments clarifying interior design standards applicable to attached and detached accessory structures on single-family lots, establishing formal setback and height standards for swimming pools, spas, and other yard accessories on single-family lots, clarifying parking requirements for outdoor dining, updating special operating conditions or outdoor dining areas to allow them to be covered, clarifying standards for unique structures in the R-1 zone, and specifying duplex/triplex standards in mixed use zones.

To the extent not otherwise exempt from review for other reasons, the proposed Code Amendments are also exempt from CEQA pursuant to the "common sense" exemption because it can be seen with certainty there is no possibility they may have a significant impact on the environment (CEQA Guidelines Section 15061(b)(3)). The proposed Amendment would largely make minor and clarifying changes to existing zoning provisions, implement State law requirements, and/or codify existing interpretation and practice; none of the changes will result in significant environmental impacts.

RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Adopt Resolution No. 6113-25 recommending that the Garden Grove City Council approve Amendment No. A-042-2025(A).

2. Adopt Resolution No. 6114-25 recommending that the Garden Grove City Council approve Amendment No. A-042-2025(B).

MARIA PARRA
Planning Services Manager

By: Mary Martinez
Urban Planner

By: Priit Kaskla, AICP
Associate Planner

Attachment 1: Resolution No. 6113-25 for Amendment No. A-042-2025(A) with Exhibit "A" (Proposed Code Redlines)
Attachment 2: Resolution No. 6114-25 for Amendment No. A-042-2025(B) with Exhibit "A" (Proposed Code Redlines)

RESOLUTION NO. 6113-25

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING THAT THE CITY COUNCIL APPROVE AMENDMENT NO. A-042-2025(A), A ZONING TEXT AMENDMENT TO CHAPTER 9.54 (ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS) OF TITLE 9 (LAND USE) OF THE GARDEN GROVE MUNICIPAL CODE TO COMPLY WITH STATE LAW.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on May 15, 2025, does hereby recommend that the City Council approve Amendment No. A-042-2025(A) and adopt an Ordinance amending Chapter 9.54 of the Garden Grove Municipal Code as shown in Exhibit "A" attached hereto.

BE IT FURTHER RESOLVED in the matter of Amendment No. A-042-2025(A), 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 Chapter 9.54 (Accessory Dwelling Units and Junior Accessory Dwelling Units) of Title 9 (Land Use) of the Garden Grove Municipal Code to conform to changes in State law and City policies, and to make clarifications and typographical corrections.

3. The Planning Commission recommends the City Council find that the proposed Amendment is statutorily exempt from review under the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h).

4. Pursuant to legal notice, a public hearing was held on May 15, 2025, 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 May 15, 2025.

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission are as follows:

FACTS:

The State defines an Accessory Dwelling Unit (ADU) as an attached or detached residential dwelling unit that provides complete, independent living facilities for one or more persons, and is located on a lot with a proposed or existing primary residence. An ADU shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily

dwelling is, or will be, situated. The State defines a Junior Accessory Dwelling Unit (JADU) as a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure.

The State has identified ADUs and JADUs as innovative, effective, and affordable options for adding much needed housing in California, that aid in the Legislature's efforts to address the housing crisis across the state. Since 2016, the State has enacted multiple laws to reduce local government barriers and streamline the development of ADUs and JADUs. The City is authorized to adopt an ordinance regulating ADUs and JADUs that is consistent with State law. The City's regulations governing ADUs and JADUs are set forth in Chapter 9.54 of the Garden Grove Municipal Code. Over the years, the City has periodically adopted updates to these provisions. The City last updated Chapter 9.54 in 2021. To ensure consistency with the most recent changes in State laws governing local agency authority to regulate ADUs and JADUs, State law mandates that cities update their ADU and JADU ordinances.

The proposed Amendment would bring the City's regulations governing ADUs and JADUs into compliance with the latest State laws, which are already in effect, including specifically Senate Bill (SB) 897, Assembly Bill (AB) 2221, SB 477, AB 434, AB 1332, AB 1033, AB 976, SB 1077, SB 1211, and AB 2533. The recent State law changes significantly restrict and preempt a local jurisdiction's authority to regulate many development aspects of ADUs and JADUs. Pursuant to State law, local jurisdictions that do not adopt a new ordinance consistent with State law may be prohibited from imposing any zoning regulations on ADUs and JADUs beyond what is specified in State law and are subject to enforcement action by the California Department of Housing and Community Development (HCD) and the Attorney General.

FINDINGS AND REASONS:

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

   The City of Garden Grove is amending Title 9 (Land Use) of the Garden Grove Municipal Code to make focused zoning text Amendments to Chapter 9.54 (Accessory Dwelling Units and Junior Accessory Dwelling Units) to conform to changes in State law and City policies, and to make clarifications and typographical corrections. The intent of the changes to the State law is to continue to facilitate the housing production of ADUs and JADUs, which are considered as an essential affordable housing option to address the State's housing crisis.

The Amendment is internally consistent with goals, policies, objectives, and implementation programs of the Housing Element and Land Use Element of the City's General Plan, including specifically the following:

Land Use Element

Goal LU-1: The City of Garden Grove is a well-planned community with sufficient land uses and intensities to meet the needs of anticipated growth and achieve the community's vision. The City's 2021-2029 Housing Element identifies goals and strategies to meet the housing needs of existing and future residents for the production of safe, decent, and affordable housing for all persons in the community. This plan is required by State Housing Law and must be updated every eight (8) years. The Regional Housing Needs Assessment (RHNA) is mandated by State Housing Law as part of the periodic process of updating local Housing Elements of General Plans. The RHNA quantifies the housing need, for all income levels, within each jurisdiction. Garden Grove's RHNA allocation for the 2021-2029 planning period is 19,168 units. The State has identified ADUs and JADUs as innovative, effective, and affordable options for adding much needed housing in California, that aid in the Legislature's efforts to address the housing crisis across the state. Since 2016, the State has enacted multiple laws to reduce local government barriers and streamline the development of ADUs and JADUs. The proposed Amendment ensures the City's ADU/JADU Ordinance is adequately updated to comply with the latest State laws, supporting the State's goals of facilitating the development of ADUs and JADUs, which would aid the City in meeting its RHNA housing production goals. The updates to the City's ADU Ordinance will help ensure the City continues to be a well-planned community with sufficient land uses and intensities meeting the needs of the anticipated growth.

Policy LU-1.3: Support the production of housing citywide that is affordable to lower- and moderate-income households consistent with the policies and targets set forth in the Housing Element. The State has identified ADUs and JADUs as innovative, effective, and affordable options for adding much needed housing in California, that aid in the Legislature's efforts to address the housing crisis across the state. Since 2016, the State has enacted multiple laws to reduce local government barriers and streamline the development of ADUs and JADUs. The proposed Amendment would bring the City's ADU/JADU Ordinance into compliance with the latest State laws, including specifically Senate Bill (SB) 897, Assembly Bill (AB) 2221, SB 477, AB 434, AB 1332, AB 1033, AB 976, SB 1077, SB 1211, and AB 2533. The proposed Amendment ensures the City's ADU Ordinance is adequately updated to comply with the latest State laws, supporting the State's goals of facilitating the development of ADUs and JADUs, which would aid the City in meeting its RHNA housing production goals.

Housing Element

Goal H-1: Preserve, maintain, and enhance housing and neighborhoods citywide.

The proposed Amendment, in part, is intended to clarify existing provisions in the Municipal Code, applicable to ADUs and JADUs, to establish objective design standards, and to provide clear expectations for applicants, decision makers, and residents. Updated ADU code provisions foster the preservation, maintenance, and enhancement of housing and neighborhoods citywide, while ensuring compliance with State laws. The proposed Amendment is consistent with the objective of Program 16 (Objective Design and Development Standards) of the Housing Element, which requires the City to adopt objective design and development standards amending residential development standards under Title 9 (Land Use) of the Municipal Code.

Goal H-2: Housing supply to accommodate housing needs at all affordability levels.

The State has identified ADUs and JADUs as innovative, effective, and affordable options for adding much needed housing in California, that aid in the Legislature's efforts to address the housing crisis across the state. Since 2016, the State has enacted multiple laws to reduce local government barriers and streamline the development of ADUs and JADUs. The proposed Amendment is also consistent with the goals and objectives of Program 17 (Zoning Code Update), which requires the City to make Amendments to the Municipal Code to remove development standard constraints and to meet State law requirements. The proposed Amendment will achieve this objective by updating 9.54 (Accessory Dwelling Units and Junior Accessory Dwelling Units) to bring the City's ADU/JADU Ordinance into compliance with the latest State laws, including specifically Senate Bill (SB) 897, Assembly Bill (AB) 2221, SB 477, AB 434, AB 1332, AB 1033, AB 976, SB 1077, SB 1211, and AB 2533.

Goal H-3: A range of available housing types, densities, and affordability levels to meet diverse community needs. Policy H-3.1: Maintain land use policies and regulations that create capacity for development of a range of residential development types that can fulfill local housing needs, including accessory dwelling units, low-density single-family uses, moderate-density townhomes and middle housing, higher-density apartments and condominiums, senior housing, and mixed-use projects. Policy H-3.2: Provide adequate sites to encourage housing development that will meet the needs of all income groups. Policy H-4.1: Review and adjust residential development standards, regulations, ordinances, departmental processing procedures, and residential fees related to rehabilitation and construction to determine the constraints on housing development. Policy H-4.3: Monitor State and federal

housing-related legislation, and update City plans, ordinances, and processes pursuant to such legislation to remove or reduce governmental constraints.

The proposed Amendment is consistent with the goals and objectives of Program 16 (Objective Design and Development Standards) and Program 17 (Zoning Code Update) of the Housing Element. The proposed Amendment, in part, will establish objective design standards that inspire quality design, while also providing clear expectations for applicants, decision makers, and residents. The State has identified ADUs and JADUs as innovative, effective, and affordable options for adding much needed housing in California, that aid in the Legislature's efforts to address the housing crisis across the state. Since 2016, the State has enacted multiple laws to reduce local government barriers and streamline the development of ADUs and JADUs. The proposed Amendment ensures the City's ADU/JADU Ordinance is adequately updated to comply with the latest State laws, supporting the State's goals of facilitating the development of ADUs and JADUs, which would aid the City in meeting its RHNA housing production goals.

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

The proposed Amendment will promote the public interest, health, safety, and welfare by implementing programs and furthering goals and policies of the City's General Plan Housing Element and Land Use Element and to ensure the City of Garden Grove's ADU/JADU Ordinance is consistent with all applicable State laws, including specifically Senate Bill (SB) 897, Assembly Bill (AB) 2221, SB 477, AB 434, AB 1332, AB 1033, AB 976, SB 1077, SB 1211, and AB 2533. In addition to conforming to changes in State law, the proposed Amendment to the ADU Ordinance will conform to City policies and make clarifications and typographical corrections.

The proposed Amendment and updated ADU/JADU Ordinance provisions will foster and be consistent with various goals, policies, and objectives of the Land Use Element and Housing Element which, in part, aim to:

- Maintain a well-planned community with sufficient land uses and intensities to meet the needs of anticipated growth and achieve the community's vision;
- Support the production of housing citywide that is affordable to lower- and moderate-income households consistent with the policies and targets set forth in the Housing Element;
- Preserve, maintain, and enhance housing and neighborhoods citywide;
- Maintain a housing supply that accommodates housing needs at all affordability levels;
- Maintain a range of available housing types, densities, and affordability levels to meet diverse community needs;

- Maintain land use policies and regulations that create capacity for development of a range of residential development types that can fulfill local housing needs, including accessory dwelling units, low-density single-family uses, moderate-density townhomes and middle housing, higher-density apartments and condominiums, senior housing, and mixed-use projects;
- Provide adequate sites to encourage housing development that will meet the needs of all income groups;
- Review and adjust residential development standards, regulations, ordinances, departmental processing procedures, and residential fees related to rehabilitation and construction to determine the constraints on housing development; and
- Monitor State and federal housing-related legislation, and update City plans, ordinances, and processes pursuant to such legislation to remove or reduce governmental constraints.

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-042-2025(A) 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-042-2025(A) and adopt the Amendments to Chapter 9.54 of the Garden Grove Municipal Code reflected in Exhibit “A” attached hereto.

EXHIBIT "A"
Code Amendment No. A-042-2025(A)
PROPOSED CODE AMENDMENT REDLINES

CHAPTER 9.54 ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

9.54.010 Purpose, Applicability, Definitions, Effect of Conforming, Interpretation.

A. Purpose. The purpose of this chapter is to provide for and regulate the development of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in a manner consistent with state law.

B. Applicability. Except as otherwise provided by state law, the standards and limitations set forth in this chapter apply to the development of new ADUs and JADUs in the City.

C. Definitions. As used in this chapter, the following terms shall have the following meanings:

1. The terms "accessory dwelling unit," "accessory structure," "efficiency unit," "living area," "livable space," "nonconforming zoning condition," "passageway," "proposed dwelling," "public transit," and "tandem parking" all have the same meaning as that stated in Government Code Section ~~65852.2~~66313 as that section may be amended from time to time. The terms "accessory dwelling unit" and "ADU" shall have the same meaning.

2. The term "junior accessory dwelling unit" shall have the same meaning as that stated in Government Code Section ~~65852.22(h)(1)~~66313 as that section may be amended from time to time. The terms "junior accessory dwelling unit" and "JADU" shall have the same meaning.

3. The term "attached ADU" means an ADU, other than a converted ADU, that is physically attached to a primary dwelling structure or physically attached to an accessory structure that is attached to a primary dwelling structure.

4. The term "detached ADU" means an ADU, other than a converted ADU, that is physically separated from, but located on the same lot as, a primary dwelling structure.

5. The term "converted ADU" means an ADU that is constructed within all or a portion of the permitted existing interior space of an accessory structure or within all or a portion of the permitted existing interior space of a dwelling structure, including bedrooms, attached garages, storage areas, or similar uses. A converted ADU also includes an ADU that is constructed in the same location and to the same dimensions as a permitted existing structure or portion of a permitted existing structure.

6. The term "Director" means the City of Garden Grove Director of Community ~~and Economic~~ Development, or designee.

D. Effect of Conforming. An ADU and/or JADU that conforms to the provisions of this chapter shall:

1. Be deemed an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located;

2. Be deemed a residential use that is consistent with the existing General Plan and zoning designation for the lot upon which it is located; and

3. Not be considered in the application of any local ordinance, policy, or program to limit residential growth.

E. Interpretation. The provisions of this chapter shall be interpreted to be consistent with the provisions of Chapter 13 of Division 1 of Title 7 of the Government Code (Section~~s~~ 66310 *et. seq.*) ~~65852.2 and 65852.22~~ and shall be applied in a manner that is consistent with state law.

9.54.020 Locations Permitted.

A. Permitted ADU Locations. ADUs conforming to the provisions in this chapter may be located on any lot in the City that is zoned to allow single-family or multiple-family residential uses and that includes a proposed or existing legally developed single-family or multiple-family dwelling.

B. Permitted JADU Locations. JADUs conforming to the provisions in this chapter may be located within a proposed or existing legally developed single-family dwelling on any lot in the City that is zoned to allow single-family residential uses.

9.54.030 Number of ADUs and JADUs Permitted.

A. Single-Family Lots. Except as otherwise provided in Government Code Section 66323, ~~No~~ no more than one ADU and/or one JADU is permitted on a lot developed or proposed to be developed with a single-family dwelling.

B. Multiple-Family Lots. ~~Either: (i) no more than~~Multiple-family lots may have multiple ~~two~~ detached ADUs, not to exceed the numbers pursuant to subsections B.1 and B.2~~; or (ii)~~ and one or more converted ADUs pursuant to subsection B.2~~3 are permitted on a lot developed or proposed to be developed with one or more multiple-family dwelling structures. Detached ADUs pursuant to subsection~~

~~B.1 may not be combined on the same lot with converted ADUs pursuant to subsection B.2~~.

1. No more than a total of eight detached ADUs may be constructed on a lot developed with an existing multiple-family dwelling structure. However, the number of detached ADUs shall not exceed the number of existing multiple-family units on the lot. If two, or more, detached ADUs are constructed, they do not need to be detached from each other or other accessory structures on the lot.

~~1~~2. No more than a total of two detached ADUs may be constructed on a lot ~~developed or~~ proposed to be developed with one or more multiple-family dwelling structures. If two detached ADUs are constructed, they ~~may not be attached to one another as part of a single structure~~do not need to be detached from each other or other accessory structures on the lot. New detached ADUs may be converted from existing detached structures on-site.

~~2~~3. ~~On lots with no detached ADUs, o~~One or more converted ADUs may be constructed within portions of existing multiple-family dwelling structures that are not used as livable space. No converted ADUs may be constructed within the existing livable space of a multiple-family structure. The number of ADUs permitted under this subsection shall not exceed 25% of the existing multiple-family dwelling units on the lot. For the purpose of calculating the number of allowable accessory dwelling units: (a) previously approved ADUs shall not count towards the existing number of multiple-family dwelling units; and (b) fractions shall be rounded down to the next lower number of dwelling unit, except that at least one converted ADU shall be allowed.

§ 9.54.040 ADU Requirements.

A. Development Standards. Except as modified by this section or as otherwise provided by state law, an ADU shall conform to the development standards applicable to the lot on which it is located as set forth in this title and/or in an applicable specific plan or planned unit development ordinance or resolution. Pursuant to Sections 9.12.040.030 and 9.18.110.040, lots located in multiple-family residential and mixed-use zoning districts that are improved with single-family residential uses are subject to certain single-family residential development standards. Notwithstanding the foregoing, when the application of a development standard related to floor area ratio, front setbacks, building separation, lot coverage, open-space, or minimum lot size would prohibit the construction of an attached or detached ADU of at least 800 square feet, such standard shall be waived to the extent necessary to allow construction of an ADU of up to 800 square feet.

B. Unit Size.

1. Minimum Size. An ADU shall be at least the following minimum sizes based on the number of bedrooms provided:

   a. Efficiency units: 150 square feet.

   ~~a~~b. Studio ~~or efficiency units~~: 220 square feet.

   ~~b~~c. One bedroom: 500 square feet.

   ~~c~~d. Two or more bedrooms: 700 square feet.

2. Maximum Size.

   a. Attached ADUs. The total floor area of an attached ADU shall not exceed the following:

      i. Studio or one bedroom: 850 square feet or 50% of the floor area of the primary dwelling unit, whichever is less; provided, however, that if the size of the primary dwelling unit is less than 1,600 square feet, an attached ADU may have a total floor area of up to 800 square feet.

      ii. Two or more bedrooms: 1,200 square feet or 50% of the floor area of the primary dwelling unit, whichever is less; provided, however, that if the size of the primary dwelling unit is less than 1,600 square feet, an attached ADU may have a total floor area of up to 800 square feet.

   b. Detached ADUs. The total floor area of a detached ADU shall not exceed the following:

      i. Studio or one bedroom: 850 square feet.

      ii. Two or more bedrooms: 1,200 square feet.

   ~~c. ADU and JADU on Same Site. ADUs may not exceed 800 square feet in size in cases where both an ADU and JADU are developed or proposed on a site.~~

   ~~d~~c. Converted ADUs. The maximum size limitations set forth in this subsection do not apply to converted ADUs that do not increase the existing floor area of a structure. In addition, a converted ADU created within an existing accessory structure may include an expansion of not more than 150 square feet beyond the same physical dimensions as the

existing attached or detached accessory structure to the extent necessary to accommodate ingress and egress.

3. Porches, Patios, and Garages.

a. An attached or detached ADU, including converted ADUs, may include an attached covered patio and/or porch, which, if provided, shall be integrated into the design of the ADU and shall not exceed 80 square feet in size.

b. An attached or detached ADU may include an attached one-car garage, which, if provided, ~~shall be integrated into the design of the ADU and~~ shall not exceed 250 square feet in size inside dimension. The enclosed one-car garage shall maintain a minimum interior parking area of 10 feet by 20 feet. No storage cabinets or mechanical equipment, including, but not limited to, water heaters, utility sinks, or washers and dryers, shall encroach into the required parking area.

c. In no event shall the total combined area of an ADU and attached porch, patio, and/or garage exceed 1,530 square feet.

C. Setbacks.

1. Front Yard Setbacks. New attached and detached ADUs are subject to the same minimum front yard setback requirements applicable to other structures on the lot on which the ADU is located. Notwithstanding the foregoing, a portion of an ADU may be constructed within the required front setback area if, and only to the extent that, application of the minimum front setback requirement would not permit an ADU of up to 800 square feet to be constructed on the lot in compliance with all other applicable development standards.

2. Side and Rear Yard Setbacks. Minimum setbacks of no less than four feet from the side and rear lot lines are required for new attached and detached ADUs, new expansions to converted ADUs allowed pursuant to subsection B.2.c, and any new one-car garage, porch, and/or patio, allowed for a new ADU pursuant to subsection B.3.

3. Converted ADUs. No setbacks are required for converted ADUs, provided the side and rear yard setbacks of the existing converted structure are sufficient for fire and safety, as dictated by current applicable uniform building and fire codes.

4. Any new ADU garage that opens directly to any street or alley shall observe a setback of not less than 20 feet. When a new ADU garage abuts an alley

and the access to the garage is perpendicular to the alley, the garage shall not be constructed closer than 20 feet to the centerline of the alley and shall maintain a minimum setback of five feet from the property line.

D. Building Separation.

1. A minimum separation of six feet is required between a detached ADU and the primary dwelling unit.

2. A minimum separation of six feet is required between attached or detached ADU and all other structures not attached to the ADU, including garages, on the property.

3. Building separation requirements do not apply to converted ADUs that do not include an expansion of the floor area of the existing structure.

E. Height.

1. ~~New attached and detached ADUs shall be one story, constructed at ground level, and shall not be more than 16 feet in height measured from ground level to the highest point on the roof.~~Detached ADUs.

a. Except as provided below, the height of a detached ADU on a lot with an existing or proposed single-family or multiple-family dwelling unit shall not be more than 16 feet in height.

b. The height of a detached ADU located on a lot with an existing or proposed multiple-family, multistory dwelling unit shall not exceed eighteen (18) feet.

c. The height of a detached ADU located on a lot with an existing or proposed single-family or multiple-family dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code, shall not exceed eighteen (18) feet; provided, however, that up to an additional two (2) feet in height is allowed if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.

2. Attached ADUs.

a. The height of an attached ADU shall not exceed twenty-five (25) feet or the height limitation that applies to the primary dwelling, whichever is lower. In no event shall an attached ADU exceed two (2) stories.

~~2~~3. Converted ADUs are not subject to a height limitation.

4. Measurement. The height of an ADU shall be as measured from ground level to the highest point on the roof.

F. Design.

1. Except as otherwise provided in Government Code Section 66323, and except to the extent necessary to meet current fire and building codes, an attached or detached ADU shall match the architectural details of the primary unit as provided below:

~~1~~a. ~~———~~The ~~design~~type, pitch, color, material, and texture of the roof and eave details of an attached or detached ADU shall be ~~substantially~~ the same as the primary unit.

~~2~~b. ~~———~~The color, material, and texture of all building walls, windows, and doors of an attached or detached ADU shall be ~~similar to and compatible with~~the same as the primary unit.

~~3. The architectural style and scale of an attached or detached ADU shall match the primary unit.~~

~~4~~2. In order to facilitate the development of ADUs in a manner that ensures reasonable consistency and compatibility of design, the Director is authorized to develop standard design plans and criteria for ADUs. Notwithstanding the foregoing, ADUs developed in conformance with ~~such standard~~ plans pre-approved by the City, pursuant to Government Code Section 65852.27, ~~and criteria~~ shall be deemed to comply with this subsection.

G. Off-Street Parking.

1. One off-street parking space must be provided for a new attached or detached ADU. The required parking space may be permitted in setback areas, or through tandem parking on a driveway, unless specific findings are made by the Director that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety concerns.

2. Parking for a new attached or detached ADU is in addition to the required parking for the primary unit. However, when a garage, carport, ~~or~~ covered parking structure, or uncovered parking space is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.

3. Off-street parking is not required in the following instances:

   a. The ADU is located within one-half mile walking distance of public transit, including transit stations and bus stations;

   b. The ADU is located within an architecturally and historically significant historic district;

   c. The ADU is part of the proposed or existing primary residence or accessory structure (i.e., a converted ADU);

   d. When on-street parking permits are required, but not offered to the occupant of the ADU; and/or

   e. When there is a car-share vehicle located within one block of the ADU.

H. Exterior Access Required. An attached or converted ADU must have independent exterior access that is separate from the access to the proposed or existing primary dwelling.

I. Passageway. No passageway shall be required in conjunction with the construction of an ADU.

J. Laundry Facilities. An attached or detached ADU, including a converted ADU, shall have a laundry space located within the unit or within a garage accessible from the unit that is equipped with washer and dryer hook-ups.

K. Water Heaters. An attached or detached ADU, including a converted ADU, shall have a separate hot water heater. The location of the water heater shall be incorporated into the design of the unit. No exterior water heater enclosures shall be permitted. Water heaters may be substituted with tankless water heaters provided all building codes are complied with.

L. Mechanical Equipment, Metering Devices. All roof and ground mounted mechanical equipment and metering devices shall be completely screened from view from either on or off the property. All ground mounted equipment and above-ground utility meters, including, but not limited to, heating, cooling, or ventilating equipment, water meters, gas meters, and irrigation equipment, shall be shown on the site plan, and, to the extent possible, be placed outside of the required front setback area. If mechanical equipment or metering devices are to be located between a structure and the property line, an unobstructed path at least three feet wide shall be provided between the equipment and the property line.

M. Refuse Storage Areas. All properties shall provide each unit with the appropriate number of containers for recyclables, organics, and non-recyclable solid waste ("trash containers") as required by the Garden Grove Sanitary District, and shall comply with the following:

1. Trash containers shall be stored within designated storage areas only and not within the garage parking area.

2. The placement of trash containers for pick-up, and the duration of time prior to and after trash collection of those trash containers, is subject to the Garden Grove Sanitary District requirements.

3. The area required for each container shall be a minimum of 38 inches by 38 inches.

4. The trash areas shall be paved and accessed by gates and a walkway for ease of taking trash containers to and from the street.

9.54.050 JADU Requirements.

A. Footprint. A JADU may only be constructed within the walls of a proposed or existing single-family dwelling, including an existing attached garage.

B. Unit Size. A JADU shall not exceed 500 square feet in size.

C. Separate Entrance. A JADU must include a separate entrance from the main entrance of the proposed or existing single-family residence in which it is located.

D. Kitchen Requirements. A JADU must include an efficiency kitchen, including a cooking facility with appliances, and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.

E. Bathroom Facilities. A JADU may include separate sanitation facilities or may share sanitation facilities with the proposed or existing single-family dwelling in which it is located. If a JADU does not include separate sanitation facilities, the JADU must include an interior entrance to the primary dwelling’s main living area, or direct access to a shared sanitation facility.

F. Parking. No additional off-street parking is required for a JADU beyond that required at the time the existing primary dwelling was constructed. ~~However, when an existing attached garage is converted to a JADU, any required off-street parking spaces for the primary dwelling that are eliminated as a result of the conversion shall be replaced. These replacement parking spaces may be located in any configuration on the same lot, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces.~~

G. Fire Protection. For purposes of any fire or life protection ordinance or regulation, a JADU shall not be considered a separate or new dwelling unit.

H. Utility Service. For purposes of providing service for water, sewer, or power, including a connection fee, a JADU shall not be considered a separate or new dwelling unit.

I. Deed Restriction. Prior to the issuance of a building permit for a JADU, the owner of record of the property shall record a deed restriction against the title of the property in the County Recorder's office with a copy filed with the Director. The deed restriction shall run with the land and shall bind all future owners, heirs, successors, or assigns. The form of the deed restriction shall be provided by the City and shall provide that:

1. The property shall include no more than one JADU and/or ADU.

2. The JADU may not be sold, mortgaged, or transferred separately from the primary residence.

3. An owner of record of the lot upon which a JADU is located shall occupy either the JADU or the remaining portion of the primary single-family dwelling as his/her/their principal residence. In the event owner occupancy of the property ceases, the JADU shall automatically become unhabitable space, shall not be used as a separate dwelling unit, and shall not be separately rented or leased for any purpose. Owner occupancy is not required if the owner is another governmental agency, a land trust, or a housing organization.

~~4. The JADU may be rented, but may not be rented on a short-term basis of less than 30 days.~~

~~5~~4. A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.

~~6~~5. The deed restriction may not be modified or terminated without the prior written consent of the Director.

9.54.060 Other Requirements.

A. No Separate Conveyance. Except as otherwise provided in Government Code Section ~~65852.26~~66341 or by other applicable law, an ADU or JADU may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence, and a lot shall not be subdivided in any manner which would authorize such separate sale or ownership.

B. No Short-Term Rental Permitted. An ADU or JADU that is rented shall be rented for a term that is ~~longer than~~ 30 days or longer. Short-term rental (i.e., less than 30 days ~~or less~~) of an ADU or a JADU is prohibited.

C. Owner Occupancy Requirements.

1. ADUs. Owner occupancy of a primary dwelling or ADU is not required.

2. JADUs. An owner of record of the lot upon which a JADU is located must occupy either the JADU or the remaining portion of the primary single-family dwelling as his/her/their principal residence. Notwithstanding the foregoing, owner-occupancy is not required if the owner is another governmental agency, land trust, or housing organization.

9.54.070 Permit Application and Review Procedures.

A. Building Permit Required. A building permit is required prior to construction of an ADU or JADU. Except as otherwise provided in this chapter or by state law, all building, fire, and related code requirements applicable to habitable dwellings apply to ADUs and JADUs. However, fire sprinklers shall not be required if they are not required for the primary dwelling~~.~~, and the construction of an ADU shall not trigger a requirement for fire sprinklers to be installed in an existing primary dwelling.

B. Application. Prior to the issuance of a building permit for an ADU or JADU, the applicant shall submit an application on a form prepared by the City, along with all information and materials prescribed by such form. No application shall be accepted unless it is completed as prescribed and is accompanied by payment for all applicable fees.

C. Review.

1. The Director shall consider and approve or disapprove a complete application for an ADU or JADU ministerially without discretionary review or public hearing within 60 days from the date the City receives a complete application. The Director shall consider and approve or disapprove an application for a detached ADU within 30 days that utilizes either an ADU plan pre-approved by the City within the current triennial California Building Standards Code rule-making cycle, or a plan that is identical to a plan used in an application for a detached ADU approved by the City within the current triennial California Building Standards Code rule-making cycle.

2. Review is limited to whether the proposed ADU or JADU complies with the requirements of this chapter.

3. If an applicant requests a delay, the time period for the City to review of an application shall be tolled for the period of the requested delay.

4. If the application to create an ADU or a JADU unit is submitted with an application to create or serve a new single-family or multiple-family dwelling on the lot, the Director may delay ~~acting on~~approving or disapproving the application for the ADU or the JADU until the City ~~acts on~~ approves or disapproves the application to create or serve the new single-family or multiple-family dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.

D. Zoning Conformity. The City shall not require the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the ADU or JADU as a condition of approval of a permit application for the creation of an ADU or JADU.

E. Conformity with State Law. The City shall not apply any requirement or development standard provided for in this chapter to an ADU or a JADU to the extent prohibited by any provision of state law, including, but not limited to, ~~subdivision (e)(1) of~~ Government Code Section ~~65852.2~~66323.

9.54.080 Utilities.

A. ADUs. Unless otherwise mandated by applicable law or the utility provider or determined by the City's Public Works Director to be necessary, an ADU may be served by the same water, sewer, and other utility connections serving the primary dwelling on the property, and the installation of a new or separate utility connection directly between an ADU and a utility is not required. However, separate utility connections and meters for ADUs may be installed at the property owner's option, when permitted by the utility provider, and subject to the payment of all applicable fees.

B. JADUs. A JADU shall be served by the same water, sewer, and other utility connections serving the primary single-family dwelling in which it is located, and no separate utility meters shall be permitted for a JADU.

9.54.090 Impact Fees.

A. Construction of an ADU is subject to applicable development impact fees adopted by the City pursuant to California Government Code, Title 7, Division 1, Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

B. No impact fee as required by this Code is required for an ADU that is less than 750 square feet in size.

C. Any impact fee that is required for an ADU that is 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling.

D. For purposes of this section, "impact fee" does not include any connection fee, capacity charge for water or sewer service, planning application fee, plan check fee, or building permit fee.

ATTACHMENT 2 - Resolution No. 6114-25

RESOLUTION NO. 6114-25

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING THAT THE CITY COUNCIL APPROVE AMENDMENT NO. A-042-2025(B), A ZONING TEXT AMENDMENT TO PORTIONS OF CHAPTERS 9.04, 9.08, 9.12, 9.16, 9.18, 9.32, AND 9.60 OF TITLE 9 OF THE CITY OF GARDEN GROVE MUNICIPAL CODE TO CONFORM TO STATE AND FEDERAL LAW AND CITY POLICIES, TO REPLACE SUBJECTIVE LANGUAGE, AND TO MAKE CLARIFICATIONS AND TYPOGRAPHICAL CORRECTIONS.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on May 15, 2025, does hereby recommend that the City Council adopt an Ordinance approving Amendment No. A-042-2025(B) amending Title 9 of the Garden Grove Municipal Code as shown in Exhibit “A”.

BE IT FURTHER RESOLVED in the matter of Amendment No. A-042-2025(B), 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 Chapters 9.04, 9.08, 9.12, 9.16, 9.18, 9.32, and 9.60 of Title 9 of the City of Garden Grove Municipal Code to conform to state and federal law and City policies, to replace subjective language, and to make clarifications and typographical corrections.

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 15378(b)(5) (Organizational or Administrative Activities), 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures), 15060(c)(2) (Not a Project) and 15601(b)(3) (Common Sense), of the State CEQA Guidelines. (Cal. Code of Regs., Title 14, Sections 15378(b)(5), 15301, 15303, 15060(c)(2), and 15601(b)(3).)

4. Pursuant to legal notice, a public hearing was held on May 15, 2025, 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 May 15, 2025.

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission are as follows:

FACTS:

The proposed zoning text Amendment would revise various provisions of Title 9 (Land Use) of the Garden Grove Municipal Code (GGMC). The cleanup Amendment would target seven (7) chapters of Title 9 of the Municipal Code: 9.04 (General Provisions), 9.08 (Single-Family Residential Development Standards), 9.12 (Multifamily Residential Development Standards), 9.16 (Commercial, Office Professional, Industrial, and Open Space Development Standards), 9.18 (Mixed Use Regulations and Development Standards), 9.32 (Procedures and Hearings), and 9.60 (Special Housing Regulations). Within these chapters, the proposed Amendment would generally align with the following four (4) categories: Cleanup and Formatting, Clarification and Consistency, Enforceability, and State Law Compliance.

The proposed Amendment would generally fix typos and formatting within existing GGMC sections. There would be a variety of proposed changes, including adding data tables, adding columns to existing data tables, adding cross-references to existing subsections, adding language back to the GGMC that was mistakenly removed in previous Amendments, and fixing typos. These changes are non-substantive, as they either fix language errors, improve formatting, and/or revert the language back to the way it was intended to read.

The proposed Amendment would update the GGMC to add clarity and consistency. The intent of these changes is to make the Code easier to understand, and more consistent in its application throughout different zones across the City. These are revisions that would codify Staff interpretations, add clarity to otherwise confusing Code provisions, and/or make similar standards consistent across different GGMC chapters.

The proposed Amendment is also intended to make existing GGMC provisions more enforceable. These revisions would add specificity to otherwise vague or subjective Code standards and codify certain City policies and procedures. Some of these changes reflect common issues that the GGMC does not currently explicitly address. This would also assist Code Enforcement Staff in their investigation of Code violations.

Lastly, some provisions of the proposed Amendment are needed to conform to State and federal law. These updates are intended to comply with applicable State and Case law, which in part necessitate the removal of subjectivity, and require establishing objective standards and requirements.

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 uphold a high standard of property maintenance across all land uses and zones throughout the City. The proposed Amendment achieves this objective by making Municipal Code requirements easier to implement, and enforce.

The proposed Amendment to Title 9 (Land Use) of the Garden Grove Municipal Code would make focused zoning text Amendments to Chapters 9.04 (General Provisions), 9.08 (Single-Family Residential Development Standards), 9.12 (Multifamily Residential Development Standards), 9.16 (Commercial, Office Professional, Industrial, and Open Space Development Standards), 9.18 (Mixed Use Regulations and Development Standards), 9.32 (Procedures and Hearings), and 9.60 (Special Housing Regulations) to enhance enforceability, simplify application, remove typos, clarify existing standards, update out-of-date language, create consistency across Code chapters, create consistency with procedures used by neighboring cities, reword subjective standards to be more objective, and amend existing provisions in a manner consistent with recently-enacted State laws.

The Amendment is internally consistent with goals, policies, objectives, and implementation programs of the Housing Element and Land Use Element of the City's General Plan, including specifically the following:

Land Use Element

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.

The proposed Amendment is intended to enhance enforceability, simplify application, remove typos, clarify existing standards, update out-of-date language, create consistency across Code chapters, create consistency with neighboring cities, reword subjective standards to become objective, and amend existing provisions in a manner consistent with recently-enacted State laws. These actions would keep the intent of each zone, while updating certain Code provisions to be easier to understand and enforce. This would help the City meet the needs of anticipated growth, and help streamline development.

Goal LU-2 Stable, well-maintained residential neighborhoods in Garden Grove.

The proposed Amendment is intended to enhance enforceability, simplify application, remove typos, clarify existing standards, update out-of-date

language, create consistency across Code chapters, reword subjective standards to be more objective, and amend existing provisions in a manner consistent with recently-enacted State laws, including for all zones that allow for residential uses. These Code updates would help maintain the appearance of said residential zones, while also assisting the enforcement of Code provisions, helping ensure the proper upkeep of residential neighborhoods.

Policy 2.7 Ensure that the distinct character of Garden Grove's neighborhoods is respected and reflected in all new development or redevelopment, especially infill development.

The proposed Amendment is intended to clarify the existing provisions in the Code. This would help sustain the unique characteristics of neighborhoods throughout the City. The Amendment would simplify implementation of the Code, and create more internal consistency throughout various zoning designations. This could help create more compatible developments adjacent to existing neighborhoods.

LU-IMP-2A Continue to monitor maintenance standards in neighborhoods to maintain high standards of appearance and stability in the neighborhood.

The Amendment is intended to clarify the existing provisions in the Code. Modifying the standards within the Municipal Code would help simplify the implementation of said standards. Irrelevant, or otherwise inconsistent or outdated language would be removed. Implementing and enforcing the Code would be simplified for both City staff and residents. This would help sustain high standards of property maintenance throughout the City.

Goal LU-4 Uses compatible with one another.

The proposed Amendment would, in part, modify existing provisions to help ensure compatibility and consistency in development standard language amongst different zones. By requiring the implementation of the same standards, development across different zones would become more compatible.

Goal LU-18 Preservation of City quality and character through compliance with relevant codes and regulations.

The modified language would make the Municipal Code easier to interpret and implement, by both property owners and City staff alike. This can help maintain a high standard of property maintenance. Properly maintained properties, as well as new developments that are more compatible with the surrounding neighborhoods could help preserve the quality and character of the City.

Policy LU-18.1 Review the Zoning Code and determine which sections are outdated to meet current trends, regulations, adopted community visions, and the General Plan 2030 land use designations, and revise as necessary.

These modifications would help keep the Municipal Code up-to-date, and more easily understood and implemented. The Amendment would, in part, keep the Code aligned with State and federal laws, and make certain procedures more consistent with those utilized in neighboring cities. Additionally, development standards that are no longer relevant or no longer applicable would be removed. This would also help keep the Code aligned with current development trends.

Community Design

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. Clarifying the Municipal Code to be easier to interpret and enforce would help maintain a high standard of property maintenance. Properly maintaining property would help strengthen the positive image of the City. Additionally, with more consistent language throughout the Code, newer developments would be more compatible with existing neighborhoods, strengthening neighborhood quality.

CD-IMP-8A Amend the City's Zoning Code to incorporate development standards. The proposed Amendment would, in part, revise a variety of existing development standards to simplify their implementation. The proposed Amendment is intended to enhance enforceability, simplify application, remove typos, clarify existing standards, update out-of-date language, create consistency across Code chapters, create consistency with procedures used by neighboring cities, reword subjective standards to be more objective, and amend existing provisions in a manner consistent with recently-enacted State laws. Codifying development standards would contribute to a more cohesive Citywide aesthetic and assist property owners in their maintenance of properties across all zones.

Housing Element

Goal H-1: Preserve, maintain, and enhance housing and neighborhoods citywide. The proposed Amendment, in part, is intended to clarify existing provisions in the Municipal Code applicable to housing developments to establish objective design standards, and to provide clear expectations for applicants, decision makers, and residents. Updated Code provisions foster the preservation, maintenance, and enhancement of housing and neighborhoods Citywide. Other Code provisions would ensure compliance with State laws. The proposed Amendment is consistent with the objective of

Program 16 (Objective Design and Development Standards) of the Housing Element, which requires the City to adopt objective design and development standards amending residential development standards under Title 9 (Land Use) of the Municipal Code.

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 amending various chapters of Title 9 to make clarifications and typographical corrections and to conform to State law and federal law, and City policies and procedures. The proposed Amendment will add clarity and consistency to make the Code easier to understand for Staff and the public, making the Code more consistent in its application throughout the City. The suggested revisions would also codify Staff interpretations, add clarity to unclear provisions, and provide consistent standards for similar requirements across different Code chapters. The proposed Amendment is intended to make existing Code provisions more enforceable, add specificity to vague Code standards, codify certain Staff procedures and reflect common issues that the Code does not currently address. Lastly, some provisions of the proposed Amendment are required due to changes in State law. Various proposed updates are intended to comply with applicable State and federal law, which in part necessitate the removal of subjectivity, and require establishing objective standards and requirements.

The proposed Code cleanup would improve standards pertaining to single-family, multifamily, commercial, office professional, industrial, and mixed use uses, as well as update City procedures and special housing regulations. Therefore, the proposed Amendment promotes the public interest, health, safety, and welfare. Moreover, the proposed Amendment will foster and be consistent with various goals, policies, and objectives of the General Plan which, in part, aim to:

- Meet the needs of anticipated growth and achieve the community's vision;
- Maintain residential neighborhoods in Garden Grove;
- Ensure that the distinct character of Garden Grove's neighborhoods is respected and reflected in all new development or redevelopment, especially infill development;
- Monitor maintenance standards in neighborhoods to maintain high standards of appearance and stability in the neighborhood;
- Uses compatible with one another;
- Preserve City quality and character through compliance with relevant codes and regulations;
- Review the Zoning Code and determine which sections are outdated to meet current trends, regulations, adopted community visions, and the General Plan 2030 land use designations, and revise as necessary;

- 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;
- Amend the City's Zoning Code to incorporate development standards; and,
- Preserve, maintain, and enhance housing and neighborhoods citywide.

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-042-2025(B) 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-042-2025(B) and adopt the Amendments to Title 9 reflected in Exhibit "A" attached hereto.

EXHIBIT "A"
Code Amendment No. A-042-2025(B)
PROPOSED CODE AMENDMENT REDLINES

Chapter 9.04 GENERAL PROVISIONS.

9.04.060.C. Definitions.

"Department Director" means the City's ~~Director of Economic and~~ Community Development Director or other individual designated by the City Manager to supervise the City's Community Development D~~d~~epartment, or his or her designee.

"Floor area ratio" means the ratio between the area of gross building floor space of all buildings on a lot and the area of the building site ~~it~~ they occupy~~ies~~. Gross building floor space includes, but is not limited to, habitable areas, accessory structures, garages, structured parking, and mezzanine or loft spaces.

"Thrift retail store" means a retail store and related donation facilities engaged primarily in the sale of secondhand clothing, shoes, apparel, toys, and standard household goods, including furniture, fixtures, and small household appliances, and the collection of those goods for resale. "Thrift retail store" does not include the sale of large household appliances such as refrigerators or stoves and does not include the sale of cars or anything automotive-related.

"Structure" means a walled and roofed building, and any appurtenances associated with the structure, including porches, patios, gazebos, pergolas, arbors, a gas or liquid storage tank~~,~~ that is principally above ground, as well as a manufactured home.

"Supportive housing for the homeless" is a form of affordable permanent supportive housing specifically serving homeless individuals or youths; the term has the same meaning as defined in Section 50675.14 of the Health and Safety Code, and includes administrative office space in the amounts set forth in paragraph (5) of subdivision (a) of Section 65651 of the Government Code and transitional housing for youth and young adults~~and is a form of affordable permanent supportive housing specifically serving homeless individuals or youths~~. The "target population" for purposes of supportive housing for the homeless is defined in Section 50675.14 of the Health and Safety Code and consists of persons, including persons with disabilities, and families who are "homeless," as that term is defined by Section 11302 of Title 42 of the United States Code, who currently reside in a supportive housing project and were "homeless" when approved for tenancy in the supportive housing project in which they currently reside, or who are "homeless youth," as that term is defined by paragraph (2) of subdivision (e) of Section 12597 of the Government Code.

Chapter 9.08 SINGLE-FAMILY RESIDENTIAL DEVELOPMENT STANDARDS.

9.08.020.050 Special Operating Conditions and Development Standards.

A. Churches, other religious centers, and other authorized assembly uses in residential zones and open space zones. Subject to a conditional use permit and the following conditions:

~~1. The minimum site area shall be one acre.~~

~~2~~1. The depth of the required front yard for churches, sanctuaries, or main assembly buildings shall be 40 feet when entrances are located in the front of the building; however, when building entrances do not face the front yard, the main structure shall be required to provide only a front yard setback specified in the zone in which the building is located.

a. The depth of the required front yard for accessory buildings, e.g., ~~Sunday~~ permitted school~~s~~ buildings, showers or restroom facilities, etc., shall be only the front yard required in the zone in which they are located, provided said structures have no entrance facing the front yard.

b. The required front yard for any off-street parking area shall be no less than that required for the zone in which the parking area is located, provided that a solid or decorative masonry wall of 42 inches in height is provided between the parking area and the front yard.

~~3~~2. Limitations on lot coverage by buildings need not apply.

~~4~~3. Main buildings and structures on the site shall not be closer than 25 feet to any property line that is a common property line with "R" zoned property, except that accessory buildings and structures shall maintain a side yard of 10 feet, with five feet added at ground level for each additional story over the first. Any detached one-family dwelling on such site shall conform to the yard requirements and required distance between buildings as described in the zone in which the dwelling is located.

~~5~~4. A solid wall not less than six feet in height shall be constructed and maintained on any property lines adjoining residential property, provided such wall shall not extend into any required front yard, and such walls may be built progressively as the site is improved.

~~6~~5. On interior lots, the required side yards may be used to provide off-street parking areas, and, on corner lots, the interior side yard may be similarly used. Under no circumstances may the required side yard on the street side be used for off-street parking. A solid or decorative masonry wall of 42 inches in height shall be provided between the parking area and the required side yard on the side street side.

~~7~~6. All lights provided to illuminate any parking area or building on such site shall be so arranged as to direct the light away from any adjoining premises.

~~8~~7. The width of the frontage of the building site shall be not less than 120 feet.

~~9~~8. Church, religious center, and other authorized assembly use sites shall abut and be accessible from at least one public street with a roadway having not less than two parking lanes and two traffic lanes, and having a combined width of not less than 36 feet. All bounding streets and/or alleys shall be improved to the dimensions indicated on any adopted specified plans therefor, and to the City's specifications pertaining to materials, design and construction. Where no specific plan for street alignment or widths have been adopted and boundary streets or alleys do not conform to prescribed minimum requirements, the plan shall be submitted to the Planning Commission to initiate proceedings and adoption of a specific plan to define boundary streets and alleys that will conform to prescribed minimums.

~~10~~9. Parcels zoned and utilized for single-family residential purposes may be improved with churches, religious centers, and other authorized assembly uses, provided the site has frontage on a secondary or primary highway, and shall be devoted exclusively to such purposes.

~~11~~10. Requirement(s) of this subsection A may be waived by the Planning Commission upon a finding that the impacts of the project, as proposed, do not justify imposition of the requirement(s).

9.08.040.020 Residential – General Development Standards.

A. Specific development standards for R-1 (Single-Family Residential) zone are in the following table:

R-1 DEVELOPMENT STANDARDS TABLE	
Placement	**R-1**
Setbacks	

R-1 DEVELOPMENT STANDARDS TABLE	
Placement	**R-1**
Front (1, 2) Side setback (interior) Street side Rear setback (6)	20 ft. 5 ft. 10 ft. 20% of lot depth not to exceed 25 ft. (Main structures—See diagrams for R-1 required rear yards) 5 ft. (detached accessory structures)
...	...

1. In no case shall the setback be less than 10 feet.

2. Garages opening directly to the street may be permitted to have an 18-foot setback, but only for properties zoned for 5,000 and 6,000 square foot lots, and provided that the garage is equipped with a roll-up garage door. Garages may be permitted with 15-foot setbacks on properties zoned for 5,000 and 6,000 square foot lots if the garage door is perpendicular to the front property line.

3. Lot coverage includes all building and structures (primary and accessory) and required uncovered parking areas, and excludes uncovered swimming pools and permeable or semi-permeable recreational surface areas.

4. Hardscape counted toward maximum coverage percentage includes driveways and pedestrian walkways, excepting portions of driveways that directly lead to a private garage, or legally converted garage, in the following amounts: 200 square feet for a one-car garage, 400 square feet for a two-car garage, 600 square feet for a three-car garage, and 800 square feet for a four-car garage.

5. Applications for density bonuses may be made as provided for by state law.

6. Also see Section 9.08.040.030.A.1 ~~and 2.a.1~~.

9.08.040.030 Special Requirements – R-1 Zone.

A. All plans for new construction, ~~and/or~~ attached ~~or detached~~ additions, and/or detached structures to properties zoned for, or improved with, single-family residences shall be reviewed for approval by the City Manager or designee.

Approval by the City shall be based on the following criteria. Wherein any of these criteria have not been met, the ~~addition~~ plans shall be denied.

1. All zoning requirements of the R-1 zone are complied with and no variances or waivers are requested.

2. The architectural style and ~~building materials~~design features of the primary residential unit and each attached or detached addition or accessory structure shall match one another, as provided below: ~~are compatible with the existing dwelling unit. The roofing shall be the same style, material and design as the main structure.~~

   a. The type, pitch, color, material, and texture of the roof and eave details of an attached or detached addition or accessory structure shall be the same as the primary unit.

   b. The color, material, and texture of all building walls, windows, and doors of an attached or detached addition or accessory structure shall be the same as the primary unit.

3. The total footprint coverage of the ~~main~~ primary structure, any accessory structure(s), driveways and uncovered parking does not exceed 50% of the total lot area.

4. All areas designed and/or intended to be used as living or habitable area are integrated into a single, cohesive dwelling unit.

~~5. The nature and character of the new construction or addition are consistent with the nature and character of the neighborhood.~~

...

C. New Two-Story Structures and Two-Story Additions to Single-Family Residences. In addition to the requirements of Section 9.08.040.030.A the following development standards shall apply to all new two-story structures and two-story additions in the R-1 zone.

1. All of the following privacy provisions shall be complied with:

   a. All new two-story windows and balconies shall be situated so that they are not directly opposite those windows of adjacent residential dwelling units;

   b. Second-story w~~W~~indows and balconies ~~locations~~ shall not have direct views ~~take~~ into account adjacent property's recreation

areas, such as side and rear yards, and amenities, which may include ~~such as~~ pools, spas, seating areas, play equipment, patios, gazebos, gardens, or other similar recreation areas or amenities located on portions of an adjacent lot that are not visible from the public right-of-way. ~~etc.;~~ Where there are direct views into adjacent recreation areas from proposed window and balcony locations, visual intrusion mitigation measures shall be provided, such as the following:

i. High windows with a minimum sill height of six feet, as measured from the finished floor.

ii. View-obscuring treatment such as wing walls.

iii. Obscure, opaque, or frosted fixed (non-slider) windows.

iv. A row of screening/canopy trees evenly spaced shall be placed along the property line(s), which shall be of a minimum height that blocks any direct views. Screening/canopy trees shall be maintained in perpetuity.

~~c. Where conflicts between proposed window locations occur, visual intrusion mitigation measures shall be provided, such as, the use of high windows, wing walls, view obscuring window treatments, window alignments, etc.~~

D. ~~Detached~~ Accessory Structures. In addition to the requirements of Section 9.08.040.030.A, all ~~detached~~ accessory structures, constructed on a property used for single-family residential purposes shall comply with all of the following provisions, unless otherwise required by this title:

1. Maximum floor area for any detached accessory structure shall not exceed 800 square feet inside dimension;

2. No more than three detached accessory structures may be permitted on a lot;

3. Maximum height of a detached accessory structure shall not exceed one story and 17 feet;

4. The combined floor area of all detached accessory structures on a lot shall not exceed 1,000 square feet;

5. One thousand square feet of usable open space shall be maintained in the required rear yard as defined in Section 9.08.040.030.B.1;

6. The width of any single accessory structure shall not exceed one-half of the width of the lot;

7. No kitchens or other food preparation appliances or fixtures shall be provided;

8. Plumbing may be permitted, but in no case shall more than a one-half bathroom (one water closet and one lavatory) be permitted.

   Exemptions:

   a. One-story detached accessory structures used as tool sheds, playhouses and similar uses shall be exempt from the architectural requirements contained in Section 9.08.040.030.A, provided any such structure does not exceed 120 square feet of projected roof area and is located to the rear and interior side of the main building.

   b. Accessory dwelling units, including porch and/or patio areas and enclosed parking areas dedicated to the accessory dwelling unit that are within the maximum area for an accessory dwelling unit, shall be exempt from the provisions of this subsection.

9. Interior Standards for ~~Detached~~ Accessory Structures.

   a. ~~Detached a~~Accessory structures such as workshop spaces, ~~detached~~ garages, or other similar spaces shall not have ~~wall~~ insulation or heating/cooling equipment.

   b. Each wall within an ~~detached~~ accessory structure shall only have one outlet for every 10 feet.

   c. Only non-egress windows are allowed within an ~~detached~~ accessory structure.

10. No detached accessory building walls shall be closer than six feet to any main building walls or other accessory building walls on the same lot or building site, and no detached accessory building eaves shall be closer than four feet to any main building eaves or other accessory building eaves on the same lot or building site. When the distance between either the walls or the eaves of a detached accessory building and a main building or living unit are less than specified in this section, the buildings are deemed attached for the purpose of determining setbacks and both must meet the setbacks prescribed for a main building.

...

F. Height of Towers, Spires and Unique Structures in the R-1 (Single-Family Residential) Zone.

1. Usable floor space may be provided above allowable height for religious institutions, and public, private or parochial schools when employed as a unique structure, tower or spire, subject to a conditional use permit.

2. Fire or parapet walls, skylights, flagpoles, chimneys, wireless masts and similar nonhabitable structures may be erected fifteen feet above the height of the structure to which it is attached ~~limits prescribed if done so in conjunction with the filing of a conditional use permit~~.

...

H. Driveway Width. Minimum paved access-way width of 16 feet is required when off-street parking for open or garage spaces is located at the rear of a unit. When a new, conforming, garage is proposed to be constructed to the rear of an existing residence, and when the location of that residence interferes with providing the required 16-foot driveway width, the minimum accessway may be reduced to 12 feet ~~with the approval of the City Manager or designee~~.

I. Swimming Pools. Swimming pool setbacks shall be subject to any applicable standards of the California Building Code, but in no case shall be less than 5 feet to the side and rear property lines, and 20 feet to the front property line. Separations between swimming pools and any structures shall be subject to any applicable standards of the California Building Code, but in no case shall be less than 6 feet. See also Section 9.08.040.010.G and 9.08.040.020.F.

J. Any yard accessories taller than 36 inches, including, but not limited to, statues, fountains, planters, barbecues, counters, diving boards, slides, play and sports equipment, rock walls, and fireplaces or fire pits, shall not be taller than 17 feet in height, and shall be subject to the following setbacks: 5 feet to the side and rear property lines, 10 feet to any street side property lines, and 20 feet to the front property line.

...

9.08.040.100 Walls, Fences and Hedges – Heights and Yards.

~~A. Height of Unique Structures. Penthouses or roofs structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, fire or parapet walls, skylights, towers,~~

~~flagpoles, chimneys, smokestacks, wireless masts and similar structures may be erected above the height limits by this chapter, but may not exceed a height of 15 feet above the structure to which it is attached. No penthouses or roof structure, nor any other space above the height limit allowed for the zone in which the building is located, shall be allowed for the purpose of providing additional usable floor space, except that usable floor space may be provided above this height for churches, and public, private or parochial schools, when employed in a unique structure, tower or spire, subject to the approval of a conditional use permit. Specialized buildings or structures that, for technological purposes, may be erected to heights greater than the height limits herein prescribed, and may contain additional floor space above the prescribed limit when necessary to the operating of the equipment and processing within the building, subject to conditional use permit.~~

~~B.~~ A. Yard Regulations. Except as provided elsewhere in Title 9, every required yard shall be open and unobstructed from the ground to the sky.

~~C.~~B. Modification of Required Front Yard Setback Where Nonconformities Exist. Unimproved lots located between lots that have nonconforming setbacks may develop the property with a reduction in setback of up to five feet, but in no instance shall the front yard setback be less than 15 feet.

~~D.~~C. Application of Required Front Yard Setback for Properties Having 15-Foot and Properties Having Greater Than 15-Foot Setbacks. Those properties that have existing, established 15-foot front yard setbacks may have new construction at that setback distance~~ granted, provided that it does not obscure vision clearance, create traffic hazards or future street widening problems~~ as measured from the ultimate right-of-way. In addition, the 15-foot setback at no time shall be permitted for a garage having a straight-in driveway approach. The garage may be set back at 15 feet only if the garage door is perpendicular to the street. Those properties having established setbacks greater than 15 feet and adjoining properties having greater than 15-foot setbacks shall adhere to the prescribed 20-foot front yard setback under the R-1 zone. Deviation from this latter provision would require the filing and approval of a variance.

~~E.~~D. Yard Requirements for Property Abutting Half-Streets or Streets Designated by a Specific Plan.

1. No property shall develop half-streets.

2. A building or structure shall not be erected on a lot that abuts a street having only a portion of its required width dedicated or potential subdivision dedication and where no part of such dedication would normally revert to said lot if the street were vacated, unless the yards provided and maintained in connection with such building or structure

have a width or depth of that portion of the lot needed to complete the road width plus the width or depth of the yards required on the lot by this chapter, if any. This section applies to all zones and area districts. Where a specific plan or other legislation adopted pursuant to law includes plans for the widening of existing streets or alleys, the connecting of existing streets or alleys or the establishment of new streets or alleys, the placement of buildings and the maintenance of yards, where required by this chapter, shall relate to the future street or alley boundaries as determined by said precise plan or legislation.

~~F.~~E. Modification of Required Front Yards on Lots Fronting on the Curves of Cul-de-Sacs or Knuckles. Where the street pattern of a subdivision includes lots fronting upon cul-de-sac turnarounds or knuckle widenings at right angles or approximate right angle turns in a street, and where such fronting lots by reason of the cul-de-sac or knuckle creating a greater street width with the resultant reduced depth of fronting lots, the required front yard may be reduced in the following manner:

1. Any lot fronting entirely on an arc formed by a knuckle or cul-de-sac, the front setback shall be no less than one-half the required setback for that zone with the provision that no setback shall be less than 10 feet. The prescribed setback shall be measured by maintaining a constant parallel arc to the front property line.

2. Where lots have only a portion of the property located on a cul-de-sac, knuckle, reverse curve or where the street widens from the established parallel right-of-way, that portion where the reduction occurs may have the front yard setback reduced in the following manner. The setback shall be determined by first locating a point of reference on the property line, of the subject lot, that establishes the required setback for that zone in which the property is located. The second point of reference shall be established by locating a point on the property line establishing the property's depth from street's arc, by locating the point one-half the required setback for that zone and in no instance shall the setback at any point along the property street frontage be less than 10 feet. Once the two points are established, a line is drawn from one point to the other, thus reflecting the front yard setback.

3. The allowed setback deviation at no time shall permit any covered or uncovered parking spaces, in the R-1 zone, to be located less than 20 feet from property line if the garage access is directly straight in from the street. A garage may be located at the prescribed setbacks noted above in subdivisions 1 or 2 of this subsection, if the garage door is perpendicular to the front setback. If positioning of the garage is different than the two above-described situations, then the setback shall be a

minimum of 18 feet set back from the front property line at the garage's closest point to the front property line.

~~G.~~F. Vision Clearance, Corner and Reverse Corner Lots. All corner lots and reverse corner lots subject to yard requirements shall maintain, for safety vision purposes, a triangular area one angle and two sides of which shall be formed by the intersection of the lot front and side lines or their projection to a point of intersection, and the sides of such triangle forming the corner angle shall each be 25 feet in length measured from the aforementioned angle. The third side of said triangle shall be a straight line connecting those points that are distant 25 feet from the intersection of the lot front and side lines or the intersection of their projection, and within the area comprising said triangle, no tree shall be allowed nor any fence, shrub or other physical obstruction higher than 36 inches above the established grade shall be permitted.

~~H.~~G. Permitted Intrusions Into Required Yards. The following intrusions may project into any single-family development required yard, but in no case shall such intrusion extend more than two feet into any required yard, except as provided below. Any such extension shall not reduce any remaining side yard or rear to a width less than three feet.

1. Cornices, eaves, belt courses, sills, buttresses, or similar architectural features, may extend into the front yard not more than four feet.

2. Fireplace structures not wider than eight feet measured parallel to the wall of which it is a part.

3. Planting boxes or masonry planters, not exceeding 42 inches in height, may extend not more than four feet into the required front yard.

4. Guard railings for safety protection around ramps may be 42 inches in height.

~~I. Waiver of Zone Separation Setback. When commercial or industrial property has a common property line with R-zoned property that is a right-of-way for a street, highway, freeway, railroad, or flood control channel, the hearing body may waive the requirement for a 10-foot setback for buildings and structures.~~

~~J. When the strict and literal application of Title 9 of this code requiring the narrow dimension to be the front of a corner lot prevents the lot from being developed to its fullest and best use, the hearing body may determine which side of a corner lot in any zone is the front for purposes of applying requirements for setbacks; wall, fence and hedge heights; parking; and landscaping.~~

9.08.040.110 Wall, Fences and Hedges.

...

B. Wall, Fence or Hedge May Be Maintained.

1. In any "R" zone a wall, fence or hedge 36 inches in height may be located and maintained on any part of a lot. If fences in the front yard are 36 inches in height and include pilasters, the pilasters may be extended up an additional six inches above the allowed height.

2. On interior lots, a fence, wall or hedge not exceeding seven feet in height may be located anywhere on the lot to the rear of the line of the required front yard.

3. On corner lots, a fence, wall or hedge not exceeding seven feet in height may be located anywhere on the lot to the rear of the rear line of the required front yard, unless the lot rears upon an alley, in which case on the rear property line and the side street property line a fence more than 36 inches in height may not extend within a triangle, two sides of which shall be the rear property line, and the side street property line measured from the point of intersection of such lines 10 feet in each direction, and the third side of which shall be a straight line connecting such two points.

4. On reverse corner lots, a fence, wall, or hedge not exceeding seven feet in height may be located anywhere on the lot to the rear of the rear line of the required front yard. Any such fence shall observe the triangular area of the required side yard on the side street side at the rear of corner lots. When the dwelling unit(s) on the lot abutting the rear line of said reversed corner lot front(s) a property line(s) other than the front line, the triangular area observance may be waived ~~or modified subject to the approval of the hearing body~~.

5. On corner lots or reverse corner lots, if a vehicular entrance is provided from the side street side, an area for safety vision clearance shall be maintained on each side of the driveway. Such area for vision clearance shall be defined by a diagonal line beginning at the intersection of the edges of the driveway and the inside line of the required side yard and extending away from the driveway at an angle of 45 degrees to the edge of the driveway toward the side street property line of the lot.

6. The provisions of this section shall not apply to fences required by the state to surround and enclose public utility installations, or to chain link fences enclosing school grounds and public playgrounds.

7. Where a retaining wall protects a cut below the natural grade, and is located on the line separating lots or parcels, the retaining wall may be topped by a fence, wall or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed.

8. Where a retaining wall contains a fill, the height of the retaining wall built to retain the fill shall be considered as contributing to the permissible height of a fence, solid wall or hedge, provided that in any event a protective fence or wall not more than 36 inches in height may be erected at the top of the retaining wall. Any portion of a fence above the seven-foot maximum height shall be an openwork fence. An openwork fence means a fence in which the component solid portions are evenly distributed and constitute not more than 60% of total surface area of the face of the fence.

9. No wall, fence or hedge exceeding 42 inches in height may be located in open space required between buildings used for human habitation when the buildings are situated front to front, front to rear, or front to end.

10. A wall or fence not exceeding eight feet in height may be constructed along that portion of a lot or parcel that abuts a freeway right-of-way; provided that~~:~~ said wall or fence does not extend into any front yard.

~~a. Said wall or fence does not extend into any front yard.~~
~~b. A wall or fence exceeding six feet in height shall be subject to the preview and approval of the hearing body, who shall consider the effect of such wall or fence on other property in the vicinity.~~

~~c. Walls used for sound attenuation walls along arterials shall be attractive and subject to approval by the hearing body.~~

11. Any other provision of the chapter notwithstanding, a wall, fence or hedge that is provided along a common boundary line separating property used for commercial or industrial purposes from "R" zoned property and that is permitted or required to maintain a height of six feet, may be extended to a height not to exceed eight feet.

12. When commercial or industrial property has a common property line with R-zoned property that is a right-of-way for a street, highway, freeway, railroad, or flood control channel, the hearing body may waive the requirement for a zone separation wall or fence.

9.08.040.120. Lot Areas, Frontages and Dwelling Unit Areas.

...

B. Lot Area Not to Be Reduced. No lot area shall be so reduced or diminished that the lot area, yards, or other open spaces shall be less than prescribed by this chapter for the zone in which it is located, ~~nor shall the density of population be increased in any manner,~~ except in conformity with the regulations established by this ~~chapter~~Title or State Law.

...

9.08.040.150 Parking Spaces Required.

USE	REQUIRED MINIMUM PARKING SPACES
A. Residential Uses	
1. ~~Single-family home~~Primary Dwelling Unit(s) a. ~~1~~0-4 sleeping rooms	2 spaces in an enclosed garage plus 2 open spaces
...	...

9.08.040.160 Parking – Special Requirements.

...

B. Required Types of Spaces. Resident parking spaces for ~~single-family homes~~primary dwelling units shall be provided in garages ~~only~~, and/or as open spaces on paved driveways.

...

9.08.040.170 Location of Parking Spaces.

A. All required open parking spaces and garages shall be located on the same building site or within the same development, unless otherwise provided in accordance with State Law.

B. All off-street open and enclosed parking spaces shall be located and maintained so as to be accessible and usable for the parking of motor vehicles.

1. Off-street parking spaces shall not be located in any required setback except on property developed with single-family homes in the R-1 zone, or as may be approved in any other residentially zoned property pursuant to an approved site plan.

2. All motor vehicles, trailers, vessels, campers and camper shells must be parked or stored on a fully paved surface with approved entrances and exits to the street.

3. For projects approved and developed after April 25, 1991, where security gates are proposed to be provided, ~~70~~10% of the guest parking spaces shall be located outside the secured area.

9.08.040.180 Parking Dimensions and Design Lay-Outs.

...

B. Parking Improvements.

1. Paving. Parking and loading facilities shall be surfaced and maintained with asphalt concrete, concrete or other permanent, ~~impervious~~ fixed surfacing material sufficient to prevent loose surfacing materials and other nuisances. Parking lot striping shall be maintained at all times. ~~Any development requiring parking lot improvements will be required to file with the City conditions, covenants and restrictions requiring maintenance of the parking area. Said conditions, covenants and restrictions shall run with the land.~~

2. Drainage. All parking and loading facilities shall be graded and provided with permanent storm drainage facilities.

   a. Surfacing, curbing and drainage improvements shall be sufficient to preclude free flow of water onto adjacent properties or public streets or alleys.

   b. Measures listed above shall be taken to preclude standing pools of water within the parking facility.

3. Safety Features. Parking and loading facilities shall meet the following standards:

   a. Safety barriers, protective bumpers or curbing and directional markers shall be provided to assure pedestrian and vehicular safety, efficient utilization, protection to landscaping and to prevent encroachment onto adjoining public or private property.

   b. Pedestrians', bicyclists' and motorists' safety shall be assured upon entering and exiting parking lots. Unobstructed visibility shall be maintained at all times while vehicles are circulating within the parking area.

c. Internal circulation patterns and the location and traffic direction of all access drives shall be designated and maintained in accordance with accepted principles of traffic engineering and traffic safety.

d. Striping of parking lots must at all times be clearly visible and maintained throughout the life of the facility.

4. Lighting. Lights provided to illuminate any parking facility or paved area shall be designed with automatic timers (photovoltaic cells) and maintained in accordance with the provisions of this title. Parking lot security lights shall be maintained and shall be operated during all hours of darkness.

a. All nonresidential parking area lighting shall be provided during the hours of darkness the establishment is open at a minimum of two foot-candles of light on the parking surface.

b. A minimum of one foot-candle of light shall be provided during all other hours of darkness.

c. Lighting in the parking area shall be directed, positioned, or shielded in such a manner so as not to unreasonably illuminate the window area of nearby residences.

5. Noise. Areas used for primary circulation, or for frequent idling of vehicular engines or for loading facilities shall be designed and located to minimize impacts on adjoining properties, including sound attenuation to adjacent property and visibility screening from adjacent property.

6. Screening. Open off-street parking areas for non-residential uses shall be screened from view of public streets and adjacent ~~land uses that are more restrictive~~properties improved with residential uses.

7. Walls. High walls shall not block or otherwise impair visual access from adjacent residential properties.

8. Landscaping. Open off-street parking areas shall be landscaped in accordance with this title.

9. Dimensions. ~~Parking space dimensions shall be as adopted by resolution of the Planning Commission~~All parking spaces shall conform to the following minimum dimensions~~.~~:

a. Non-Residential Uses.

Standard Space:	9 ft wide by 19 ft long
Compact Space:	8 ft wide by 15 ft long
Parallel Space:	8 ft wide by 22 ft long

i. Wherever a space is adjacent to a wall, fence, or hedge, an additional one foot of width shall be provided to that space.

ii. Up to 20% of the required parking stalls may be compact parking spaces.

b. Residential Uses.

i. Enclosed Parking Spaces. All enclosed parking spaces shall conform to the minimum interior dimensions of 10 feet wide by 20 feet long for each space. For example: A two-car garage shall maintain minimum interior dimensions of 20 feet wide by 20 feet long.

ii. Open Driveway Parking Spaces. All open parking spaces provided on a driveway shall conform to the minimum dimensions of 9 feet wide by 19 feet long for each space.

~~9.08.040.190 Waiver of Off-Street Parking Requirements.~~

~~A waiver of these parking standards may be applied for where the requirements of this section are insufficient or excessive due to the nature of the use involved, or other relevant circumstances. Said waiver shall be processed in accordance with Chapter 9.32.~~

...

Chapter 9.12 MULTIFAMILY RESIDENTIAL DEVELOPMENT STANDARDS.

...

9.12.020.050 Special Operating Conditions and Development Standards.

A. Churches, other religious centers, and other authorized assembly uses in residential zones and open space zones. Subject to a conditional use permit and the following conditions:

~~1. The minimum site area shall be one acre.~~

~~2~~1. The depth of the required front yard for churches, sanctuaries, or main assembly buildings shall be 40 feet when entrances are located in the front of the building; however, when building entrances do not face the front yard, the main structure shall be required to provide only a front yard setback specified in the zone in which the building is located.

a. The depth of the required front yard for accessory buildings, e.g., permitted ~~Sunday~~ school~~s~~ buildings, showers or restroom facilities, etc., shall be only the front yard required in the zone in which they are located, provided said structures have no entrance facing the front yard.

b. The required front yard for any off-street parking area shall be no less than that required for the zone in which the parking area is located, provided that a solid or decorative masonry wall of 42 inches in height is provided between the parking area and the front yard.

~~3~~2. Limitations on lot coverage by buildings need not apply.

~~4~~3. Main buildings and structures on the site shall not be closer than 25 feet to any property line that is a common property line with "R" zoned property, except that accessory buildings and structures shall maintain a side yard of 10 feet, with five feet added at ground level for each additional story over the first. Any detached one-family dwelling on such site shall conform to the yard requirements and required distance between buildings as described in the zone in which the dwelling is located.

~~5~~4. A solid wall not less than six feet in height shall be constructed and maintained on any property lines adjoining residential property, provided such wall shall not extend into any required front yard, and such walls may be built progressively as the site is improved.

~~6~~5. On interior lots, the required side yards may be used to provide off-street parking areas, and, on corner lots, the interior side yard may be similarly used. Under no circumstances may the required side yard on the street side be used for off-street parking. A solid or decorative masonry wall of 42 inches in height shall be provided between the parking area and the required side yard on the side street side.

~~7~~6. All lights provided to illuminate any parking area or building on such site shall be so arranged as to direct the light away from any adjoining premises.

~~8~~7. The width of the frontage of the building site shall be not less than 120 feet.

~~9~~8. Church, religious center, and other authorized assembly use sites shall abut and be accessible from at least one public street with a roadway having not less than two parking lanes and two traffic lanes, and having a combined width of not less than 36 feet. All bounding streets and/or alleys shall be improved to the dimensions indicated on any adopted specified plans therefor, and to the City's specifications pertaining to materials, design and construction. Where no specific plan for street alignment or widths have been adopted and boundary streets or alleys do not conform to prescribed minimum requirements, the plan shall be submitted to the Planning Commission to initiate proceedings and adoption of a specific plan to define boundary streets and alleys that will conform to prescribed minimums.

~~10~~9. Parcels zoned and utilized for single-family residential purposes may be improved with churches, religious centers, and other authorized assembly uses, provided the site has frontage on a secondary or primary highway, and shall be devoted exclusively to such purposes.

10~~1~~. Requirement(s) of this subsection A may be waived by the Planning Commission upon a finding that the impacts of the project, as proposed, do not justify imposition of the requirement(s).

...

9.12.040.040 Special Requirements – Duplex and Triplex in R-2 and R-3 Zones.

...

L. Architectural Compatibility between New and Existing Units. If a development is designed to preserve any existing unit(s) on the property, the architectural style and ~~building materials~~design features~~, including roof style and pitch, roofing material, trim detail around the eaves and windows, garage doors, exterior building colors, etc., shall be of the same architectural style and building materials of the existing unit(s).~~ of the existing residential unit and each new residential unit, attached or detached addition, or accessory structure shall match one another, as provided below:

1. The type, pitch, color, material, and texture of the roof and eave details of a new residential unit, an attached or detached addition, or accessory structure shall be the same as the existing residential unit.

2. The color, material, and texture of all building walls, windows, and doors of a new residential unit, an attached or detached addition, or accessory structure shall be the same as the existing residential unit.

...

9.12.040.050 Special Requirements - Multiple-Family Residential.

...

D. Laundry Facilities. All multiple-family residential units shall have a laundry space located within the unit or within the private garage for that unit that is equipped with washer and dryer hook-ups. If the laundry facilities are located within the enclosed garage, the laundry equipment shall not encroach into the required interior garage parking area of 20 feet by 20 feet. In the case of apartments, common laundry facilities may be provided in lieu of private laundry facilities.

...

I. ~~Outdoor and Indoor Uses and Activities—~~Private and Common Open/Recreational Space~~/Recreational and Leisure Areas~~—Sites Under 14,400 Square Feet. Each development site under 14,400 square feet in area proposing multiple-family development shall provide private open spaces, ~~and~~ common open/recreational spaces, or a combination thereof.

1. Any ground-level ~~active~~ common open/recreational space shall provide a minimum five-foot-wide landscaped buffer along a property line(s) abutting an R-1 zoned property.

2. The combined usable private and common open/recreational space shall equal a minimum of 300 square feet per unit.

3. Private open space shall be located next to the unit served and accessed directly from a common area within the unit, such as a living room, family room, dining area, or kitchen.

4. Private open space in the form of a patio, yard, balcony, immediately adjacent deck, or combination thereof shall contribute to the required combined private and common open space areas and shall meet the following dimensions: A minimum of 60 square feet in area with a minimum horizontal dimension of six feet in any direction and a minimum vertical clearance of eight feet.

5. Common open/recreational spaces shall be connected to habitable areas via a pathway, paseo, walkway, trail system, or similar pedestrian access. Common open/recreational spaces shall not be connected to habitable areas via a vehicular driveway or path.

6. Rooftop decks may be counted toward the common open/recreational space requirement.

7. Deck or balcony areas provided on a building stepback area may be counted toward the common/recreational or private open space requirement.

8. Common open/recreational spaces shall have a minimum area of 225 square feet, 15 feet in any horizontal dimension~~, and a minimum vertical clearance of 15 feet~~.

9. Required ~~landscaped~~ setback areas shall not count toward any required private or common open/recreational space, but may be located adjacent to such required open space areas to enhance and expand the open space function.

10. Required common open/recreational space areas shall consist of any combination of landscaping and functional hardscape areas, such as seating areas, children's play areas, and sports courts.

11. Up to 50% of the common open/recreational space may be provided as ~~Indoor~~ indoor common open/recreational areas, such as community rooms, business centers, and/or gyms~~ may be counted up to 50% of the common open space/recreational area requirement~~.

J. Private and Common Open/Recreational Space~~/Recreational and Leisure Areas Open Space, Recreation and Leisure Areas~~—Sites Over 14,400 Square Feet.

1. Intent. The intent of this section is to ensure the provision of space for residents and guests of multiple-family housing to enjoy active and passive recreational activities in both private and common open/recreational spaces ~~and recreation areas~~. Common open/recreational spaces ~~and recreation areas~~ may include active and passive facilities, in both indoor ~~facilities~~and outdoor locations, as described and regulated by this section.

2. The combined usable private and common open/recreational space for the entire development shall equal a minimum of 300 square feet per unit.

3. Rooftop decks may be counted towards the common open/recreational space requirement.

4. Deck areas provided on a building stepback area may be counted toward the common or private open space requirement.

5. Up to 50% of the ~~Indoor~~ common open/recreational area~~s~~ may be ~~counted~~ provided ~~up to 50% of the~~as indoor common open/recreational space~~/recreational area requirement~~s.

6. Private Open Space.

   a. Private open space shall be located exterior to and next to the unit served, and accessed directly from a common area within the unit, such as a living room, family room, dining area, or kitchen.

   b. Private open space in the form of a patio, yard, balcony, immediately adjacent deck, or combination thereof meeting the minimum size requirements shall contribute to the required combined private and common open/recreational space areas. ~~and~~ Private open spaces shall meet the following dimensions: A minimum of 60 square feet in area with a minimum horizontal dimension of six feet in any direction and a minimum vertical clearance of eight feet.

7. Common Open/Recreational Space~~/Recreational Area~~.

   a. Common open/recreational spaces, whether indoors or outdoors, ~~and indoor recreational areas~~ shall be connected to habitable areas via a pathway, paseo, walkway, trail system, or similar pedestrian access. Common open/recreational spaces ~~and indoor recreational uses~~ shall not be connected to habitable areas via a vehicular driveway or path.

b. The minimum area for ~~any~~ at least one common open/recreational ~~active recreation~~ area, whether indoors or outdoors, shall be 900 square feet, with minimum horizontal dimensions of 30 feet in any direction. A project site may include more than one ~~active recreation~~common open/recreational area. The combined ~~active recreation~~common open/recreational area for a project site shall be as set forth in the table below.

c. If the minimal open space dimension standards for ~~active~~ common open/recreation area set forth in this section cannot be met, but the net total of open space can be accomplished by reconfiguration, then the site plan may be approved with modifications. However, no more than 10 lineal feet may be reduced from any ~~active recreation~~common open/recreational area dimension.

Table of Common Open/Recreational Area Requirements	
Net Lot Area	**Minimum Total Square Feet for ~~Active~~ Common Open/Recreation Areas**
14,400 to 26,999 sf	900
27,000 to 39,599 sf	1,225
39,600 to 49,999 sf	1,600
50,000 to 69,999 sf	2,500
70,000 to 95,999 sf	3,600
96,000 to 199,999 sf	5,625
200,000 or more sf	9,025

d. ~~Active~~ Common Open ~~Space~~/Recreation Area Amenities. Common open ~~space~~/recreation areas, whether indoors or outdoors, and whether passive or active, shall be designed to provide specific amenities as described ~~shown in the table~~ below.

i. For active common open/recreational areas, amenities provided shall be based on the number of units ~~to be provided~~proposed, as shown in the table below. The list of amenities is additive, meaning that up to the first five units, the amenity noted shall be provided (barbeque with table seating). Then for the next five units up to 10 units, in addition to the barbeque with table seating, a community garden area shall be provided. Then for the next five units up to 15 units, in addition to the barbeque with table seating and community garden area, an outdoor active use area shall be provided, and so on. Amenities

provided may not be double-counted. By providing a higher quality amenity that meets the minimum Additive Amenity Ratio from further down the list, a~~A~~n applicant may substitute ~~an amenity further down the list~~ for the one listed for the project size under consideration.~~;~~ ~~for~~ For example, ~~for~~ a 15-unit project~~, a substitution~~ may ~~be made~~substitute for one of the required barbeque with table seating, community garden area, or outdoor active use areas with any item further down the list, provided that the amenity meets the minimum additive amenity ratio for the number of units. The selection of amenities shall take into consideration the following criteria: size and shape of common open/recreation area, location and placement of buildings, diversity of recreational amenities, and number of units and/or lot size.

~~i. Size and shape of active recreation area;~~

~~ii. Location and placement of buildings;~~

~~iii. Diversity of recreational amenities; and~~

~~iv. Number of units and/or lot size.~~

~~Multifamily Residential Development~~Active Common Open/Recreational Amenity Standards		
Number of Units	**Base Amenity Type and Minimum Size**	**Additive Amenity Ratio**
0-5	Barbeque with Table Seating	1 barbecue and 2 tables ~~per 10 units, but at least 1~~ in all cases, an additional 1 barbecue and 1 table at every multiple of 20 units thereafter
Up to 10	Community Garden Area – 32 sf minimum	8 sf/4 units
Up to 15	Flexible Outdoor Active Use Area – 400 sf minimum	50 sf/unit
Up to 20	Provide One of Two: • Business Center with Workstations – 2 minimum • Indoor or Outdoor Gym/Sport Facility – 250 sf minimum	• 1 Workstation/8 Units • 5 sf/1 Unit
Up to 35	Provide Two of Three:	

	• Business Center with Workstations ~~– 2 minimum~~ • Indoor or Outdoor Gym/Sport Facility – 250 sf minimum • Clubhouse with ~~400 sf~~ kitchen – 400 sf minimum	• 1 Workstation/8 Units • 5 sf/1 Unit • 5 sf/1 Unit
Up to 45	One In-Ground Outdoor or Indoor Spa	• 1 – 64 sf Spa at 4~~6~~5 Units • 2 – 36 sf Spas at 80 Units • 2 – 64 sf Spas at 100 Units ~~• 1.5 sf Increase/1 Unit > 100 Units~~
Up to 80	Provide One of Two: • In-Ground Pool – ~~20,000 gallon minimum~~500 sf minimum • [1]Children's Play Area~~1~~ – 500 sf minimum	• 10 sf/1 Unit • 1~~5~~0 sf/1 Unit
Up to 100+	One additional amenity from the list not otherwise provided	Same Rates for All Apply

Notes:
~~1. S~~[1]May substitute 400 sf Wellness Facility for 55+ Age Restricted Developments, with an Additive Amenity Ratio calculated at five sf/one unit.
~~2. Allows Wellness Facility Substitution for 55+ Age Restricted Development.~~

ii. Passive Common Open/Recreational Space. Up to 50% of the total common open/recreational space provided may be developed and maintained as passive common open/recreational space consisting of landscape areas that incorporate pathways, waterscapes, and hardscape areas. Such passive open/recreational space shall have dimensions of no less than 10 feet in any direction, and shall be provided outdoors. Such passive open/recreational space areas shall be improved with at least three types of the amenities in the following list:

1. Pathways;

2. Benches/Tables;

3. Raised landscaped beds;

4. Gazebo or similar shade structure;

5. Community garden;

6. Outdoor game feature;

7. Water fountains or other water features;

8. Pet waste/care stations.

8. ~~On-site~~Common ~~-~~open/recreation facilities shall be buffered from any directly abutting R-1 single-family residential properties with a solid masonry wall at least six feet in height.

9. Pool pump and similar mechanical equipment shall not be located immediately adjacent to any abutting R-1 single-family residential property lines, and shall be enclosed or otherwise shielded to achieve the noise/land use compatibility standards set forth in GGMC Chapter 8.47 (Noise Control).

10. Setbacks of ~~Active~~ Common Open/Recreational Spaces. The ~~subject active~~ common open/recreational spaces may be located within side and rear setbacks, and building separation areas. Within any common open/recreational spaces that abuts a property line(s) or on-site building(s), a minimum three-foot separation shall be provided to said property line(s) or building(s). ~~shall have a minimum dimension as shown in the Table of Recreational Area Requirements, according to the net lot area. For example, if the minimum open space dimension of 40 feet is required, then three feet must be added to that minimum dimension for every side adjacent to the above-mentioned structures.~~

~~11. Passive Common Open Space. Up to 50% of the required common open space areas may be developed and maintained as passive common open space consisting of landscape areas that incorporate pathways, waterscapes, and hardscape areas. Such passive open space shall have dimensions of no less than 10 feet in any direction. Such passive open space areas shall be improved with at least three types of the amenities in the following list:~~

~~a. Pathways;~~
~~b. Benches/Tables;~~
~~c. Raised landscaped beds;~~
~~d. Gazebo or similar shade structure;~~
~~e. Community garden;~~
~~f. Outdoor game feature;~~
~~g. Water fountains or other water features.~~

...

9.12.040.140 Walls, Fences and Hedges.

...

B. Wall, Fence or Hedge May Be Maintained.

1. In any "R" zone a wall, fence or hedge 36 inches in height may be located and maintained on any part of a lot. If fences in the front yard are 36 inches in height and include pilasters, the pilasters may be extended up an additional six inches above the allowed height.

2. On interior lots, a fence, wall or hedge not exceeding seven feet in height may be located anywhere on the lot to the rear of the line of the required front yard.

3. On corner lots, a fence, wall or hedge not exceeding seven feet in height may be located anywhere on the lot to the rear of the rear line of the required front yard, unless the lot rears upon an alley, in which case on the rear property line and the side street property line a fence more than 36 inches in height may not extend within a triangle, two sides of which shall be the rear property line, and the side street property line measured from the point of intersection of such lines 10 feet in each direction, and the third side of which shall be a straight line connecting such two points.

4. On reverse corner lots, a fence, wall, or hedge not exceeding seven feet in height may be located anywhere on the lot to the rear of the rear line of the required front yard. Any such fence shall observe the triangular area of the required side yard on the side street side at the rear of corner lots. When the dwelling unit(s) on the lot abutting the rear line of said reversed corner lot front(s) a property line(s) other than the front line, the triangular area observance may be waived or modified subject to the approval of the hearing body.

5. On corner lots or reverse corner lots, if a vehicular entrance is provided from the side street side, an area for safety vision clearance shall be maintained on each side of the driveway. Such area for vision clearance shall be defined by a diagonal line beginning at the intersection of the edges of the driveway and the inside line of the required side yard and extending away from the driveway at an angle of 45 degrees to the edge of the driveway toward the side street property line of the lot.

6. The provisions of this section shall not apply to fences required by the state to surround and enclose public utility installations, or to chain link fences enclosing school grounds and public playgrounds.

7. Where a retaining wall protects a cut below the natural grade, and is located on the line separating lots or parcels, the retaining wall may be topped by a fence, wall or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed.

8. Where a retaining wall contains a fill, the height of the retaining wall built to retain the fill shall be considered as contributing to the permissible height of a fence, solid wall or hedge, provided that in any event a protective fence or wall not more than 36 inches in height may be erected at the top of the retaining wall. Any portion of a fence above the seven-foot maximum height shall be an openwork fence. An openwork fence means a fence in which the component solid portions are evenly distributed and constitute not more than 60% of total surface area of the face of the fence.

9. No wall, fence or hedge exceeding 42 inches in height may be located in open space required between buildings used for human habitation when the buildings are situated front to front, front to rear, or front to end.

10. A wall or fence not exceeding eight feet in height may be constructed along that portion of a lot or parcel that abuts a freeway right-of-way; provided that~~:~~ said wall or fence does not extend into any front yard.

~~a. Said wall or fence does not extend into any front yard.~~

~~b. A wall or fence exceeding six feet in height shall be subject to the preview and approval of the hearing body, who shall consider the effect of such wall or fence on other property in the vicinity.~~

~~c. Walls used for sound attenuation walls along arterials shall be attractive and subject to approval by the hearing body.~~

11. Any other provision of the chapter notwithstanding, a wall, fence or hedge that is provided along a common boundary line separating property used for commercial or industrial purposes from "R" zoned property and that is permitted or required to maintain a height of six feet, may be extended to a height not to exceed eight feet.

12. When commercial or industrial property has a common property line with R-zoned property that is a right-of-way for a street, highway,

freeway, railroad, or flood control channel, the hearing body may waive the requirement for a zone separation wall or fence.

13. Any walls or fences facing a street or alley shall include clinging vines, low shrubs, or other landscaping treatment to deter graffiti.

...

9.12.040.200 Location of Parking Spaces.

A. All required open parking spaces and garages shall be located on the same building site or within the same development. Notwithstanding the foregoing, two or more legal entities may submit a shared parking agreement to the City pursuant to California Government Code Section 65863.1 to allow the sharing of underutilized parking spaces on different sites and/or for different uses. The provision set forth in Section 9.18.140.050.C shall apply to any such shared parking agreements.

...

~~9.12.040.220 Waiver of Off-Street Parking Requirements.~~

~~A waiver of these parking standards may be applied for where the requirements of this section are insufficient or excessive due to the nature of the use involved, or other relevant circumstances. Said waiver shall be processed in accordance with Chapter 9.32.~~

...

9.12.050.010 Single Room Occupancy Regulations and Development Standards.

A. Purpose and Intent. The purpose of this section is to regulate the development and operation of single room occupancy (SRO) residential land uses to ensure such uses provide for the comfort of their residents; create housing opportunities for persons of lower incomes and special housing needs, including, but not limited to, persons with disabilities, seniors, foster youth aging out of the foster system, and formerly homeless individuals; and integrate well into the neighborhoods and districts in which they are located.

B. Where Permitted. SROs shall be allowed to be established in various zones as set forth in Section 9.12.020.030 (Uses Permitted), Table 1, and Section 9.18.020.030 (Uses Restricted to Indoor), Table 9.18-1.

C. Development Standards. An SRO may be established through adaptive reuse of an existing building or as new construction, subject to the development

standards of the zone in which it is located and compliance with all the following standards.

1. Site Standards.

a. An SRO development may be developed up to the maximum density permitted by the General Plan, notwithstanding any other provision of this Title 9.

b. SRO developments shall be located on a primary or secondary arterial roadway, as defined in the General Plan.

c. The minimum site area shall be 20,000 square feet, with a minimum street frontage of 100 linear feet.

2. Overall Standards.

a. Each SRO unit shall comply with the following unit size requirements:

	Minimum Size	Maximum Size
One-person unit (Single occupancy)	150 sf	220 sf
Two-person unit (Double occupancy)	221 sf	400 sf

b. A minimum of 15% of the units shall be designed for double occupancy.

c. Parking shall be provided at a minimum ratio of ~~one-half~~0.5 space<u>s</u> per unit designated as single occupancy and ~~one-eighth~~0.8 space<u>s</u> per unit designated as double occupancy, plus one space for each employee on shift and one space for the on-site manager unit provided.

...

Chapter 9.16 COMMERCIAL, OFFICE PROFESSIONAL, INDUSTRIAL, AND OPEN SPACE DEVELOPMENT STANDARDS.

...

9.16.020.030 Uses Permitted

Table 1 City of Garden Grove Land Use Matrix								
	O-P	C-1	C-2	C-3	M-1	M-P	O-S	Additional Regulations and Comments
COMMERCIAL								
Residential Care Uses								
Child Day Care Center	—	C	C	—	—	—	—	
Community Care Facility, Residential (7 Persons or More)	C	C	—	—	—	—	—	
Emergency Shelter (Homeless)	—	—	—	—	P~~*~~	—	—	See Section 9.16.020.050.W
Intermediate Care Facility	C	C	—	—	—	—	—	
Low-Barrier Navigation Center					P[1]			
Residential Care Facility for the Elderly (RCFE) (7 persons or more)	C	C	—	—	—	—	—	
Skilled Nursing Facility	C	C	—	—	—	—	-	
Offices and Related Uses								
Administration/Business	P	P	P	—	—	—	—	
Banks/Financial Institution	P	P	P	P	P	—	—	
Medical, Dental and Related Health Service Support Facilities	P	P	P	—	C	—	—	
Prescription Pharmacy	P	P	P	P	—	—	—	
Professional and Clerical	P	P	P	—	—	—	—	
Public Utility (Commercial)	P	P	P	P	P	—	—	
Professional Studios								
Art, Music and Dance	P	P	P	—	—	—	—	

Table 1 City of Garden Grove Land Use Matrix								
	O-P	**C-1**	**C-2**	**C-3**	**M-1**	**M-P**	**O-S**	**Additional Regulations and Comments**
Arts and Crafts	P~~*~~	P~~*~~	P~~*~~	—	—	—	—	See Section 9.16.020.050.D
Photography	P	P	P	—	—	—	—	
Portrait	P	P	P	—	—	—	—	
Radio/TV	C	C	C	C	C	—	—	
Recording	C	C	C	C	C	—	—	
Personal Service								
Athletic and Health Clubs, Gyms	—	C	C	C	—	—	C~~*~~	
Athletic and Health Clubs, Spas, or Gyms with Massage	—	—	C~~*~~	—	—	—	—	See Section 9.16.020.050.E
Barber/Beauty Shop	P	P	P	P	—	—	—	
Dry Cleaning - Retail Only	—	P	P	P~~*~~	—	—	—	See Section 9.16.020.050.R
Fortunetelling	—	—	~~C~~P	~~C~~P	—	—	—	See Section 9.16.020.050.AC
Laundromat (Coin-op)	—	P	P	P	—	—	—	
Massage Establishment	—	—	C~~*~~	—	—	—	—	See Section 9.16.020.050.AP
Physical Therapy (Medical Use)	P	P	P	—	C	—	—	
Shoe Repair	—	P	P	—	—	—	—	
Tailor/Dressmaking	—	P	P	—	—	—	—	
Tanning Parlor	—	P	P	—	—	—	—	
Tattoo, Facial	I	I	P	—	—	—	—	
Tattoo, General	—	—	P	—	—	—	—	
Tourist Services								
Extended-Stay Business Hotel	—	C~~*~~	C~~*~~	—	—	—	—	See Section 9.16.020.050.Z

Table 1 City of Garden Grove Land Use Matrix								
	O-P	C-1	C-2	C-3	M-1	M-P	O-S	Additional Regulations and Comments
Hotel, Motel	—	C*	C*	C*	C*	—	—	See Section 9.16.020.050.AJ
Recreation Vehicle Park	—	C	C	—	—	—	—	
Ticket Agency	—	P	P	P	P	—	—	
Travel Agency	—	P	P	P	P	—	—	
Recreation, Amusement, Entertainment								
Adult Entertainment	—	—	C*	—	—	—	—	See Section 9.16.020.050.A
Arcades	—	—	C*	—	—	—	—	See Section 9.16.020.050.C
Billiards/Pool Hall	—	—	C*	—	—	—	—	See Section 9.16.020.050.I
Bowling Alley	—	—	C	C	—	—	—	
Cybercafés	—	C*	C*	C*	—	—	—	See Section 9.16.020.050.P
Golf Courses (Regulation)	—	C*	C*	C*	—	—	C*	See Section 9.16.020.050.AE
Golf Driving Ranges	—	C*	C*	C*	—	—	C*	See Section 9.16.020.050.AF
Incidental Amusement Devices	—	I*	I*	I*	I*	—	—	See Section 9.16.020.050.C
Indoor Sports Facility	—	—	—	—	—	~~C~~*	—	See Section 9.16.020.050.AL
Movie Theaters	—	C	C	—	—	—	—	
Private Clubs and Lodges	—	C	C	—	—	—	C*	
Skating Rinks	—	—	C	C	—	—	—	
Tennis, Swimming Clubs	—	C	C	C	—	—	C*	
Water Oriented Parks	—	—	—	C*	—	—	C*	See Section 9.16.020.050.BK
Retail Trade								

Table 1 City of Garden Grove Land Use Matrix								
	O-P	C-1	C-2	C-3	M-1	M-P	O-S	Additional Regulations and Comments
Antique Shops	—	P	P	—	—	—	—	
Apparel: Clothing, Shoes and Accessories	—	P	P	—	—	—	—	
Auctions	—	—	—	P	P	—	P	
Books, Magazines, Newsstand (in building)	I	P	P	P	—	—	—	
Building Supply, Plumbing Shop	—	—	P	P	P	—	—	
Department Stores	—	P	P	P	—	—	—	
Drug Stores	P	P	P	P	—	—	—	
Florists	I	P	P	P	—	—	—	
Furniture, Carpets, Household Appliances	—	P	P	P	—	—	—	
Gifts and Souvenirs	I	P	P	I	I	—	—	
Hardware, Paint	—	P	P	P	—	—	—	
Hobby Shop	—	P	P	—	—	—	—	
Indoor Multi-Tenant Retail Shopping Center	—	C*	C*	C*	—	—	—	See Section 9.16.020.050.AK
Jewelry, Cameras and Supplies, Luggage	—	P	P	—	—	—	—	
Nonvehicular Vending, Long term	—	C	C	—	—	—	—	
Nurseries	—	P	P	P	—	—	—	
Pawnshop, Secondhand Store	—	—	P	P	—	—	—	
Pets and Pet Supplies	—	P*	P*	—	—	—	—	See Section 9.16.020.050.AY
Sporting Goods	—	P	P	P	—	—	—	
Stationery and Office Supplies - No Furniture	P	P	P	—	—	—	—	
Thrift Retail Stores	—	P	P	P	—	—	—	

Table 1 City of Garden Grove Land Use Matrix								
	O-P	C-1	C-2	C-3	M-1	M-P	O-S	Additional Regulations and Comments
Toys	—	P	P	P	—	—	—	
Variety, Dry Goods Stores	—	P	P	—	—	—	—	
Food/Drink Sales and Service								
Bar/Nightclub	—	—	C*	C*	—	—	—	See Section 9.16.020.050.H
Candy, Confectionery	—	P	P	P	—	—	—	
Convenience, Grocery	—	P	P	P*	—	—	—	See Section 9.16.020.050.M
Delicatessen	—	P	P	P*	C*	C*	—	See Section 9.16.020.050.Q
Eating Establishment/Restaurant								
With Alcoholic Beverage Sales	—	C*	C*	C*	C*	C*	—	See Section 9.16.020.050.T
No Alcoholic Beverage Sales	—	P	P	P	P	P	—	
Eating Establishment/Restaurant With Entertainment	—	C*	C*	C*	—	—	—	See Section 9.16.020.050.U For C-1 Zone, see Section 9.16.020.050.X
Eating Establishment/Restaurants with Outdoor Seating	—	P	P	P	P	P*	—	See Section 9.16.020.050.V
Food Catering	—	I	I	P*	P*	—	—	See Section 9.16.020.050.AA
Ice Cream, Bakery (retail only)	—	P	P	P	—	—	—	
Liquor Store	—	C*	C*	—	—	—	—	See Section 9.16.020.050.AN

Table 1 City of Garden Grove Land Use Matrix								
	O-P	C-1	C-2	C-3	M-1	M-P	O-S	Additional Regulations and Comments
Meat Market	—	P	P	P*	—	—	—	See Section 9.16.020.050.AQ
Mini-Market with Gas	—	C*	C*	C*	—	—	—	See Section 9.16.020.050.AR
Supermarket	—	C*	P*	P*	—	—	—	See Section 9.16.020.050.BE
Vehicle Sales and Service								
Auto Parts, Accessories								
No Installations	—	P	P	P	—	—	—	
Installations	—	—	P	P	—	—	—	
Auto Lease/Rental	—	—	P	P	—	—	—	
Auto Repair (including paint or body work)	—	—	C*	P	P	P*	—	See Section 9.16.020.050.F
Automatic Car Wash	—	—	C*	C*	—	—	—	See Section 9.16.020.050.G
Bicycle Repair	—	P	P	P	—	—	—	
Bicycle Sales/Rental	—	P	P	—	—	—	—	
Boat Repair	—	—	—	C	C	—	—	
Boat Sales	—	—	—	C*	C*	—	—	See Section 9.16.020.050.J
Bus/Truck Repair	—	—	—	C	P	—	—	
General Auto Repair	—	—	P	P	P	—	—	
Minor Auto Maintenance	—	C	P	P	P	—	—	
Motorcycle Sales	—	—	—	—	C*	—	—	See Section 9.16.020.050.AU
Motor Vehicle Sales (New)	—	—	C*	C*	—	—	—	See Section 9.16.020.050.AV

Table 1 City of Garden Grove Land Use Matrix								
	O-P	C-1	C-2	C-3	M-1	M-P	O-S	Additional Regulations and Comments
Motor Vehicle Sales (Used)	—	—	C*	C*	—	—	—	See Section 9.16.020.050.AV
Self-Service or Coin-Operated Car Wash	—	C*	C*	C*	—	—	—	See Section 9.16.020.050.BA
Service Stations (new and conversion of existing)	—	C*	C*	C*	C*	—	—	See Section 9.16.020.050.BB
Tire Sales and Service	—	C	P	P	P	—	—	
Truck, Trailer Rental	—	I*	I*	P*	P*	—	—	See Section 9.16.020.050.BF
Vehicle Storage Yard	—	—	—	C	C	—	C	See Section 9.16.020.050.BH
Other Services								
Ambulance Service	C*	—	C*	C*	—	—	—	See Section 9.16.020.050.B
Blueprint/Photo Engraving, Newspaper Printing	—	—	P	P	P	—	—	
Cleaning/Dyeing Plant	—	—	—	—	P	—	—	
Commercial Laundry	—	—	—	P	C	—	—	
Crematoriums	—	—	—	C*	C*	C*	—	See Section 9.16.020.050.N
Crematoriums with Incidental Funeral Home/Mortuary	—	—	—	C*	C*	C*	—	See Section 9.16.020.050.O
Day Care Facility, Adult	—	C	—	—	—	—	—	
Equipment Rental	—	—	P	P	P*	—	—	See Section 9.16.020.050.Y
Funeral Home/Mortuary with No Crematorium	—	—	P*	P*	—	—	—	See Section 9.16.020.050.AD

Table 1 City of Garden Grove Land Use Matrix								
	O-P	C-1	C-2	C-3	M-1	M-P	O-S	Additional Regulations and Comments
Glass Studio	—	—	P	P	P	—	—	
Graphic Arts/Photocopying	P	P	P	P	P*	P*	—	See Section 9.16.020.050.AG
Home Improvement Center	—	—	P	P	P*	C*	—	See Section 9.16.020.050.AH
Kennel	—	—	—	P*	P*	—	—	See Section 9.16.020.050.AM
Neighborhood Recycling Center	—	I	I	I	—	—	—	
Parking Facilities (For Fee)	C	C	C	C	C	C	—	See Section 9.16.020.050.AW
Pet Grooming	—	P*	P*	—	—	—	—	See Section 9.16.020.050.AX
Public Scales	—	—	—	—	P	—	—	
Small Animal Hospital/Veterinary	—	C*	P	P	P*	—	—	See Section 9.16.020.050.BC
Smoking Lounge	—	—	C*	C*	—	—	—	See Section 9.16.020.050.BD
Upholstery	—	—	P	P	P*	—	—	See Section 9.16.020.050.BG
INDUSTRIAL								
Manufacturing								
Bottling Plant	—	—	—	—	P	—	—	
Food Products, Dairy Products, and Bakery Products	—	—	—	—	P*	P*	—	See Section 9.16.020.050.AB

Table 1 City of Garden Grove Land Use Matrix								
	O-P	C-1	C-2	C-3	M-1	M-P	O-S	Additional Regulations and Comments
Manufacture, Assembly, and Repair of Precision Optics, Electronics, and Electrical Instruments and Equipment	—	—	—	—	P	P	—	
Manufacture, Assembly, Compounding, or Treatment of Materials and Products, Except as Otherwise Listed	—	—	—	—	P	P	—	
Laboratories, Chemical, Dental, Electrical, Optical, Mechanical, and Medical	—	—	—	—	—	P	—	
Light Manufacture	—	—	—	—	P	P	-	
Storage								
Contractors Storage Yards	—	—	—	C	C	C	—	
Frozen Food Lockers	—	—	—	P	P	—	—	
Lumber Yards and Material Storage Yards	—	—	—	C	C	C	—	
Parcel Delivery Service	—	—	P	P	P	P	—	
Regional Recycling Center	—	—	—	—	C	C	—	
Warehouses and Storage Buildings, Regular	—	—	—	—	P~~*~~	P	—	See Section 9.16.020.050.BI
Warehouses and Storage Buildings, Mini	—	—	—	P	P	P	—	See Section 9.16.020.050.BJ
Transit / Transportation								
Airport/Helistop	—	—	—	C	C	C	C	
Automobile Fleet Storage	—	—	—	C	P	—	—	
Draying, Freight or Trucking Yards	—	—	—	—	C	C	—	
Tire Retreading or Recapping	—	—	—	—	P	—	—	
Trailer, Truck or Bus Terminal	—	—	—	—	C	—	—	

Table 1 City of Garden Grove Land Use Matrix								
	O-P	C-1	C-2	C-3	M-1	M-P	O-S	Additional Regulations and Comments
PUBLIC AND SEMI-PUBLIC								
Cemetery	—	—	—	—	—	—	C	
Church and Other Religious Centers	—	C	C	—	—	—	C*	See Section 9.16.020.050.K
Commercial Radio/TV Towers	C*	C*	C*	C*	—	—	C*	See Section 9.16.020.050.L
Educational Institutions	—	—	—	—	—	—	C*	See Section 9.16.020.050.S
Group Shelter	—	—	—	—	—	—	C	
Half-way House	—	—	—	—	—	—	—	
Hospital, Medical or Psychiatric	C	C	C	C	—	—	—	
Public Buildings (Civic Center, Library, County, State or Federal)	C	C	C	C	C	C	C	
Public Recreational Facilities	—	—	—	—	—	—	P	
Public Safety Facilities (Fire, Police)	C	C	C	C	C	C	C	
Public Utility Stations and Equipment Buildings	C	C	C	C	P	C	C	
Religious School	—	—	—	—	—	—	C	
Trade, Business School	—	C	C	C	—	—	—	

9.16.040.150 Parking Spaces Required.

...

USE	REQUIRED MINIMUM PARKING SPACES
A. Residential Uses	
1. Preschool/daycare, Child or Adult	1 space per care provider and staff member plus, 1 space for each 6 children/patrons
3. Emergency Shelter (Homeless)	1 space per 4 beds and/or 0.5 per family unit bedroom, plus 1 per staff member
4. Intermediate Care Facility	0.5 spaces per bed

5. Residential Care Facility for the Elderly (7 persons or more)	0.5 spaces per bed
6. Skilled Nursing Facility	0.5 spaces per bed
B. Commercial Uses	
2. Eating/Drinking Establishments – Restaurants, Cafes, 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
e. Outdoor dining (See Section 9.16.020.050 for Special Operating Conditions)	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~~ 1 parking space shall be provided per 100 sq. ft. of gross floor area. ~~Where dining areas are enclosed on at least three sides, all parking shall be provided as required for the above applicable use.~~
8. Professional studio	
c~~. Karaoke studios~~	1~~ space per 200 sq. ft. of gross floor area~~
C. Office	
3. Veterinarian/Pet Hospital	1 space per 170 sq. ft. of gross floor area

...

9.16.020.050 Special Operating Conditions and Development Standards.

...

K. Churches, other religious centers, and other authorized assembly uses in residential zones and open space zones. Subject to a conditional use permit and the following conditions:

~~1. The minimum site area shall be one acre.~~

~~2~~1. The depth of the required front yard for churches, sanctuaries, or main assembly buildings shall be 40 feet when entrances are located in the front of the building; however, when building entrances do not face the front yard, the main structure shall be required to provide only a front yard setback specified in the zone in which the building is located.

a. The depth of the required front yard for accessory buildings, e.g., ~~Sunday~~ permitted school~~s~~ buildings, showers or restroom facilities, etc., shall be only the front yard required in the zone in which they are located, provided said structures have no entrance facing the front yard.

b. The required front yard for any off-street parking area shall be no less than that required for the zone in which the parking area is located, provided that a solid or decorative masonry wall of 42 inches in height is provided between the parking area and the front yard.

~~3~~2. Limitations on lot coverage by buildings need not apply.

~~4~~3. Main buildings and structures on the site shall not be closer than 25 feet to any property line that is a common property line with "R" zoned property, except that accessory buildings and structures shall maintain a side yard of 10 feet, with five feet added at ground level for each additional story over the first. Any detached one-family dwelling on such site shall conform to the yard requirements and required distance between buildings as described in the zone in which the dwelling is located.

~~5~~4. A solid wall not less than six feet in height shall be constructed and maintained on any property lines adjoining residential property, provided such wall shall not extend into any required front yard, and such walls may be built progressively as the site is improved.

~~6~~5. On interior lots, the required side yards may be used to provide off-street parking areas, and, on corner lots, the interior side yard may be similarly used. Under no circumstances may the required side yard on the street side be used for off-street parking. A solid or decorative masonry wall of 42 inches in height shall be provided between the parking area and the required side yard on the side street side.

~~7~~6. All lights provided to illuminate any parking area or building on such site shall be so arranged as to direct the light away from any adjoining premises.

~~8~~7. The width of the frontage of the building site shall be not less than 120 feet.

~~9~~8. Church, religious center, and other authorized assembly use sites shall abut and be accessible from at least one public street with a roadway having not

less than two parking lanes and two traffic lanes, and having a combined width of not less than 36 feet. All bounding streets and/or alleys shall be improved to the dimensions indicated on any adopted specified plans therefor, and to the City's specifications pertaining to materials, design and construction. Where no specific plan for street alignment or widths have been adopted and boundary streets or alleys do not conform to prescribed minimum requirements, the plan shall be submitted to the Planning Commission to initiate proceedings and adoption of a specific plan to define boundary streets and alleys that will conform to prescribed minimums.

~~10~~9. Parcels zoned and utilized for single-family residential purposes may be improved with churches, religious centers, and other authorized assembly uses, provided the site has frontage on a secondary or primary highway, and shall be devoted exclusively to such purposes.

~~1~~10. Requirement(s) of this subsection A may be waived by the Planning Commission upon a finding that the impacts of the project, as proposed, do not justify imposition of the requirement(s).

...

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. 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.

7. Parking. See Section 9.16.040.150 for parking requirements for outdoor dining areas.

...

9.16.040.010 Commercial/Office – General Requirements.

A. Standard Regulations.

1. Lot Dimensions and Setbacks

	O-P	C-1	C-2	C-3
Lot Area	15,000 sq. ft.	15,000 sq. ft.	15,000 sq. ft.	20,000 sq. ft.
Lot Width	75 ft.	75 ft.	75 ft.	75 ft.
Building Height	2 stories or 35 ft. max.	2 stories or 35 ft. max.	3 stories or 35 ft. max.	3 stories or 35 ft. max.
Setbacks (Interior Lot)				
Front	15 ft.	15 ft.	15 ft.	15 ft.
Side	10 ft.	0 ft.	0 ft.	0 ft.
Rear	5 ft.	5 ft.	5 ft.	5 ft.
Setbacks (Corner Lot)				

	O-P	C-1	C-2	C-3
Front	15 ft.	15 ft.	15 ft.	15 ft.
Interior Side	10 ft.	0 ft.	0 ft.	0 ft.
Side Street	10 ft.	10 ft.	10 ft.	10 ft.
Rear	10 ft.	10 ft.	10 ft.	10 ft.
Setbacks (Reverse Corner)				
Front	15 ft.	15 ft.	15 ft.	15 ft.
Interior Side	10 ft.	0 ft.	0 ft.	0 ft.
Side Street	10 ft.	10 ft.	10 ft.	10 ft.
Rear	10 ft.	10 ft.	10 ft.	10 ft.
Maximum Floor Area Ratio (F.A.R.)	See Land Use Element of the General Plan			

...

9.16.040.030 Industrial – General Requirements.

A. Standard Regulations.

1. Lot Dimensions, Setbacks, and Building Height.

	M-1	M-P
Lot Area	15,000 sq. ft.	15,000 sq. ft.
Building Height	35 ft. max.	35 ft. max.
Setbacks (Interior Lot)		
Front	15 ft.	15 ft.
Side	0 ft.	0 ft.
Rear	0 ft.	0 ft.
Setbacks (Corner Lot)		
Front	15 ft.	15 ft.
Interior Side	0 ft.	0 ft.
Side Street	10 ft.	10 ft.
Rear	0 ft.	0 ft.

	M-1	M-P
Setbacks (Reverse Corner)		
Front	15 ft.	15 ft.
Interior Side	0 ft.	0 ft.
Side Street	10 ft.	10 ft.
Rear	0 ft.	0 ft.
Maximum Floor Area Ratio (F.A.R.)	See Land Use Element of the General Plan	

2. Setbacks Required When Industrial Lot Abuts a Residential Lot.

	M-1	M-P
Interior Lot Abutting any "R" (Residential) zoned property or any PUD established exclusively for residential use		
Side Setback	10 ft.	10 ft.
Rear Setback	10 ft.	10 ft.
Corner and Reverse Lots Abutting any "R" (Residential) zoned property or any PUD established exclusively for residential use		
Side Setback	10 ft.	10 ft.
Rear Setback	10 ft.	10 t.

B. Lot Area ~~Regulations~~.

~~0.~~1. ~~Minimum Lot Area. For any newly created or rezoned M-1 (limited industrial) and M-P (industrial park) lot, the minimum lot area shall be 15,000 square feet.~~

~~2.~~1. Lot Area Shall Not be Reduced. No lot area shall be reduced or diminished so that building setbacks shall be less than prescribed for the zone in which it is located.

~~3.~~ 2. Substandard Lots. When a lot has less than the minimum required area or width as set forth in the development standards of the M-1 (limited industrial) and M-P (industrial park), or in a site plan of record on November 12, 1960, the lot shall be deemed to have complied with the minimum required lot area or width as set forth in the zone or site plan.

~~B.~~ C. Setback~~s Regulations~~. Except as specified in Section 9.16.040.020, every required setback shall be open and unobstructed from the ground to the sky.

1. No setback provided around any building for the purpose of complying with the provisions of this section shall be considered as providing a setback for any other building.
2. All building setbacks shall be measured from ultimate street right-of-way.

~~A.~~ D. ~~Building Height Provisions~~ Height of Roof Structures, Towers, Spires, and Unique Structures.

~~1. Maximum Building Height.~~
~~No building in the M-1 (limited industrial) and M-P (industrial park) zone shall exceed a height of 35 feet.~~

~~a.~~ 1. ~~Height of Roof Structures, Towers, Spires, and Unique Structures.~~ Roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building are permitted to the extent necessary to ensure safe and proper operation of such equipment, but in no case shall they exceed 50 feet.

2. ~~b.~~ Fire or parapet walls, skylights, towers, flagpoles, chimneys, smokestacks, radio masts and similar structures may be erected above the height limits prescribed.

3. ~~c.~~ No roof structure or any space above the height limit prescribed for the zone and the area district in which the building is located shall be allowed for the purpose of providing additional usable floor space.

...

9.16.040.120.B. Walls, Fences and Hedges.

10. A wall or fence not exceeding eight feet in height may be constructed along that portion of a lot or parcel that abuts a freeway right-of-way; provided that~~:~~ said wall or fence does not extend into any front yard.

~~a. Said wall or fence does not extend into any front yard.~~

~~b. A wall or fence exceeding six feet in height shall be subject to the preview and approval of the hearing body, who shall consider the effect of such wall or fence on other property in the vicinity.~~

~~c. Walls used for sound attenuation walls along arterials shall be attractive and subject to approval by the hearing body.~~

...

9.16.040.170 Location of Parking Spaces.

A. All required open parking spaces and garages shall be located on the same building site or within the same development.

1. Off-site parking for new uses or new construction shall only be permitted with the approval of a parking management plan in accordance with Section 9.16.040.180 or the approval of a shared parking agreement pursuant to California Government Code Section 65863.1 to allow the sharing of underutilized parking spaces on different sites and/or for different uses. The provision set forth in Section 9.18.140.050.C shall apply to any proposed shared parking agreements submitted pursuant to California Government Code Section 65863.1.

2. If an irrevocable access and/or parking easement is obtained on another site for use and benefit of the site in issue, and such access and/or parking agreement, when fully exercised, does not diminish the available parking capacity of the site subject to the easement to less than required by this section, and a parking management plan is approved, the parking may be on an adjacent site.

B. All off-street open and enclosed parking spaces shall be located and maintained so as to be accessible and usable for the parking of motor vehicles.

1. Off-street parking spaces shall not be located in any required setback.

2. All motor vehicles, trailers, vessels, campers and camper shells must be parked or stored on a fully paved surface with approved entrances and exits to the street.

3. For projects approved and developed after April 25, 1991, where security gates are proposed to be provided, ~~70~~10% of the guest parking spaces shall be located outside the secured area.

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Chapter 9.18 MIXED USE REGULATIONS AND DEVELOPMENT STANDARDS.

...

9.18.020.030 Uses Restricted to Indoor.

...

Table 9.18-1
Use Regulations for the Mixed Use Zones

Permitted Uses	GGMU-1, -2, -3	CC-1	CC-2	CC-3	CC-OS	NMU	AR	Additional Regulations and Comments
...								
Commercial / Office								
Offices and Related Uses								
Banks/ Financial Institution	P	P	P	P~~[-]~~	[-]	P	P	
Personal / Service								
Fortunetelling	P	[-]	[-]	[-]	[-]	~~C~~P	[-]	See Section **9.18.030.190** (Fortunetelling)
Tattoo, General	C	[-]	[-]	[-]	[-]	C	C	In all GGMU zones, no tattoo parlor shall be located closer than 1,000 feet from any other tattoo parlor. ~~Also, the entrance shall be oriented only toward a principal, major, or primary arterial street, as defined in the General Plan Circulation Element.~~

...								
Retail Trade								
...								
Stationery and Office Supplies - No Furniture	P	P	P	P	[-]	P	[-]	
Thrift Retail Store	P	P	P	P	[-]	P	P	
Toys	P	P	P	P	[-]	P	[-]	
...								

...

9.18.030.040 Arcades and Incidental Amusement Devices

A. Arcades as the Principal Use.

1. Arcades shall not be permitted in any location that would tend to produce a hazard or nuisance to adjacent properties and/or permitted uses and activities.

~~2. With the exception of emergency access, all pedestrian and vehicular access to an arcade shall be oriented toward a principal, major, or primary arterial street, such as Garden Grove Boulevard, Magnolia Street, or Brookhurst Street. Access via a secondary arterial or local residential street shall be prohibited. Arterials and local residential streets are defined in the City's General Plan Circulation Element.~~

~~3~~2. Arcades shall be located at least 600 feet from any school, adult entertainment business, or other arcade, and at least 200 feet from any property zoned for residential use or containing a residential use, or any bar or nightclub. Within a residential/commercial mixed use development, an applicant for an arcade may request a waiver of these distance requirements as part of the conditional use permit process, provided that the establishment complies with all other distance and pedestrian and vehicular access requirements of this code.

~~4~~3. Doors of the establishment shall be kept closed at all times during operation of the establishment, except in the case of emergency or to permit deliveries.

~~5~~4. The interior of arcades shall be arranged in a manner that all amusement devices and public spaces can be viewed from a single supervisory or cashier station.

~~6~~5. A responsible adult employee shall be on duty throughout the hours that such establishment is open for business.

...

9.18.030.120 Churches and Other Religious Centers, and Other Authorized Assembly Uses.

The following regulations shall apply:

~~A. Minimum Site Area. In the CC-1 zone, the minimum site area for a new church or other religious center use shall be one acre.~~

~~B~~A. Front Yard Setback—Primary Use Buildings. The depth of the required front yard for churches, sanctuaries, or main assembly buildings shall be 40 feet when entrances are located in the front of the building. However, when building entrances do not face the front yard, the main structure shall be required to provide only a front yard setback specified in the zone in which the building is located.

~~C~~B. Front Yard Setback—Accessory Use Buildings The depth of the required front yard for accessory buildings, e.g., permitted school buildings, showers or restroom facilities, etc., shall be only the front yard required in the zone in which they are located, provided said structures have no entrance facing the front yard.

~~D~~C. Front Yard Setback—Parking. The required front yard for any off-street parking area shall be no less than that required for the zone in which the parking area is located, provided that a solid or decorative masonry wall of 42 inches in height is provided between the parking area and the front yard.

~~E~~D. Proximity to Property Lines. Main buildings and structures on the site shall not be closer than 25 feet to any property line that is a common property line with "R" zoned property, except that accessory buildings and structures shall maintain a side yard of 10 feet, with five feet added at ground level for each additional story over the first.

~~F~~E. Lighting. All lights provided to illuminate any parking area or building on such site shall be so arranged as to direct the light away from any adjoining premises.

~~G~~F. Site Frontage. The width of the frontage of the building site shall be not less than 120 feet.

G. Waiver. Requirement(s) of this subsection may be waived by the Planning Commission upon a finding that the impacts of the project, as proposed, do not justify imposition of the requirement(s).

...

9.18.030.300 Outdoor Dining at Eating Establishment/Restaurant

A. Incidental Use Only. With the exception of permitted joint use outdoor dining areas as provided for in paragraph F below, outdoor dining areas must be incidental and accessory to the permitted eating establishment/restaurant.

B. Design. Outdoor dining areas shall be open on at least three sides ~~and open to the sky, with the exception that 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.

C. Location.

1. Within any Mixed Use zone, outdoor dining areas may be permitted within the required front setback area, consistent with the requirements of this chapter.

2. Outdoor dining areas may be permitted within the required boulevard garden plaza or pedestrian plaza area, as set forth in Sections 9.18.090.020.F (Boulevard Garden Plaza Requirement) and 9.18.090.070.C (Pedestrian-Oriented Plaza Requirement).

3. 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.

D. Maximum Allowable Square Footage. Outdoor dining shall not exceed 1,000 square feet for any individual establishment.

E. 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 G (Alcoholic Beverage Sales in Outdoor Dining Areas) of this section.

F. 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 E (Delineation of Area) of this section. No alcohol shall be served in any outdoor dining area that serves more than one business, unless authorized pursuant to a conditional use permit in accordance with the provisions set forth in Sections 9.18.090.040, Additional Regulations Specific to the CC-1 Zone, and 9.18.090.060, Additional Regulations Specific to the CC-3 Zone, of this code.

G. 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 9.18.060 (Alcohol Beverage Sales) and furthermore, shall be restricted as follows:

1. 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:

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

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

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

2. 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.

3. 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.

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

~~4.~~5. Parking. See Section 9.18.140.030 , Table 9.18-11 (Required Spaces) for parking requirements for outdoor dining areas.

...

9.18.090.020 Garden Grove Boulevard Mixed Use Zone (GGMU) Development Standards

...

F. Boulevard Garden Plaza Requirement. For projects having a property line that abuts the Garden Grove Boulevard right-of-way and where the buildings are clearly oriented immediately toward Garden Grove Boulevard, a boulevard garden plaza shall be provided. New stand-alone multiple-family residential development with no commercial component, in the Garden Grove Boulevard Mixed Use (GGMU) zone, ~~is only permitted~~ on sites that do not have access to a principal, major, primary, or secondary arterial street, ~~and~~ are not required to include a pedestrian plaza area. The purpose of this boulevard garden plaza is to provide a place adjacent to the public right-of-way that expands the area for use by pedestrians for passive recreation and public gathering, and that provides area for landscape amenities, display of public art, and similar uses that enhance the appearance and function of development. This boulevard garden plaza shall be provided at grade and shall comply with the following design standards.

...

9.18.110.030 Development Standards for Multifamily Residential Uses within All Mixed Use Zones.

...

H. Additional Residential Unit Requirements. Each residential unit in a multiple family development shall comply with the following requirements.

1. Laundry Facilities. Each unit shall be provided with washer and dryer hookups and laundry space within the unit or garage. For apartment units, common laundry facilities may be provided in lieu of private laundry facilities.

2. Storage Facilities. Each unit shall be provided with a separate storage area having a minimum of ~~150~~ 120 cubic feet of private and secure storage space. This storage may be provided within the parking garage provided it does not interfere with garage use for automobile parking. Closet and cupboard space within the dwelling unit shall not count towards meeting this requirement.

...

9.18.110.050 Duplex and Triplex in Mixed Use Zones.

Two- or three-unit residential projects located in a mixed use zone shall comply with the development standards set forth in Section 9.12.040.040 (Special Requirements – Duplex and Triplex in the R-2 and R-3 Zones), provided, however, that such projects shall comply with the applicable setback standards for the zone in which they are located.

...

9.18.130.010.G. Location and Height.

G. Freeway Right-of-Way Adjacent. A wall or fence not exceeding eight feet in height may be constructed along that portion of a lot or parcel that abuts a freeway right-of-way, provided that~~:~~ said wall or fence does not extend into any front yard.

~~1. Said wall or fence does not extend into any front yard.~~

~~2. A wall or fence exceeding six feet in height shall be subject to the preview and approval of the hearing body, who shall consider the effect of such wall or fence on other property in the vicinity.~~

~~3. Walls used for sound attenuation walls along arterials shall be attractive and subject to approval by the hearing body.~~

...

9.18.140.030 Parking Spaces Required.

Table 9.18-11 Required Parking Spaces	
Use	**Required Minimum Parking Spaces**
...A	
Other Residential Uses and Uses Incidental to Residential	
Community care facility, residential (6 persons or fewer and 7 persons or more)~~care facility~~	0.5 spaces per bed
~~Senior Citizen Housing~~ ~~Apartment~~ ~~Congregate general care~~ C~~ongregate general care with on-site transportation provided~~	 ~~1 space per unit~~ ~~0.5 spaces per bed or unit~~ 0~~.3 spaces per bed or unit~~
Day Care, Child or Adult	1 space per care provider and staff member, plus 1 space for each 6 children/patrons
Intermediate care facility	0.5 spaces per bed
Skilled nursing facility	0.5 spaces per bed
Commercial Uses	
...	...
Restaurants, Eating, Drinking Establishments, Cafes, Coffeehouses, Bars	
Attached 0-16 seats with less than 300 square feet of customer/dining area	1 space per 200 square feet of gross floor area
Attached 16+ seats	1 space per 100 square feet of gross floor area, with a minimum of 10 spaces
Freestanding	1 space per 100 square feet of gross floor area, with a minimum of 10 spaces
With entertainment	1 space per 100 square feet of gross floor area (seating and service), plus 1 space per 35 square feet of entertainment area, plus 1 space per 7 square feet of dance floor

Outdoor dining (See Section 9.18.030.300 for Special Operating Conditions)	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~~ 1 parking space shall be provided per 100 sq. ft. of gross floor area. ~~Where outdoor dining is covered by a roof structure, all parking shall be provided as required for the above applicable use.~~
...	**...**
Office Uses	
...	**...**
Small Animal Hospital/Veterinary/Dog Day Care	1 space per 170 square feet of gross floor area
...	...

9.18.140.040 Parking Requirements.

...

B. Compact Car Parking Spaces.

1. Up to 20% of the required commercial parking stalls may be compact parking spaces. ~~The determination of the percentage to be allowed will be made through the site plan review or applicable discretionary permit review process.~~

2. Compact stall size is subject to Public Works Department standards for compact car spaces.

3. Compact spaces, where provided, shall be consolidated into a specific area of a parking lot or structure. The area shall include signage designating the spaces by signs, colored lines, or other appropriate indicators for compact vehicles only.

...

9.18.140.050 Location of Parking Spaces.

A. Located On-Site. All required open parking spaces and garages shall be located on the same building site or within the same development, except where allowed by Subsection 9.18.140.050.B (Off-Site Parking) or Subsection

9.18.140.050.C (Shared Parking Agreements for Underutilized Parking), below.

B. Off-Site Parking. Off-site parking for new uses or new construction may be permitted on either a privately owned property or public property through the site plan review process or other applicable discretionary review permit process for an individual use or development project.

1. Joint Use Off-Site Parking. Where more than one use is involved, joint use or shared parking shall require preparation of a parking management plan in accordance with Section 9.18.140.060 (Joint Use and Parking Management).

2. Location of Off-Site Parking. In no event shall any off-site parking facility be located more than 1,500 feet from the use it is intended to serve.

3. Deed Restriction Required. Where off-site parking for an individual use or development project is approved, a deed restriction, subject to the review and approval of the City Attorney, shall be recorded against all affected properties. Such deed restriction shall indicate the restrictions on the properties relative to future use and development due to the off-site parking arrangement.

4. Irrevocable Access and/or Parking Easement. If parking is provided on a site other than the subject site, an irrevocable access and/or parking easement shall be obtained on the other site for use and benefit of the site in issue. Such access and/or parking agreement, when fully exercised, shall not diminish the available parking capacity of the site subject to the easement to less than required by this section.

C. Shared Parking Agreements for Underutilized Parking. Notwithstanding subsection B, two or more legal entities may submit a shared parking agreement to the City pursuant to California Government Code Section 65863.1 to allow the sharing of underutilized parking spaces on different sites and/or for different uses pursuant to this subsection 9.18.140.050.C.

1. For purposes of this subsection, "underutilized parking" means parking where 20 percent or more of a development's parking spaces are not occupied during the period that the parking is proposed to be shared by another user, group, development, or the public. The amount of underutilized parking on a site shall be determined through a parking study prepared by a qualified transportation engineer in accordance with applicable City standards and requirements and which is based on a survey of actual parking space occupancy rates on the subject site at

different periods throughout the twelve-month period preceding submittal of the proposed shared parking agreement.

2. Parking spaces identified in an approved shared parking agreement may count toward meeting the applicable on-site parking requirement for a new or existing development or use, including, but not limited to, shared parking in underutilized spaces and in parking lots and garages that will be constructed as part of the development or developments under any of the following conditions:

   a. The entities that will share the parking are located on the same, or contiguous, parcels.

   b. The sites of the entities that will share parking are separated by no more than 2,000 feet of travel by the shortest walking route.

   c. The sites of the entities that will share parking are separated by more than 2,000 feet of travel by the shortest walking route, but the shared parking agreement incorporates a plan for shuttles or other accommodations to move between the parking and site and an enforceable commitment to sustain such transportation accommodations for the duration of the shared parking arrangement.

3. Entities proposing to share underutilized parking shall submit the following to the City:

   a. A parking analysis using peer-reviewed methodologies developed by a professional planning association, such as the methodology established by the Urban Land Institute, National Parking Association, and the International Council of Shopping Centers, sufficient to determine the number of underutilized parking spaces can be reasonably shared between uses to fulfill parking requirements. The parking analysis shall be prepared by a qualified transportation engineer in accordance with applicable City standards and requirements.

   b. A proposed shared parking agreement. The shared parking agreement shall be in a form approved by the City Attorney and shall (i) incorporate the submitted parking analysis and any recommendations contained therein; (ii) either require that all shared parking spaces proposed to be used by a development or use to meet applicable parking requirements be provided for the life of such development or use, or afford the City an unconditional right to review and approve the shared parking

arrangement annually, or such longer period approved by the review authority; (iii) provide that the agreement may not be terminated or amended without the written approval of the City; (iv) provide that the City is a third party beneficiary of the agreement and shall have the power to enforce the terms of the agreement against each entity that is a party; and (v) be an enforceable covenant running with the land.

c. Information identifying the benefits of the proposed shared parking agreement.

4. For development projects involving new construction, a shared parking agreement for underutilized spaces shall be considered by the appropriate review authority at the same time the project is considered. Where a shared parking agreement is proposed for the use of underutilized spaces by a new or existing use within an existing development, the shared parking agreement shall be subject to review by the Department Director. The review authority shall approve a shared parking agreement if (a) all of the requirements set forth in subsection C.3 are satisfied and (b) the required number of parking spaces (i) that are accessible to persons with disabilities and (ii) the required percentage of parking spaces that are designated for electric vehicles that would have otherwise applied in the absence of the shared parking agreement will continue to be provided on all parcels subject to the shared parking agreement. Pursuant to California Government Code Section 65863.1, the review authority may neither (a) condition approval of a shared parking agreement on the curing of a preexisting deficit in the number of parking spaces or (b) withhold approval of a shared parking agreement solely on the basis that it will temporarily reduce or eliminate the availability of parking spaces for the original proposed uses.

5. A shared parking agreement approved by the City shall be recorded against each parcel on which parking spaces being shared with another use or site are located and each parcel on which a development or use that has the right to use the shared parking spaces from another use or site pursuant to the agreement. Proof of recordation of an approved shared parking agreement shall be provided to Department Director prior to implementation of the shared parking arrangement.

~~C~~D. Accessibility. All off-street open and enclosed parking spaces shall be located and maintained so as to be accessible and usable for the parking of motor vehicles.

1. All motor vehicles must be parked or stored on a fully paved surface with approved entrances and exits to the street.

2. For projects approved and developed after April 25, 1991, where security gates are proposed to be provided, ~~70~~10% of the guest parking spaces shall be located outside the secured area.

9.18.140.060 Joint Use and Parking Management.

…

G. Requirements for Approval. Where a shared parking facility serving more than one use will be provided, the total number of required parking spaces may be reduced only if the ~~hearing body~~review authority finds that all of the following are met:

1. The peak hours of use will not overlap or coincide to the degree that peak demand for parking spaces from all uses will be greater than the total supply of spaces;

2. The adequacy of the quantity and efficiency of parking provided will equal or exceed the level that can be expected if parking for each use were provided separately;

3. A parking demand study prepared by an independent traffic engineering professional approved by the City supports the proposed reduction; and

4. The applicant has submitted, or is required as a condition of approval to submit, a signed contract between the applicant and the other property owner(s) providing the off-street parking spaces subject to the shared parking arrangement. The contract shall be subject to the approval of the ~~hearing body~~review authority and shall also be subject to review by the City Attorney as to form and content.

H. Shared Parking Agreements for Underutilized Parking. Pursuant to California Government Code Section 65863.1, two or more separate legal entities may submit share underutilized parking spaces.

Chapter 9.32 PROCEDURES AND HEARINGS.

...

9.32.030 Land Use Actions.

...

9.32.030.D. Land Use Action Procedures.

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11. City Manager or Designee Review—Minor Deviations.

a. Applicability. The City Manager or designee is vested with the following minor deviation land use permit and related authority:

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xii. To make a determination as to which side of a corner lot in any zone is the front for purposes of applying requirements for setbacks; wall, fence and hedge heights; parking; and landscaping.

b. For purposes of this section, "minor deviation" is defined as a modification or change that does not undermine or significantly revise the intent and purpose of the municipal code. Minor deviations shall be limited to the above actions only.

c. Required Findings. The City Manager or designee may approve an application for a minor deviation if the following findings are made:
   i. That the proposed action will not adversely affect the City's General Plan;
   ii. That no discretionary actions requiring review by the City Zoning Administrator, Planning Commission or City Council are being proposed;
   iii. That no adverse effects on the health, peace, comfort or welfare of persons residing or working on adjoining properties is created; and
   iv. That all other applicable Title 9 provisions are complied with.

d. Notice and Review.

i. An application for a minor deviation shall consist of written documentation of the precise nature of the change(s) the applicant is proposing, the duration, a plot plan for the parcel, and any other information required by the City Manager or designee. The City Manager or designee is empowered to impose any conditions of approval as necessary to insure that the proposal satisfies the required findings set forth in this subsection.

ii. Upon receipt of an application for a minor deviation, a notice shall be sent to the adjoining property owners describing the nature of the request and advising that any comments should be submitted no later than 10 ~~days~~calendar days from the date the notice was sent out. A public hearing shall not be required. If the request is approved by the City Manager or designee, the planning staff shall transmit the City Manager or designee's notice of the decision, with any appropriate conditions of approval, to the applicant and to each Planning Commissioner. The decision of the City Manager or designee shall be final and binding unless an appeal is filed within seven ~~days~~calendar days from the date of the decision, or unless the application is called up for review by any member of the Planning Commission within seven ~~days~~calendar days from the date of the decision. The planning staff, upon receipt of a timely request for Planning Commission review, shall schedule the matter for Planning Commission review at its next available meeting.

...

13. Director's Review—Duplex and Triplex to read as follows:

a. Applicability. The Department Director is vested with the authority to review and approve applications for duplexes and triplexes that comply with all the requirements of Section 9.12.040.040, Special Requirements—Duplex and Triplex in R-2 and R-3 Zones, and that do not require approval of any discretionary action, including, but not limited to, a variance, zoning change, general plan amendment, or other entitlements.

b. Any duplex or triplex project that requires approval of a discretionary action shall be processed through a site plan review and the applicant shall pay the appropriate site plan fee and any other appropriate entitlement fee(s).

c. Required Findings. The Department Director may approve an application

for a duplex or triplex if the following findings are made:

i. That the proposed development will comply with all applicable, objective standards, provisions, conditions and requirements of the General Plan, Title 9, and other applicable ordinances and policies of the City, except to the extent excused from compliance pursuant to state law; and

ii. That no discretionary actions requiring review by the City Zoning Administrator, City Planning Commission or City Council are being proposed.

d. Submittal Requirements. The applicant shall submit a complete application, plans and documentation, as identified in the duplex and triplex filing instructions, and pay the appropriate fees.

e. Notice and Review.

i. Upon receipt of an application for a duplex or triplex, a notice shall be sent to the adjoining property owners describing the nature of the request and advising that any comments should be submitted no later than 10 ~~days~~calendar days from the date the notice was sent out. A public hearing shall not be required.

ii. If one or more adjacent property owners object to the proposal, the director may refer the review of the request to the Zoning Administrator or the Planning Commission where new public notices will be mailed per the public hearing noticing requirements, and a public hearing will be held.

iii. The Department Director is empowered to impose any conditions of approval, including conditions from other City departments, that are necessary to ensure that the proposal complies with all local, state and federal laws, and satisfies the required findings.

iv. If the request is approved by the Department Director, the planning staff shall transmit the director's notice of the decision, with any appropriate conditions of approval, to the applicant.

v. The decision of the Department Director shall be final and binding unless an appeal is filed within 10 ~~days~~calendar days from the date of the decision or unless the application is called up to the Planning Commission for review by any member of the Planning Commission or City Council within 10 ~~days~~calendar days from the date of the decision.

vi. Any decision of the Department Director may be appealed to the Planning Commission, and shall comply with Sections 9.32.110 through 9.32.150, except as to the timeframe for appeal/call up.

vii. Any decision of the Planning Commission may be appealed to the City Council, and shall comply with Sections 9.32.110 through 9.32.150, except as to the timeframe for appeal/call up.

14. Main Street Outdoor Dining Permit for Outdoor Dining Areas in the Public Right-of- Way on Historic Main Street.

a. Applicability. Approval of a Main Street outdoor dining permit pursuant to this subdivision shall be required for any eating establishment located along Historic Main Street within the CC-2 zone to establish and maintain an outdoor dining area in the public right-of-way pursuant to the provisions of Section 9.18.090.050 of this title, Additional Regulations Specific to the CC-2 Zone. It shall be a condition of each Main Street outdoor dining permit that the applicant also obtain and maintain an encroachment permit from the City pursuant to Title 11 of the Garden Grove Municipal Code and comply with all conditions of such encroachment permit. Approval of a Main Street outdoor dining permit pursuant to this subdivision shall not constitute approval of said encroachment permit.

b. Review Authority.

i. Director's Review. The Department Director is vested with the authority to approve, conditionally approve, or deny applications for Main Street outdoor dining permits, provided the applicant is not proposing the sale, service or consumption of alcoholic beverages within the outdoor dining area and approval of a discretionary action by the Zoning Administrator, Planning Commission, or City Council is not otherwise required.

ii. Review by Hearing Body. Where an outdoor dining area in the public right- of-way is proposed in conjunction with another land use action that requires discretionary review pursuant to this chapter, the application for a Main Street outdoor dining permit shall be processed in conjunction with said land use action and reviewed by the applicable hearing body in conjunction with such discretionary review.

iii. Alcohol Sales. The sale, service and/or consumption of alcohol within an outdoor dining area in the public right-of-way shall also

require approval of a new or amended conditional use permit pursuant to the provisions of Section 9.18.060, Alcohol Beverage Sales.

c. Required Findings. The Department Director or applicable hearing body may approve an application for a Main Street outdoor dining permit only if all of the following findings are made:

i. The proposed outdoor dining area in the public right-of-way is consistent with the City's General Plan, all applicable development standards and Building Code requirements, and all other applicable Title 9 provisions;

ii. The proposed outdoor dining area in the public right-of-way will be complementary to, and not inconsistent with, the underlying dedication for public right-of-way or the City's title or estate in the underlying public right- of-way;

iii. The applicant has demonstrated a satisfactory ability and willingness to comply with the Garden Grove Municipal Code and pertinent conditions to previously issued permits, licenses, and City land use approvals with respect to operation of the adjacent eating establishment;

iv. The proposed outdoor dining activity will not be materially detrimental to the public health, safety or general welfare and will not injure or unreasonably interfere with the property or improvements of other persons located in the vicinity of the proposed outdoor dining area; and

v. The City Engineer is prepared to issue an encroachment permit to the applicant for the establishment and maintenance of an outdoor dining area in the public right-of-way pursuant to Title 11.

d. Notice and Review.

i. Upon receipt of an application for a Main Street outdoor dining permit that is subject to review by the Department Director, a notice shall be sent to all owners of property with frontage on Historic Main Street between Acacia Parkway and Garden Grove Boulevard describing the nature of the request and advising that any comments should be submitted no later than 10 ~~days~~calendar days from the date of the notice. If one or more property owners object to the application, the Director may refer review of the

request to the Zoning Administrator or Planning Commission, where a public hearing will be noticed and held in accordance with the public hearing provisions of Chapter 9.32.

ii. The Planning staff shall transmit the Department Director's notice of the decision, with any appropriate conditions of approval, to the applicant. The decision of the Department Director shall be final and binding unless an appeal is filed within 10 ~~days~~calendar days from the date of the decision.

iii. Any decision of the Department Director or Zoning Administrator may be appealed to the Planning Commission, and the provisions of Sections 9.32.110 through 9.32.150 shall apply, except as to the timeframe for appeal.

iv. Any decision of the Planning Commission may be appealed to the City Council, and the provisions of Sections 9.32.110 through 9.32.150 shall apply.

e. Conditions, Transferability and Scope of Rights.

i. The Department Director or hearing body is empowered to impose any conditions of approval on a Main Street outdoor dining permit determined to be necessary to ensure that the proposal complies with all local, state and federal laws, and satisfies the required findings.

ii. It shall be a condition of each Main Street outdoor dining permit that the applicant also obtain and maintain an encroachment permit from the City pursuant to Title 11 of the Garden Grove Municipal Code and comply with all conditions of such encroachment permit. Approval of a Main Street outdoor dining permit pursuant to this subdivision shall not constitute approval of said encroachment permit.

iii. It shall be a condition of each Main Street outdoor dining permit that the scope, nature, and character of use of the adjacent eating establishment remain substantially the same as at the time approved. In the event there are significant changes to the scope, nature, or character of use of the adjacent eating establishment, all rights conferred by a Main Street outdoor dining permit for that eating establishment shall cease, and the owner(s) of the eating establishment shall be required to apply for and obtain a new Main Street outdoor dining permit, if eligible to do so.

iv. In the event of a change of ownership of the adjacent outdoor eating establishment, where the scope, nature, and character of use of the adjacent eating establishment does not significantly change, a Main Street outdoor dining permit may be automatically transferred to the new owner(s) of the eating establishment upon written notice to the City, issuance of a new encroachment permit pursuant to Title 11, and execution by each owner of a written acknowledgment and agreement to comply with the conditions of approval of the permit in a form acceptable to the Department Director.

v. Approval of a Main Street outdoor dining permit pursuant to this subsection shall not be construed to grant the applicant or adjacent property or business owner any property interest in the public right-of-way or any entitlement to continued use of the public right-of-way.

vi. Following investigation, written notice, and an opportunity to respond, a Main Street outdoor dining permit may be revoked or suspended by the Department Director: (a) in the event of suspension, revocation, expiration, or non- renewal of the encroachment permit; (b) upon failure of the business owner and/or operator to comply with the conditions of approval and/or applicable legal requirements; or (c) if one or more of the required findings for approval of the permit can no longer be made with respect to the outdoor dining area in the public right-of-way. If the Department Director revokes a Main Street outdoor dining permit, the procedures for notice and appeal set forth in paragraphs (d)(ii) through (iv), above, shall apply.

15. Requests for Reasonable Accommodation.

...

e. Decision.

i. Notice of Decision. The review authority shall set forth the findings and any conditions of the approval in a written decision, which shall be sent to the applicant. The written decision shall inform the applicant of the right to appeal the decision and the time period and procedures for doing so.

ii. Conditions of Approval. In granting a request for reasonable accommodation, the review authority may impose any conditions of approval deemed reasonable and necessary to ensure that the

reasonable accommodation will comply with the required findings set forth above. Conditions may also be imposed to ensure that any removable structures or physical design features that are constructed or installed in association with the reasonable accommodation request shall be removed prior to the sale, transfer, lease, or other conveyance of the property, or once those structures or physical design features are no longer necessary to accommodate a person with a disability, or to reduce impacts upon neighboring properties, and the property owner may be required to enter into and record a restrictive covenant benefitting the City, in a form acceptable to the City Attorney, to ensure compliance with such conditions.

iii. The decision of the City Manager or designee shall be final unless appealed by the applicant to the City Council within 10 ~~days~~calendar days. The procedures set forth in Section 2.60.060 of this Code shall apply to such appeals.

...

g. Effect of Approval; Revocation; Discontinuance.

i. Does Not Run with the Land. A reasonable accommodation approved by the City does not run with the land. Upon discontinuance or revocation of a previously approved reasonable accommodation request, the City may require the property owner and/or occupant(s) to bring the property into conformance with this code to the extent that relief was granted as part of the request for reasonable accommodation.

ii. Revocation. After notice and an opportunity for hearing, the City Manager or designee may revoke any previously granted reasonable accommodation approval due to violations of any conditions of approval or laws in connection with use of the reasonable accommodation. The decision of the City Manager or designee to revoke a reasonable accommodation shall be final unless appealed by the applicant to the City Council within 10 ~~days~~calendar days. The procedures set forth in Section 2.60.060 of this code shall apply to such appeals.

iii. Discontinuance. A previously approved reasonable accommodation shall lapse and be deemed null and void if the exercise of rights granted by the reasonable accommodation is discontinued for 180 consecutive ~~days~~calendar days and/or if the individual or individuals with a disability on whose behalf an

approved reasonable accommodation was requested vacate the premises, unless, following consideration of a new application in accordance with this section, the City Manager or designee determines that: (1) the modification is physically integrated into the residential structure such that it would be impractical to require the property to be returned to its previous condition; or (2) the accommodation is necessary to give another disabled individual an equal opportunity for use and enjoyment of the dwelling. The City Manager or designee may, at any time, request in writing the applicant or any successor- in-interest to the property subject to a previously approved reasonable accommodation to provide documentation demonstrating that the accommodation remains necessary to ensure the equal use and enjoyment of the property by an individual or individuals with a disability and/or continued compliance with the applicable conditions of approval. Failure to provide such documentation with 15 ~~days~~calendar days of the date of such request shall constitute evidence of discontinuance of the exercise of rights granted by the reasonable accommodation.

…

9.32.060. Notice of a Public Hearing.

Notice of time and place and date of public hearings shall be given in the following manner, consistent with State ~~Code~~ law.

A. Notice of any public hearing upon a proposed amendment to this title shall be given by at least one publication in a newspaper of general circulation, in the City not less than 10 ~~days~~calendar days before the date of said public hearing~~s.~~, pursuant to California Government Code Section 65090. Notwithstanding the foregoing sentence, notice of any public hearing upon a proposed amendment to this title which affects the uses of real property shall be given pursuant to both California Government Code Section 65090 and California Government Code Section 65091, in the same manner as notice for public hearings of application for other land use actions as provided in subsection (B), except that the notice shall be published, posted, mailed, and delivered, or advertised, as applicable, at least 20 calendar days before the hearing.

B. ~~Any~~ All applications for other land use actions ~~application not~~ provided for this title and requiring a public hearing shall be noticed in the following ways, pursuant to Government Code Section 65091:

1. A written notice shall be either (a) published in at least one newspaper of general circulation in the City not less than 10 calendar days before the date

of such hearing or (b) posted at least 10 calendar days before the date of such hearing in at least three places within the boundaries of the City, including one place in the area directly affected by the proceeding.

2. A written notice shall be mailed or delivered not less than 10 ~~days~~calendar days prior to the date of such hearing to the applicant, the owner or owners of the real property that is the subject of the hearing, and the last known address of all ~~the owner or~~ owners of the property located within not less than a 300-foot radius of the exterior boundaries of the subject property, as indicated on the latest available assessment roll, or in the records of the county assessor or tax collector which contain more recent information than the assessment roll. ~~s~~ ~~in the City Hall; or~~ If the number of owners to whom notice would be mailed or delivered is greater than 1,000, in lieu of mailed or delivered notice, notice may be provided by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation in the City at least 10 calendar days prior to the hearing. If a written notice is mailed or delivered to property owners pursuant to this subsection, said notice shall also be mailed to all residential tenants of property located within not less than a 300-foot radius of the exterior boundaries of the subject property.

3. ~~A written notice shall be mailed or delivered to the owner or owners of subject property and to the applicant if he or she be a person other than the owner of this property not less than 10 days~~calendar days ~~prior to the date of hearing on any type of publication;~~

3. A written notice shall be mailed or delivered not less than 10 ~~days~~calendar days prior to the hearing to each local agency expected to provide water, sewage, streets, roads, schools or other essential facilities or services to the project, whose ability to provide those facilities and services may be significantly affected.

4. If notice is required to be given by the Subdivision Map Act, a written notice shall be mailed or delivered not less than 10 calendar days prior to the hearing to any owner of a mineral right pertaining to the real property subject to the hearing who has recorded a notice of intent to preserve the mineral right under California Civil Code Section 883.230.

5. A written notice shall be mailed or delivered not less than 10 calendar days prior to the hearing to any person who has filed or renewed a written request for notice with the city clerk within the same calendar year pursuant to Government Code Section 65092 and has paid the required fee.

C. Time of a Public Hearing. The secretary of the Planning Commission shall set land use hearings before the Planning Commission or the Zoning Administrator as

provided by this chapter. ~~The date of the public hearings shall be not less than 10 days nor more than 60 days from the date of the filing of the verified application or the adoption of the resolutions or the making of the motion.~~

D. ~~Required Wording~~ Content of Notices. In addition to any other information required by law, ~~Public~~ public notice of hearings on land use actions shall include, but not be limited to, the name of the hearing body, ~~consist of the words "Notice of Proposed Change of Zone Boundaries or Classification" or "Notice of Proposed Site Plan" or "Notice of Proposed Conditional Use Permit" or other similar wording as the case may be, setting forth the address and description of the property under consideration, the nature of the proposed change, or requested permit or use, and~~ the date, time, and place ~~and date, at which~~ of the public hearing ~~or hearings on the matter will be held.~~, a general explanation of the matter to be considered, and a general description, in text or by diagram, of the location of the real property, if any, that is the subject of the hearing. If the hearing body will consider a determination or an approval or certification of a document pursuant to the California Environmental Quality Act, the hearing notice shall also include a statement that the hearing body will also consider said determination or approval or certification.

...

9.32.100. Decisions of the Hearing Bodies.

A. Decisions of Planning Commission.

1. The vote of the Planning Commission required to approve any matter within its jurisdiction shall be as provided by the planning and zoning law of the State of California, and in the absence of any specific voting requirement therein, the approval of any matter shall require the vote of a majority of the quorum of said body.

2. In any instance where a vote of a sufficient majority cannot be obtained on any matter before it, such matter shall be deemed to have been denied.

3. Findings. Findings shall be made by the Planning Commission in compliance with Section 9.32.030.

4. Not more than 30 ~~days~~calendar days following the termination of proceedings of the public hearing on an application for a land use action, the Planning Commission shall announce findings, and issue an order, in writing. A copy of this order shall be mailed to the applicant at the address shown on the application and shall, within 15 ~~days~~calendar days of the adoption of the resolution, be transmitted to the City Council.

a. This order shall recite, among other things, the facts and reasons that, in the opinion of the hearing body, make the granting or denial of the application necessary to carry out the provisions and general purpose of this chapter;

b. This order shall direct that the application be either granted or denied;

c. If the application is granted, the order shall also recite the conditions and limitations as the hearing body may impose.

5. Findings. Findings shall be made by the Planning Commission in compliance with Section 9.32.030.

6. Orders of the Planning Commission shall be by resolution and shall be called resolutions.

B. Zoning Administrator.

1. Orders of the Zoning Administrator shall be called decisions.

a. The decision shall recite, among other things, the facts and reasons that, in the opinion of the hearing body, make the granting or denial of the application necessary to carry out the provisions and general purpose of this chapter.

b. The decision shall direct that the application be either granted or denied.

c. If the application is granted, the decision shall also recite such conditions and limitations as the hearing body may impose.

2. Findings. Findings shall be made by the Zoning Administrator in compliance with Section 9.32.030.

3. Notice of Order of the Zoning Administrator. Not later than 15 ~~days~~calendar days following the rendering of an order directing that a land use action be granted or denied, a copy of the decision shall be mailed to the applicant at the address shown on the application.

C. Effective Date of Order Granting or Denying Land Use Actions. The order granting or denying a land use action shall become final ~~21~~ 10 calendar days after the order, unless within such ~~21~~10-day period an appeal in writing is filed with the City Clerk by either an applicant or opponent. The filing of the appeal within such time limit shall stay the effective date of the order until such time as the City Council has acted upon the appeal, as hereafter set forth in this chapter.

D. Permanent Records. Applications filed pursuant to this section shall be numbered consecutively in the order of their filing and shall become a part of the permanent filed therewith.

All pertinent and required documentation shall be attached thereto and permanently filed therewith.

E. Orders of the Hearing Body Kept as Permanent Record. The resolutions and the decisions of the hearing body shall be numbered and shall become a permanent record in the files of the City Manager or designee.

1. Summary of Testimony. A summary of all pertinent testimony offered at public hearings held in connection with an application filed pursuant to this chapter and the names of persons testifying shall be recorded and made a part of the permanent files of the case.

2. Copies of all notices and actions, with certificates and affidavits of posting and mailing and publications with certificates pertaining thereto shall also become a part of the permanent official records of the City.

3. Permanent files shall include a summary of testimony.

F. Transmission of Records to the City Council. For those land use actions requiring City Council hearing, the recording secretary of the Planning Commission shall advise the City Clerk of such required hearing, and transmit the complete record of the case.

G. Notice of City Council Hearings. For City Council public hearings regarding land use actions, the City Council shall provide notice in accordance with this chapter and state law.

H. City Council to Hold Public Hearings. Within 60 ~~days~~calendar days following the advisement by the recording secretary of the Planning Commission that a public hearing before the City Council is required, the City Council shall conduct a public hearing in accordance with this chapter.

I. Order of the City Council Shall Be Final. Any action by the City Council that either approves or disapproves an action of the hearing body, as the case may be, shall be by the affirmative vote of at least ~~three~~ four members of the City Council, and shall be final and conclusive. The hearing by the City Council shall be de novo and the City Council may approve, approve with conditions, or disapprove the matter in accordance with this Code or remand the matter to the Planning Commission pursuant to subdivision (J) below.

J. Adverse Decision of Council to Be Referred to the Planning Commission.

1. If the City Council proposes an action that is contrary to the action of the Planning Commission, the City Council may take action on the matter that shall be final and conclusive. The City Council may, before taking final action, remand its proposed findings to the Planning Commission and request further report on the matter.

2. If the City Council proposes an action that modifies the action of the Planning Commission and the modification was not previously considered by the Planning Commission then, before final action is taken, the City Council shall remand the matter to the Planning Commission for further report.

3. The Planning Commission shall hold a duly advertised public hearing as provided in Section 9.32.040 if the City Council proposes an action that modifies or is contrary to the action of the Planning Commission, and that decision is based on substantial new evidence or testimony. Such hearing shall be on only those matters remanded. In determining whether or not evidence is new and substantial, the City Council shall consider whether due process would be better served by remanding the matter back to the Planning Commission for further hearing. Council action on such a determination is final. For purposes of clarification, new substantial evidence shall be that which is submitted into the public record during a public hearing that has bearing on the possible outcome of a requested action and that was not previously considered by the original hearing body.

4. Failure to report within 60 ~~days~~calendar days after reference may be deemed by the City Council to be approval of any proposed change.

K. City Council to Announce Findings and Orders by Resolution. The City Council shall announce its findings and orders by formal resolution, not more than 30 ~~days~~calendar days following the termination of proceedings of the hearing or upon receipt of a report from the hearing body when a matter has been referred back pursuant to ~~Chapter 9.32~~this chapter. Such resolution shall recite, among other things, the facts and reasons that, in the opinion of the City Council, made the granting or denial of the discretionary use provision necessary to carry out the general purpose of this chapter, and shall order that the matter be granted, denied or modified, subject to such conditions or limitations that it may impose.

L. Approval by City Council and Adoption of Resolution. If the resolution is not adopted by City Council due to a deadlock or the vote, the appellate decision after a period of 60 ~~days~~calendar days shall be superseded by the decision of the previous hearing body.

M. Notice of Decision of City Council. Not later than 15 ~~days~~calendar days following the adoption by the City Council of a resolution approving or denying ~~amendment~~ an action or entitlement pursuant to this chapter, or an appeal, one copy of such resolution shall be forwarded to the applicant at the address shown upon the application and one copy shall be attached to the file in the case and the complete file returned to the Planning Commission for permanent filing.

9.32.110. Appeals – Purpose.

The purpose of an appeal of a hearing body decision is to allow an applicant or an interested party of a land use action who feels aggrieved by the decision to seek review of the case by another imported hearing body. Timely filing of a written appeal shall automatically stay all actions and put in abeyance all approvals or permits which may have been granted; and neither the applicant nor any enforcing agency may rely upon the decision, approval, or denial or other action appealed from, until the appeal has been resolved.

9.32.120. Time for Appeal.

A decision of a hearing body on a land use action may be appealed by the applicant, any resident of the City, any owner of real property in the City, a tenant or leaseholder of property which is located adjacent to or within 300 feet of the property boundaries of the application being appealed, or an individual that may be affected by the decision on the application, within ~~21~~ 10 calendar days of the date on which the decision is rendered, unless otherwise specified in this chapter.

9.32.130. Filing of an Appeal.

All appeals shall be submitted in writing to the City Clerk on a City application form along with all applicable fees, and shall specifically state the basis for the appeal.

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9.32.150. Appeal Hearing – Decision.

~~A.~~ The hearing and decision procedures of an appeal shall be in accordance with Sections 9.32.040 through 9.32.100 of this chapter.

~~B. Any modification of a land use action that was appealed by City Council shall be returned to the City Council for review.~~

...

9.32.170. Abandoned, Wrecked, Dismantled or Inoperative Vehicles.

A. Authority and Declaration of Public Nuisance. In addition to and in accordance with the determination made, and the authority granted, by the State of California under Section 22660 of the Vehicle Code to remove abandoned, wrecked, dismantled or inoperative vehicles or parts thereof as public nuisances, the City Council makes the following findings and declarations: The accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof on private or public property, not including highways, is hereby found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety and general welfare. Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle or part thereof, on private or public property, not including highways, except as expressly hereinafter permitted, is hereby declared to constitute a public nuisance that may be abated as such in accordance with the provisions of this section.

B. Penalty for Violation. It is unlawful and a misdemeanor for any person to abandon, park, store, or leave or permit the abandonment, parking, storing or leaving of any licensed or unlicensed vehicle or part thereof that is in an abandoned, wrecked, dismantled or inoperative condition upon any private property or public property, not including highways, within the City, for a period in excess of seven ~~days~~calendar days, unless that vehicle or part thereof is completely enclosed within a building in a lawful manner where it is not plainly visible from the street or other public or private property, or unless the vehicle is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer or a junkyard.

C. Penalty for Failure to Comply. It is unlawful and a misdemeanor for any person to fail or refuse to remove an abandoned, wrecked, dismantled or inoperative vehicle or part thereof or refuse to abate that nuisance when ordered to do so in accordance with the abatement provisions of this section, or state law where state law is applicable.

D. Exceptions. This section shall not apply to:

1. A vehicle or part thereof that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property; or

2. A vehicle or part thereof that is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, a junk dealer, or when storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise.

Nothing in this section shall authorize the maintenance of a public or private nuisance as defined under provisions of law other than Chapter 10 (commencing with Section 22650) of Division 11 of the Vehicle Code and Title 9 of this code.

E. This Section not Exclusive Regulation. This section is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles within the City. It shall supplement and be in addition to the other regulatory codes, statutes and ordinances heretofore or hereinafter enacted by the City, the state or any other legal entity or agency having jurisdiction.

F. Enforcement Officer, Authority to Enter Property. Except as otherwise provided herein, the provisions of this section shall be administered by the City Manager or designee. In the administration of this section, such officer and his or her deputies, after providing notice required by law, and obtaining any warrants required by law, may enter upon private or public property to examine a vehicle or parts thereof, or to obtain information as to the identity of a vehicle and/or to remove or cause the removal of a vehicle or part thereof declared to be a nuisance pursuant to this section.

G. Authority for Contractor to Enter Property for Removal. When the City Council has contracted with, or granted a franchise to, any person or persons, that person or persons shall be authorized to enter upon private property or public property after providing notice required by law, and obtaining any warrants required by law to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this section.

H. Administrative Costs. The City Council shall from time to time determine and fix an amount to be assessed as administrative costs (excluding the actual cost of any vehicle or part thereof) under this section.

I. Public Hearing Required—Notice. A public hearing shall be held on the question of abatement and removal of the vehicle or part thereof as an abandoned, wrecked, or dismantled or inoperative vehicle and the assessment of administrative costs and the cost of removal of the vehicle or part thereof against the property on which it is located.

J. Notice to California Highway Patrol. Notice of hearing shall also be given to the California Highway Patrol identifying the vehicle or part thereof proposed for removal, such notice to be mailed at least 10 ~~days~~calendar days prior to the public hearing.

K. Conduct of Hearing, Findings, Orders and Determinations. All hearings under this section shall be held before the Zoning Administrator, or his or her deputy, that

shall hear all facts and testimony he or she deems pertinent. These facts and testimony may include testimony on the condition of the vehicle, or part thereof, and the circumstances concerning its location on that private property or public property. The Zoning Administrator shall not be limited by the technical rules of evidence. The owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing and deny responsibility for the presence of the vehicle on the land, with his or her reasons for such denial. The Zoning Administrator may impose such conditions and take such other action as he or she deems appropriate under the circumstances to carry out the purpose of this title. He or she may delay the time for removal of the vehicle or part thereof if, in his or her opinion, the circumstances justify it. At the conclusion of the public hearing, the Zoning Administrator may find that a vehicle or part thereof has been abandoned, wrecked, dismantled, or is inoperative on private or public property, and order the vehicle removed from the property as a public nuisance and disposed of as hereinafter provided and determine the administrative costs and the cost of removal to be charged against the owner of the parcel of land on which the vehicle or part thereof is located. The order requiring removal shall include a description of the vehicle or part thereof, and the correct identification number and license number of the vehicle if available at the site. The owner of the parcel of land shall be notified in writing of the decision. If it is determined at the hearing that the vehicle was placed on the land without the consent of the land owner, and that he or she has not subsequently acquiesced in its presence, the Zoning Administrator shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such costs from such land owner. If an interested party makes a written presentation to the Zoning Administrator but does not appear, he or she shall be notified in writing of the decision.

L. Appeals, City Council Hearing. Any interested party may appeal the decision of the Zoning Administrator by filing a written notice of appeal with the City Clerk within five ~~days~~calendar days after the decision of the Zoning Administrator. Such appeal shall be heard by the City Council, which may affirm, amend or reverse the order or take other action deemed appropriate. The City Clerk shall give written notice of the time and place of the hearing to the appellant and those persons specified in this section. In conducting the hearing, the City Council shall not be limited by the technical rules of evidence.

M. Removal of Vehicle. Five ~~days~~calendar days after adoption of the order declaring, the vehicle or parts thereof to be a public nuisance, five ~~days~~calendar days from the date of mailing of notice of the decision, if a notice is required by this section, or 15 ~~days~~calendar days after action of the City Council authorizing removal following appeal, the vehicles or parts thereof may be disposed of by removal to a scrapyard or automobile dismantler's yard. After a vehicle has been removed, it shall not thereafter be reconstructed or made operable.

N. Notice to Department of Motor Vehicles on Removal. Within five ~~days~~calendar days after the date of removal of the vehicle or part thereof, notice shall be given to the Department of Motor Vehicles identifying the vehicles or part thereof removed. At the same time there shall be transmitted to the Department of Motor Vehicles any evidence of registration available, including registration certificates, certificates of title and license plates.

O. Payment of Assessment—Nonpayment a Lien. If the administrative costs and the cost of removal that are charged against the owner of a parcel of land pursuant to this section are not paid within 30 ~~days~~calendar days of the date of the order or the final disposition of an appeal therefor, such costs shall be assessed against the parcel of land pursuant to Section 38773.5 of the Government Code, and shall be transmitted to the tax collector for collection. Said assessment shall have the same priority as other City taxes.

9.32.180. Public Nuisance.

A. Purpose. The purpose of this section is to encourage property maintenance practices and standards that will avoid conditions that are detrimental to the public health, safety, or general welfare, or conditions that constitute a public nuisance as defined by Section 3480 of the California Civil Code.

B. Declaration of Civil Public Nuisance. It is declared a civil public nuisance for any person owning, leasing, occupying, or having charge or possession of any premises in the City to maintain upon such premises, or to permit, cause, or allow to exist on such premises, any condition that is detrimental to the public health, safety, or general welfare, or that constitutes a public nuisance as defined by Section 3480 of the California Civil Code. Such conditions shall include but shall not be limited to the following:

1. Buildings or structures, or portions thereof, that are damaged, dilapidated, or inadequately or improperly maintained such that they are structurally unsafe, or do not provide adequate egress, or that constitute a fire hazard, or that are otherwise dangerous to human life or that in relation to existing use constitute a hazard to the public health, safety, or general welfare. Such buildings or structures shall include those that are abandoned, hazardously or inadequately boarded up, partially destroyed, or in a state of partial construction;

2. Other conditions related to buildings, structures, walls, fences, or landscaping that are of a hazardous nature and require immediate correction, repair, or adequate and proper maintenance, including but not limited to the existence of broken glass in doors or windows that are located in an area of public access, surfaces showing evidence of dry rot, warping,

or termite infestation; doors, aisles, passageways, stairways, or other means of exit that do not provide a safe and adequate means of exit; any wall or other vertical structural member that lists, leans, or is buckled to such an extent that a plumbline passing through the center of gravity does not fall inside the middle one-third of the base; or any other condition that because of a lack of proper sanitation or soundness, or as a result of dilapidation, decay damage or faulty construction or arrangement, is likely to cause sickness, disease, or threat to the public health, safety or general welfare;

3. Land, the topography, geology, or configuration of which, whether in a natural state or as a result of grading operations, causes erosion, subsidence, or surface water runoff problems of such magnitude to be injurious or potentially injurious to the public health, safety, or general welfare;

4. Vegetation, including, but not limited to, trees, shrubbery, or grass, cultivated or uncultivated, that is overgrown, dead, decayed, or diseased such that it is likely to harbor rats, vermin, insects, or other nuisances that are dangerous to the public health safety, or general welfare;

5. Any materials, equipment, vehicles, broken or discarded furniture, boxes, lumber, junk, trash or debris that is stored in any yard area in such a manner or in such condition as to be detrimental to the public health, safety, or general welfare;

6. Trash or garbage cans, bins, boxes, or other such containers that are unclean, uncovered, or damaged and that are stored in a front or side yard such that they may be visible from the public street and may be detrimental to health, safety, or general welfare;

7. Excavations, ponds, pools, or unenclosed or empty swimming pools that may be an attractive nuisance to children or in such other condition as may be detrimental to the public health, safety, or general welfare;

8. Areas for the movement, parking, loading, repair or storage of vehicles shall be paved with a continuous, impervious material so as provide an even, unbroken driving surface, and be striped as required by Sections 9.08.040.130 through 9.08.040.190, Sections 9.12.040.160 through 9.12.040.220, and Sections 9.16.040.130 through 9.16.040.210 to assure proper parking alignment and circulation. These requirements shall not apply to areas beneath mobile homes;

9. Unpainted buildings and those having dry rot, warping, or termite infestation. Buildings on which the condition of the paint has become so deteriorated as

to permit decay, excessive checking, cracking, peeling, dry rot, warping, or termite infestation so as to render the buildings unsightly and in a state of disrepair.

C. This Section Not Exclusive Regulation. This section is not the exclusive regulation of property maintenance. It shall be supplemental and in addition to the other regulatory codes, statutes, and ordinances heretofore or hereinafter enacted by the City, State of California, or any other legal entity or agency having jurisdiction.

D. Enforcement Officer, Right of Entry. Except as otherwise provided herein, the provisions of this section shall be administered by the City Manager or his or her designee. In the administration of this part, the City Manager or his or her designee may, after first providing notice required by law, or securing a court order from a court of competent jurisdiction, enter upon private or public property to examine the condition of the property for any of the conditions listed above in this section.

E. Rehabilitation of Public Nuisance. All or any part of premises or property found to be maintained in violation of this section may be abated by rehabilitation, demolition, or repair pursuant to the procedures set forth herein.

F. Finding of Nuisance. Whenever the City Manager or his or her designee shall find that any premises or property within the City is maintained contrary to the provision of this section, he or she shall give notice to the owner of record of said property as reflected in the most recent county assessor's parcel roll, stating the violation of said section and the conditions that constitute a public nuisance. Such notice shall set forth a reasonable time limit for correction of the violation and of the public nuisance, and may also set forth suggested methods for correcting same. Such notice shall be personally served upon or mailed to the property owner of record by certified mail.

G. Hearing to Abate Nuisance. In the event said owner of record shall fail, neglect, or refuse to comply with the notice to correct violations provided for in this section above, a public hearing before the Neighborhood Improvement and Conservation Commission shall be held for the purposes stated in conduct of hearing, findings, orders and determinations, in this section below. Notice of said hearing shall be personally served upon or mailed to the property owner of record at least 10 ~~days~~calendar days before the hearing by certified mail, with a five-day return requested. If the foregoing notice is returned undelivered by the United States Post Office, the hearing shall be continued to a date not less than 10 ~~days~~calendar days from the date of such return.

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L. Cost Accounting—Notification. The City Manager or his or her designee shall keep an account of the cost, including incidental expenses, of abating such nuisance on each separate lot or parcel of land where the work is done, and shall render a sworn itemized report in writing to the City Council showing the cost of abatement and the rehabilitating, demolishing or repairing of said premises, buildings, or structures, including any salvage value relating thereto; provided that at least five ~~days~~calendar days before said report is submitted to said City Council, a copy of same shall be personally served or mailed by certified mail to the property owner of record, together with a notice of the time when said report shall be heard by the City Council for confirmation. Proof of said service or mailing shall be made by affidavit filed with the City Clerk. The term "incidental expenses" shall include, but not be limited to, the actual expenses and cost of the City in the preparation of notices, specifications and contracts, and inspecting the work and the cost of printing and mailing required hereunder, and any other legal and administrative enforcement costs.

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9.32.200. Property Maintenance.

A. Purpose. The purpose of this section is to establish minimum standards for maintenance of properties that are consistent with community standards and that promote sound maintenance practices, enhance livability, and improve the community appearance of the City. The goal of this title is to prevent properties from becoming blighted, resulting in diminution in the enjoyment, use, and property values of surrounding properties that are well maintained.

B. It is unlawful for any person owning, leasing, occupying or having charge or possession of any property in the City to maintain such property in such manner that any of the following conditions are found to exist thereon:

1. Buildings or structures not secured or locked, and accessible to persons not authorized to use such structures;

2. Buildings or structures with broken windows for longer than 21 ~~days~~calendar days;

3. Clotheslines, clothing, or household fabrics hung, dried or aired in such a manner so as to be visible from public streets;

4. Trash, garbage or refuse cans, bins, boxes or other such containers stored in front or side yards and visible from public streets. Refuse containers may be placed at the collection location in public view between 4:00 p.m. on the day preceding collection until 10:00 p.m. on the day of collection. Dumpsters or

storage bins may be located in front yard areas while excavation, construction or demolition operations covered by an active building permit are in progress on the subject property;

5. The following items are prohibited from being stored in the front or side yards and, if stored in rear yards, may not be visible from a public street, alley, or adjoining property: lumber, trash, debris, abandoned or unused furniture, stoves, sinks, or other household fixtures or equipment. Construction equipment, machinery, or materials is only permitted on the property while construction or demolition operations covered by an active building permit are in progress. Landscape equipment is permitted only while work is in progress on the subject property;

6. Vegetation, including but not limited to trees, shrubbery, or grass, that is overgrown, dead, decayed, or diseased. Grass higher than eight inches or weeds higher than 18 inches shall be considered overgrown;

7. Unpainted buildings and those having dry rot, warping, or termite infestation in excess of 15% of the surface area. Buildings on which the condition of the paint has become so deteriorated as to permit decay, excessive checking, cracking, peeling, dry rot, warping, or termite infestation, so as to render the buildings unsightly and in a state of disrepair.

9.32.210. Property Maintenance – Vacant, Unoccupied or Abandoned Buildings.

A. Intent and Findings. The City Council establishes private property maintenance standards as a city and community goal to preserve and enhance the aesthetic appearance of buildings and appurtenant amenities. It is critical to the promotion of the public health, safety and welfare that the City establish minimum property maintenance standards to maintain and enhance the livability and community appearance with respect to vacant, unoccupied or abandoned buildings throughout the City. The City Council further finds that it is a goal of the City to engage in the promotion of an aesthetically pleasing community through the enforcement of property maintenance standards to prevent real property from becoming blighted, unattractive, dilapidated or deteriorated, which conditions result in diminution in property values and impairment of enjoyment and use of surrounding properties.

B. This section is enacted pursuant to Article XI, Section 7 of the California Constitution.

C. Property Maintenance Standards for Vacant, Unoccupied or Abandoned Buildings. It is unlawful and a public nuisance for any person, corporation or other legal entity to own, lease, occupy, control or manage any vacant, unoccupied or abandoned structures and buildings in conflict with the following standards:

1. Landscaping. All existing plant vegetation shall be maintained in a healthy state. Vegetation, including but not limited to, plants, trees, shrubbery and grass that are dead, decayed or diseased shall be removed. Overgrown vegetation shall be trimmed. Grass and weeds higher than 18 inches shall be considered overgrown.

2. Debris and Stored Materials. The property shall be kept clean and sanitary. There shall be no accumulation of debris, junk, wood, trash or other materials on the property. There shall be no materials, equipment, vehicles, broken or discarded furniture, boxes, lumber, junk or trash stored in any yard area of the property. There shall be no trash or garbage container bins or boxes that are unclean, uncovered or damaged. Debris, furniture, fixtures, construction materials, trash, equipment, inoperable vehicles, and auto parts shall be removed on a weekly basis.

3. Unpainted and Deteriorated Painted Buildings. Those buildings, or portions of buildings, whose paint has been deteriorated, graffitied or eroded, shall be repainted. Deterioration is exhibited by substantial fading of color, or decay, or excessive cracking, or peeling, discoloration, dry rot, warping or termite infestation so as to render the building and related structures unsightly. Any repairs, additions, improvements, boarded up materials, or additions of any kind whatsoever made to the building or related structures shall be in the same color scheme of the existing improvements.

4. Damaged Buildings and Structures. Buildings or structures, or portions thereof, that are damaged, dilapidated or inadequately maintained, shall be repaired. Buildings and structures shall be kept free of any hazardous conditions that require repair, or proper maintenance, including but not limited to, broken glass in windows and doors, and exposed wiring.

5. Infestations. The property shall be kept free of any rodent, varmint or insect infestation, as determined by county vector control.

6. Excavations and Pools. Any excavation, pool, pond or swimming pool posing an attractive nuisance or other condition constituting a detriment to the public health, safety or general welfare shall be filled in with earth, in accordance with the Uniform Building Code and other applicable codes. This requirement applies to pools where the bottom is not visible from the deck.

7. Security, Lighting and Fencing. Buildings and structures shall be secured, locked and made inaccessible to persons not authorized to use same. Unless perimeter or security fencing was installed as part of an approved site plan, perimeter or security fencing may be installed only with the approval of the City Manager or designee.

a. Exterior lighting shall be provided and maintained operational during all hours of darkness to illuminate the building perimeter and yard areas. Lighting shall be of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on the property.

b. Fencing (including, but not limited to, chain link) shall not be permitted to secure the property; existing fencing installed on the property shall be removed within 60 ~~days~~calendar days from enactment of this section. This prohibition is based on the finding that the mere appearance of these fences contributes to further decay, dilapidation and unsightly appearance of the property as fences, intended to secure a vacant property, provides the owner a false sense of security and makes it easier to forsake property maintenance.

D. Enforcement of Violations.

1. Notice of Violation/Remedial Plan. Any person, corporation or other legal entity who owns, leases, occupies, controls or manages the subject property receiving a notice of violation of this section shall provide to the City, within 10 ~~days~~calendar days, a remedial plan containing specific items of corrective work to address the noted violations, which plan shall first be approved by the City Manager or designee, before corrective work is undertaken. The corrective work shall be completed within the time prescribed by the City Manager or designee. In the event that the responsible party proposes demolition as the remedial plan, the demolition plan shall provide for removal of unsightly cement foundations or other structures remaining after the demolition work.

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Chapter 9.60 SPECIAL HOUSING REGULATIONS.

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9.60.020 Review of Housing Development Projects.

A. Compliance with State Law.

1. Generally. Notwithstanding the provisions of Chapter **9.32**, all proposed housing development projects shall be reviewed in accordance with requirements and limitations imposed by state law, including, but not limited to, **Government Code** Sections 65589.5, 65915-65918, 65583, 65584, 65863, 65905.5, 65912.100-65912.105, 65852.24, 65852.28, 65913-65913.1~~1~~6, 65914.7, 65940-65945.3, 66300, 65650-65656, ~~and~~ 65660-~~-~~65688, and 66499.41. Except to the extent otherwise provided by state law, such review shall ensure that proposed housing development projects comply with all applicable, objective standards, provisions, conditions and requirements of the general plan, this chapter, and other applicable ordinances and policies of the City.

2. Findings Required for Disapproval of Housing Development Projects. As provided by state law, when a proposed housing development project complies with applicable, objective general plan, zoning, and subdivision standards and criteria, including design review standards, in effect at the time that the application was deemed complete, a City hearing body or official shall not disapprove the project or impose a condition that the project be developed at a lower density unless the hearing body or official makes written findings, based on a preponderance of the evidence on the record, that: (a) the project would have a specific, adverse impact on public health and safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density; and (b) there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density. As set forth in subdivision (j)(1) of **Government Code** Section 65589.5, as used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application for the housing development project was deemed complete.

3. Additional Findings Required for Disapproval of Housing Development Projects for Very Low-, Low-, or Moderate-Income Households. As provided by state law, a City hearing body or official shall not disapprove a housing

development project for very low-, low-, or moderate-income households, or an emergency shelter, or condition approval in a manner that renders the housing development project infeasible for development for the use of very low, low-, or moderate-income households, or an emergency shelter, including through the use of design review standards, unless it makes written findings, based upon a preponderance of the evidence in the record, as required by subdivision (d) of Government Code Section 65589.5. For purposes of this paragraph, "housing for very low-, low-, or moderate-income households" shall have the meaning set forth in subdivision (h)(3) of **Government Code** Section 65589.5.

B. Consistency Review of Housing Development Project Applications. The Department Director shall be responsible for reviewing each application for a housing development project for consistency and compliance with applicable, objective General Plan, zoning, and subdivision standards and criteria within the time period(s) prescribed by law. In accordance with subdivision (j)(2)(A) of **Government Code** Section 65589.5, if the Department Director considers a proposed housing development project to be inconsistent, not in compliance, or not in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision, the Department Director shall provide the applicant with written documentation identifying the provision or provisions, and an explanation of the reason or reasons the Department Director considers the housing development to be inconsistent, not in compliance, or not in conformity. For proposed housing development projects containing 150 or fewer housing units, the Department Director shall provide said written documentation and explanation within 30 days of the date that the project application is determined to be complete. For proposed housing development projects containing more than 150 housing units, the Department Director shall provide said written documentation and explanation within 60 days of the date that the project application is determined to be complete. In accordance with subdivision (j)(2)(B) of **Government Code** Section 65589.5, a City hearing body or official may not disapprove a proposed housing development project on the basis that the proposed project is inconsistent, not in compliance, or not in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision not identified in the written documentation and explanation provided by the Department Director.

C. Discretionary Review of Housing Development Projects. Notwithstanding Section **9.32.030** or any other provision of this title, the following provisions shall apply to the consideration of applications for site plans, conditional use permits, or other quasi-judicial land use permits required for the construction or operation of a housing development project, as defined in subdivision (h)(2) of **Government Code** Section 65589.5, which is not subject to ministerial review by the Department Director pursuant to subsection 9.60.020.D:

1. Public Notice and Hearings.

   a. Except as modified by this section, land use permits for housing development projects shall be subject to the notice, hearing, and appeal procedures set forth in Chapter **9.32**.

   b. For so long as **Government Code** Section ~~9~~6 5905.5 so provides and remains in effect, no more than five hearings or continued hearings shall be conducted in connection with consideration of an application for a housing development project, unless otherwise agreed to by the applicant or the applicant's designated representative. Said limit does not apply to any hearing to review a legislative approval required for a housing development project. The opening of a public hearing solely for the purpose of continuing the hearing to a future date shall not count as one of the five allowed hearings, provided no substantial discussion by the hearing body occurs and no testimony is taken. The final review authority shall consider and either approve, conditionally approve, or disapprove the application at one of the five hearings allowed pursuant to **Government Code** Section ~~9~~6 5905.5; provided, however, that, unless otherwise provided by law, the application shall not automatically be deemed approved if the final review authority does not act on the application at one of the five allowed hearings.

2. Findings Required for Disapproval of Housing Development Projects. The findings set forth in subdivision D of Section **9.32.030** of this title shall not be required to be made in order to approve an application for a land use permit for a housing development project. Rather, the hearing body shall approve an application for a land use permit for a housing development project unless it makes one or more of the following findings based on the information presented at public hearing and/or on the record:

   a. That the proposed development project is inconsistent, not in compliance, or not in conformity with one or more applicable, objective standards, provisions, conditions or requirements of the General Plan, Title 9, or other applicable ordinances or policies of the City.

   b. That the provisions of the California Environmental Quality Act have not been complied with.

   c. That, based on a preponderance of the evidence on the record, the proposed development project would have a specific, adverse impact, as defined in subdivision (j)(1)(A) of **Government Code** Section 65589.5, on public health and safety unless the project is disapproved,

and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval of the proposed project.

In addition, notwithstanding the foregoing, provided the provisions of the California Environmental Quality Act have been complied with, the hearing body may not disapprove an application for a land use permit for a housing development project for very low-, low-, or moderate-income households, as defined in subdivision (h)(3) of **Government Code** Section 65589.5, or an emergency shelter, unless it also makes the written findings required by subdivision (d) of **Government Code** Section 65589.5.

3. No Net Loss Findings. If the approval of a land use permit for a housing development project will result in fewer residential units by income category than projected for the site in the General Plan housing element, the "no net loss" provisions of **Government Code** Section 65863 and Section **9.60.030** of this code apply and the hearing body must also make the required findings. If the hearing body is unable to find that the remaining sites in the housing element are adequate to accommodate the City's share of the regional housing need by income level, and the City is required to identify and make available adequate additional sites pursuant to subdivision (c)(2) of **Government Code** Section 65863, the final review authority for the land use permit shall be the City Council.

4. Conditions of Approval. The hearing body may impose reasonable conditions of approval that are necessary to ensure that the proposal complies with all local, state and federal laws, and that impacts resulting from the development are adequately mitigated, subject to the following limitations imposed by state law:

   a. The hearing body shall not impose a condition on approval of a land use permit for a housing development project that the project be developed at a lower density unless the hearing body makes written findings, based on a preponderance of the evidence on the record, that the proposed development project would have a specific, adverse impact, as defined in subdivision (j)(1)(A) of **Government Code** Section 65589.5, on public health and safety unless the project is disapproved or developed at a lower density, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval of the proposed project or the approval of the project upon the condition that it be developed at a lower density.

   b. The hearing body shall not condition approval of a land use permit for

a housing development project for very low-, low-, or moderate-income households, as defined in subdivision (h)(3) of **Government Code** Section 65589.5, or an emergency shelter, in a manner that renders the housing development project infeasible for development for the use of very low-, low-, or moderate-income households, or an emergency shelter, including through the use of design review standards, unless it makes written findings, based upon a preponderance of the evidence in the record, as required by subdivision (d) of **Government Code** Section 65589.5.

D. Ministerial Review of Housing Development Projects. The following provisions apply in the event that state law or any provision of this code requires a housing development project to be reviewed ministerially and/or designates a housing development project a "use by right" as defined in **Government Code** Section 65583.2:

1. The Department Director may prepare application forms and provide blanks for such purposes and may prescribe the type of information to be provided in the application by the applicant. No application shall be accepted unless it is completed as prescribed. All such applications shall require fees to be paid in accordance with a resolution adopted by the City Council.

2. The Department Director is authorized to review and approve or deny the proposed housing development project in accordance with applicable law. Decisions of the Department Director may be appealed to the City Manager, whose decision shall be final.

3. If the ministerial approval of a housing development project will result in fewer residential units by income category than projected for the site in the general plan housing element, the "no net loss" provisions of **Government Code** Section 65863 and Section **9.60.030** of this code apply and the Department Director must also make the required findings.

4. Except to the extent otherwise provided by state law, the Department Director shall not approve a proposed housing development project unless it complies with all applicable, objective standards, provisions, conditions and requirements of the general plan, Title **9** of this code, and other applicable ordinances and policies of the City.

E. Standard Conditions for Housing Development Projects. The Department Director is authorized to promulgate, modify, and enforce standard conditions and requirements that apply to approved housing development projects, which implement applicable, objective state, City, and other local agency standards,

provisions, and conditions, provided such standard conditions and requirements are consistent with the provisions of this Code and state law.

F. City Sponsored Housing Development Projects. Except as otherwise determined by the City Manager or designee, housing development projects which are owned or financially assisted by the City of Garden Grove or the Garden Grove Housing Authority, including, without limitation, emergency shelters, low-barrier navigation centers, transitional or supportive housing developments, and the conversion of existing hotels or motels to affordable housing or permanent supportive housing, shall be exempt from the development standards and procedures set forth in or promulgated pursuant to Title 9 of this code.

9.60.040. Residential Density Bonus.

A. Application. In addition to any other review required for a proposed housing development project, applications for a density bonus shall be filed with the planning division. The application shall be filed concurrently with an application for the required land use action.

B. Processing. City staff shall process the application for a density bonus in the same manner as, and concurrently with, the application for the land use approval that is required by this code.

C. Documentation. The applicant shall submit reasonable documentation to establish eligibility for a requested density bonus~~, incentives or concessions, waivers or reductions of development standards,~~ and reduced parking ratios.

D. Replacement Housing Requirement. Pursuant to subdivision (c)(3) of Government Code Section 65915, the applicant will be ineligible for a density bonus or other incentives unless the applicant complies with the replacement housing requirements therein, including in the following circumstances:

1. The housing development is proposed on any parcel(s) on which rental dwelling units are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; or

2. The housing development is proposed on any parcel(s) on which rental dwelling units that were subject to a recorded covenant, ordinance, or law that restricted rents to levels affordable to persons and families of lower or very low income have been vacated or demolished in the five-year period preceding the application; or

3. The housing development is proposed on any parcel(s) on which the dwelling units are occupied by lower or very low-income households; or

4. The housing development is proposed on any parcel(s) on which the dwelling units that were occupied by lower or very low-income households have been vacated or demolished in the five-year period preceding the application.

E. Density Bonus Awarded. For a housing development qualifying pursuant to the requirements of **Government Code** Section 65915 or 65915.5, the City shall grant a density bonus in an amount specified by **Government Code** Section 65915 or 65915.5, as those sections may be amended from time to time. Except as otherwise required by **Government Code** Section 65915, the density bonus units shall not be included when calculating the total number of housing units that qualifies the housing development for a density bonus.

F. Calculation. “Density bonus” means a density increase over the otherwise maximum allowable gross residential density as of the date of application, or, if elected by the applicant, a lesser percentage of density increase, including, but not limited to, no increase in density. For the purpose of calculating the density bonus, subject to subdivision (o) of Government code Section 65915, the “maximum allowable residential density” or “base density” shall be the greatest number of units allowed to be developed on the parcel(s) under this title, an applicable specific plan, or the Land Use Element of the General Plan.~~For the purpose of calculating the density bonus, the "maximum allowable residential density" shall be the maximum allowable gross residential density established under the applicable development standards for the parcel(s), subject to subdivision (o) of **Government Code** Section 65915.~~

G. Incentives/Concessions. The City shall grant the applicant the number of incentives and concessions required by **Government Code** Section 65915. The City shall grant the specific concession(s) or incentive(s) requested by the applicant, unless it makes any of the relevant written findings stated in Government Code Section 65915(d). Senior citizen housing developments that qualify for a density bonus shall not receive any incentives or concessions, unless **Government Code** Section 65915 is amended to specifically require that local agencies grant incentives or concessions for senior citizen housing developments.

H. Physical Constraints. Except as restricted by **Government Code** Section 65915, the applicant for a density bonus may submit a proposal for the waiver or reduction of development standards that have the effect of physically precluding the construction of a housing development incorporating the density bonus and any incentives or concessions granted to the applicant. A

request for a waiver or reduction of development standards shall be accompanied by documentation demonstrating that the waiver or reduction is physically necessary to construct the housing development with the additional density allowed pursuant to the density bonus and incorporating any incentives or concessions required to be granted. The City shall approve a waiver or reduction of a development standard, unless it finds that:

1. The application of the development standard does not have the effect of physically precluding the construction of a housing development at the density allowed by the density bonus and with the incentives or concessions granted to the applicant;

2. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of **Government Code** Section 65589.5, upon health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact;

3. The waiver or reduction of the development standard would have an adverse impact on any real property that is listed in the California Register of Historical Resources; or

4. The waiver or reduction of the development standard would be contrary to state or federal law.

I. Parking. The applicant may request, and the City shall grant, a reduction in parking requirements in accordance with **Government Code** Section 65915(p), as that section may be amended from time to time.

J. Regulatory Agreement. The property owner(s) shall enter into a regulatory agreement with the City pursuant to Section **9.60.050**, which satisfies the criteria set forth in subdivision (c) of **Government Code** Section 65915.

K. Density Bonus Law.

1. Compliance. The applicant shall comply with all requirements stated in Government Code Sections 65915 through 65918. The requirements of Government Code Sections 65915 through 65918, and any amendments thereto, shall prevail over any conflicting provision of this Code.

2. Excluded Development. An applicant shall not receive a density bonus or any other incentive or concession if the housing development would be excluded under **Government Code** Section 65915.

3. Interpretation. The provisions of this subdivision shall be interpreted to implement and be consistent with the requirements of **Government Code** Sections 65915 through 65918. Any changes to **Government Code** Sections 65915 through 65918 shall be deemed to supersede and govern over any conflicting provisions contained herein.

9.60.050. Affordable Housing Regulatory Agreements.

A. Purpose. The purpose of this section is to establish minimum requirements and procedures for the preparation, execution, and recording of regulatory agreements establishing covenants to ensure the initial and continued affordability of income-restricted residential dwelling units required to be provided in conjunction with the approval of a housing development project pursuant a provision of this code or state law.

B. Definitions. As used in this section, the following terms shall have the following meanings:

1. "Affordable units" means residential dwelling units required to be made affordable to, and occupied by, households with incomes that do not exceed the limits specified in applicable law for middle income, moderate-income, lower income, very low income, or extremely low income households, as applicable, at an affordable rent or affordable housing cost, pursuant to state law or any provision of this code.

2. "Owner" means the record owner or owners of the parcel or parcels on which a proposed housing development project containing affordable units is located.

3. "Regulatory agreement" means an agreement entered into between an owner and the City pursuant to this section.

C. Requirement for Regulatory Agreement. Whenever an applicant for a housing development project offers to or is required as a condition of development pursuant to state law or any provision of this Code to provide a specified number or percentage of affordable units as part of the project, the owner shall enter into a regulatory agreement with the City meeting the requirements of this section in the form approved by the City Attorney.

D. Required Provisions of Regulatory Agreements. Unless otherwise provided by law or authorized by the City Manager, each regulatory agreement shall include provisions addressing or requiring the following:

1. Identification of Affordable Units. The number, affordability level, unit size

mix, and location requirements for the affordable units shall be set forth in the regulatory agreement.

a. Unit Size Mix. To the extent practicable, the size and bedroom count of the affordable units reserved and allocated for each income category shall at all times be proportional to the size and bedroom count mix of all units in the project, provided, however, that the property owner may substitute a larger unit for a smaller unit.

b. Location Requirements. For mixed income projects, ~~the regulatory agreement shall require that~~ affordable units shall be integrated with the market rate units so that there is a mix of affordable and market rate units in each building, and ~~shall contain provisions to ensure that~~ the project shall comply~~ies~~ with the requirements set forth in Health and Safety Code Section 17929. For affordable units that will be offered for sale, the regulatory agreement shall specifically identify each affordable unit. For affordable units that will be rented, ~~T~~the regulatory agreement ~~may allow~~shall require the affordable units ~~in a rental project~~ to be "floating" units that are not permanently designated, provided that at no time shall a majority of the affordable units be congregated to a specific section of the project.

2. Timing of Construction. The regulatory agreement shall require that the affordable units be constructed concurrently with or prior to other units in the housing development project.

3. Affordability Period for Affordable Units. The regulatory agreement shall require that the affordable units remain affordable to, and be occupied by, persons and families of the required income level at an affordable rent or affordable housing cost, as applicable, for the minimum period of time required by law. Where a minimum affordability period is not otherwise specified by statute or ordinance, the required affordability period shall be a minimum of 30 years.

4. Annual Tenant Income Verification, Compliance Reporting, and Certification. For projects containing ~~rental~~ affordable units that will be rented, the regulatory agreement shall include uniform provisions requiring the owner ~~to annually obtain written certifications from, and~~ to verify and certify, prior to the initial occupancy, and annually thereafter, that, each tenant household occupying an affordable unit meets the applicable income and eligibility requirements established for the affordable unit, and to annually prepare a compliance report and certify that the affordable units are in compliance with the regulatory agreement.

5. ~~Eligibility of Initial Buyers of~~ For-Sale Affordable Units. For projects containing ~~for-sale~~ affordable units that will be offered for sale, the regulatory agreement shall include uniform provisions requiring ~~the owner to verify that~~ the initial buyer(s) of each affordable unit ~~be of~~meet the applicable income ~~level~~ and eligibility requirements established for the affordable unit ~~shall require the initial buyer(s) of each affordable unit to~~and occupy the affordable unit at all times until resale of the affordable unit to another qualified buyer. Where applicable, the regulatory agreement shall contain provisions satisfying the criteria set forth in paragraph (2) of subdivision (c) of Government Code Section 65915. The regulatory agreement shall also require the initial purchaser and, if applicable, each subsequent purchaser, of an affordable unit, to execute and/or record one or more agreements and/or restrictive covenants benefiting and enforceable by the City, which address, among other things, the purchaser's obligations pertaining to certification of income, financing or refinancing of the unit, occupancy of the unit, property maintenance, insurance, periodic certification of compliance with applicable agreement terms, and re-sale of the unit (collectively, “Homebuyer Documents”). Homebuyer Documents may include, without limitation promissory notes, deeds of trust, reimbursement agreements, option agreements, equity sharing agreements, and/or other covenants and regulatory documents necessary to ensure continued compliance with pertinent provisions of applicable law, conditions of approval, and the regulatory agreement for the required affordability period.

~~6. Equity Sharing Provisions. For projects containing for-sale affordable units, the regulatory agreement shall contain provisions establishing an equity sharing arrangement consistent with the provisions set forth in paragraph (2) of subdivision (c) of **Government Code** Section 65915. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The City shall recapture any initial subsidy and its proportionate share of appreciation.~~

6. Annual Compliance Report. Each regulatory agreement shall contain provisions requiring the owner to submit an annual compliance report containing specified information to the City in a form reasonably satisfactory to City Manager and to annually certify that the affordable units are in compliance with the requirements of the regulatory agreement.

7. Maintenance Standards. The regulatory agreement shall contain uniform provisions governing the owner's maintenance obligations and the City's rights in the event the owner fails to adhere to its maintenance obligations.

8. Recordkeeping Requirements. The regulatory agreement shall contain uniform provisions requiring the owner to maintain affordable unit sales documents, tenant leases, income certifications, and other books, documents, and records related to the sale or rental of the affordable units and operation of the project for a period of not less than five years after creation of each such record; to allow the City to inspect any such books, documents, or records and to conduct an independent audit or inspection of such records at a location that is reasonably acceptable to the City Manager upon prior written notice; and to permit the City and its authorized agents and representatives to access the property and examine the housing units and to interview tenants and employees for the purpose of verifying compliance with the regulatory agreement.

9. Marketing ~~Program~~and Sale of For-Sale Affordable Units. For projects containing affordable units that will be offered for sale, ~~T~~the regulatory agreement shall contain provisions requiring the owner: (a) to prepare and obtain the City's approval of a marketing program for the ~~leasing or~~ sale of the affordable units to qualified purchasers prior to the issuance of a certificate of occupancy for any portion of the project; (b) to thereafter market ~~the leasing or sale of~~ the affordable units in accordance with the marketing program; and (c) to provide the City with periodic reports with respect to the leasing or sale of the affordable units. Except as otherwise approved by the City, the marketing program shall include, without limitation, (i) a plan for and detailed description of how the owner will solicit and identify potential qualified purchasers for the affordable units; (ii) a description of the process the owner will implement to evaluate and select qualified purchasers for the affordable units; (iii) the form of the purchase and sale agreement the owner proposes to enter into with qualified purchasers; (iv) copies of forms, disclosures, and other documents owner intends to provide to qualified purchasers; and (v) such other information reasonable requested or required by the City.

10. Marketing and Management Plan for Rental Affordable Units. For projects containing affordable units that will be rented, ~~T~~the regulatory agreement shall contain uniform provisions regarding property management and management responsibilities and shall require the owner to prepare and obtain the City's approval of a management plan for the project prior to the issuance of a certificate of occupancy for any portion of the project.~~, which sets forth~~ The marketing and management plan shall address in detail, without limitation, the following matters: (a) how the owner plans to market the affordable units to prospective tenant households;~~the owner's property management duties, including, but not limited to, a plan to manage and maintain the site and the affordable units;~~ (b) procedures for the selection of tenants of rental affordable units, including a

description of how the owner plans to certify the eligibility of tenant households; (c) procedures for annually verifying income and recertifying the eligibility of tenants of rental affordable units; (d) the standard form(s) of rental agreement(s) the owner proposes to enter into with tenants of affordable units; (e) procedures for the collection of rent; (f) procedures for eviction of tenants; (g) procedures for ensuring that the required number and unit size mix of rental affordable units is maintained and that "floating" affordable units do not become congregated to a certain area of the building or project; (h) the owner's procedures for complying with its monitoring and recordkeeping obligations; (i) the owner’s property management duties; (j) the owner's plan to manage and maintain the project and the affordable units; (k) the rules and regulations of the property and manner of enforcement; and (l) a program addressing security ~~system~~ and crime prevention ~~program~~at the project.

11. Provisions Regarding Section 8 Certificates. For projects containing rental affordable units, the regulatory agreement shall include uniform provisions regarding the acceptance of federal certificates for rent subsidies pursuant to the existing program under Section 8 of the United States Housing Act of 1937, or its successor (i.e., "Section 8 certificates"), which shall include the following requirements and limitations:

    a. The owner shall accept as tenants persons who are recipients of Section 8 certificates on the same basis as all other prospective tenants; provided, the owner shall not rent one of the affordable units to a tenant household holding a Section 8 certificate unless none of the housing units not restricted to occupancy by the affordability covenants are available. If the only available housing unit is an affordable unit, the owner shall no longer designate the housing unit rented to a tenant household holding a Section 8 certificate as an affordable unit, shall designate the next-available housing unit as an affordable unit, and shall make available, re-strict occupancy to, and rent such newly designated affordable unit to a qualified tenant at the applicable affordable rent pursuant to the affordability covenants, such that at all times reasonably possible all of the required affordable units shall not be occupied by tenants holding Section 8 certificates.

    b. Furthermore, in the event the owner rents an affordable unit to a household holding a federal certificate, the rental agreement (or lease agreement, as applicable) between the owner, as landlord, and the tenant shall expressly provide that monthly rent charged shall be the affordable rent required for the affordable unit (not fair market rent) and that the rent collected directly from such tenant holding a federal certificate shall be not more than the specified percentage of the

tenant's actual gross income pursuant to the applicable federal certificate program regulations; i.e., the rent charged to such tenant under the rental agreement shall be the affordable rent chargeable under the affordability covenant and not fair market rent for the area, as would otherwise be permitted under the applicable federal certificate program.

c. The owner shall not apply selection criteria to Section 8 certificate holders which are more burdensome than criteria applied to any other prospective tenants.

d. If and to the extent these restrictions conflict with the provisions of Section 8 of the United States Housing Act of 1937 or any rules or regulations promulgated thereunder, the provisions of Section 8 of the United States Housing Act of 1937 and all implementing rules and regulations thereto shall control.

12. ~~Annual~~ Monitoring and Administration Fees.

a. Rental Projects. For projects containing affordable units that will be rented, to the extent permitted by state and federal law, ~~E~~each regulatory agreement shall contain a provision requiring the owner to pay an annual fee to reimburse the City for the estimated reasonable costs incurred by the City in monitoring the owner's compliance with, and otherwise administering, the regulatory agreement, including, but not limited to, the City's review of annual compliance reports and conduct of inspections and/or audits.

b. For-Sale Projects. For projects containing affordable units that will be offered for sale, each regulatory agreement shall contain a provision requiring the owner to reimburse the City for the estimated reasonable costs incurred by the City (i) to monitor the owner’s compliance with, and to otherwise administer, the Regulatory Agreement, prior to the initial sale of each affordable unit, and (ii) to monitor each subsequent purchaser’s compliance with, and to administer, the Homebuyer Documents following the initial sale of each affordable unit.

E. Recordation. Each regulatory agreement entered into pursuant to this section shall be recorded as a covenant against the property prior to final or parcel map approval, or, where the housing development project does not include a map, prior to issuance of a building permit for any structure in the housing development project. The regulatory agreement shall remain a senior, non-subordinate covenant and as an encumbrance running with the land for the full term thereof. In no event shall the regulatory agreement be made junior

or subordinate to any deed of trust or other documents providing financing for the construction or operation of the project, or any other lien or encumbrance whatsoever for the entire term of the required covenants.

F. Delegation of Authority. The City Manager is authorized to approve and execute each regulatory agreement and any amendments thereto on behalf of the City. The City shall maintain authority of each regulatory agreement and the authority to implement each regulatory agreement through the City Manager. The City Manager shall have the authority to make approvals, issue interpretations, waive provisions, make and execute further agreements and/or enter into amendments of each regulatory agreement on behalf of the City.

G. Fees. The City may charge a fee or fees to recover the City's reasonable costs to implement the provisions of this section. Any such fees shall be adopted by resolution of the City Council.

H. Reimbursement of Professional Fees and Costs. To the extent not factored into the fee or fees established pursuant to subsections **D** and **G**, in addition to such fees, the applicant and/or owner shall reimburse the City for the actual fees and costs charged for the services of attorneys and/or other professional third-party consultants engaged by the City to provide consultation, advice, analysis, and/or review or preparation of documents in connection with the following:

1. Preparation of the regulatory agreement, agreements with initial purchasers of for-sale affordable units, and other ancillary documents.
2. Establishing the affordable sales price, and verifying the incomes and eligibility of prospective buyers, of for-sale affordable units;
~~2.~~3. Review of the initial marketing plan for projects containing for-sale affordable units or the marketing and management plan for projects containing rental affordable units required as part of the regulatory agreement entered into pursuant to this section and any amendments thereto.
~~3.~~4. Review of annual compliance reports submitted by an owner pursuant to a regulatory agreement.
~~4.~~5. Inspections and audits.

I. Preparation of Regulatory Agreement; Reimbursement Agreement. Unless otherwise approved by the City Manager, each regulatory agreement shall be prepared by the City at the cost of the applicant and/or owner. Prior to the City commencing preparation of a regulatory agreement, the applicant and/or owner shall execute a reimbursement agreement with the City in a form approved by the City Attorney and provide a deposit to the City in an amount sufficient to cover the estimated total professional fees and costs to be incurred by the City for preparation of the regulatory agreement, as determined by the City Manager

in his or her reasonable discretion. The City Manager is authorized to execute said reimbursement agreement on behalf of the City.

9.60.060. Dwelling Unit Protection Regulations.

A. Purpose. The purpose of this section is to implement ~~subdivision (d) of Government Code Section 66300 (~~the provisions of the Housing Crisis Act~~)~~, which require~~s~~ ~~developers of new housing~~ development project~~s~~ proponents to replace demolished residential dwelling units and protected units and to provide relocation assistance and other benefits to existing occupants of demolished protected units.

B. Effective Period. This section shall remain in effect for the period during which the provisions of Chapter 12 of Division 1 of Title 7 of the **Government Code** ~~Section 66300~~ pertaining to replacement housing and relocation benefits remain in effect. If said provisions are repealed, this section shall be deemed repealed as of the same date and shall no longer be applied, unless otherwise provided by a later enacted ordinance.

C. Applicability. This section applies to all ~~housing~~ development projects subject to Article 2 of Chapter 12 of Division 1 of Title 7 of the Government Code, ~~as defined in **Government Code** Section 69505.5,~~ whether involving discretionary or nondiscretionary approvals, including, but not limited to, the following:

1. A proposal to construct one or more single-family dwellings;

2. A proposal to construct an accessory dwelling unit;

3. A proposal to construct an SB 9 two-unit residential development;

4. A proposal to construct a duplex or triplex;

5. A proposal to construct a multiple-family dwelling; and

6. A proposal to construct a mixed-use development project consisting of residential and nonresidential uses.

D. Definitions. As used in this section, the following terms shall have the following meanings:

1. "Affordable housing cost" has the same meaning as defined in Health and Safety Code Section 50052.5.

2. "Affordable rent" has the same meaning as defined in **Health and Safety Code** Section 50053.

3. “Comparable unit” shall have the same meaning as the term "comparable replacement dwelling" as defined in Government Code Section 7260; provided, however, that with respect to an occupied protected unit that is a single-family home that will be demolished in conjunction with a proposed development project that consists of two or more dwelling units, a "comparable unit" need not contain more than three bedrooms or have the same or similar square footage or the same number of total rooms

4. “Development project” means a project for “development,” as defined in Section 9.04.060, which requires a permit or other approval issued by the City.

5. "Equivalent size" means that the replacement protected units contain at least the same total number of bedrooms as the units being replaced.

6. “Extremely low income households” has the same meaning as defined in Health and Safety Code Section 50106.

7. "Lower income households" has the same meaning as defined in Health and Safety Code Section 50079.5. Lower income households includes very low income households and extremely low income households.

8. "Protected unit" shall have the same meaning as defined in the Housing Crisis Act ~~subdivision (d) of **Government Code** Section 66300~~ and includes, but is not limited to, the following:

   a. Existing or previously demolished residential dwelling units that are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income within the five-year period preceding the application submittal date; and

   b. Existing or previously demolished residential dwelling units that are or were rented by lower or very low income households within the five-year period preceding the application submittal date.

9. "Relocation Assistance Law" shall mean Chapter 16 (commencing with Section 7260) of Division 7 of Title **1** of the **Government Code** and its related implementing regulations.

10. “Replace” has the same meaning as provided in subparagraphs (B) and (C)

of paragraph (3) of subdivision (c) of Government Code Section 65915; provided, however, that for purposes of a development project that that consists of a single residential unit on a site with a single protected unit, "replace" shall mean that the protected unit is replaced with a unit of any size at any income level.

11. “Replacement protected units” means and refers to affordable residential units proposed to be developed to replace one or more protected units.

12. "Very low income households" has the same meaning as defined in Health and Safety Code Section 50105. Very low income households includes extremely low income households.

E. Replacement of Dwelling Units. If a housing development project will require the demolition of one or more residential dwelling units, the project shall create at least as many residential dwelling units as will be demolished.

F. Replacement of Protected Units. If a ~~housing~~ development project is located on a parcel or parcels on which protected units are or were located, the project shall comply with the following:

1. Number of Total Units Required. If the project is a housing development project, ~~T~~the project shall include at least as many total dwelling units as the greatest number of permitted dwelling units that existed on the project site within the five-year period preceding the application submittal date.

2. Number of Replacement Protected Units Required. Unless otherwise provided in the Housing Crisis Act, ~~T~~the development project shall replace all protected units that were previously located on the project site and demolished on or after January 1, 2020 ~~protected units~~ and all existing occupied or vacant protected units that will be demolished as part of the project in accordance with this section. All replacement protected unit calculations resulting in factional units shall be rounded up to the next whole number. Any replacement protected units provided will be considered in determining whether a housing development project satisfies the requirements of Government Code Section 65915 and Section 9.60.040.

3. Projects Involving Demolition of Occupied Protected Units. If any existing protected units to be demolished are occupied on the date of application submittal, the ~~housing~~ development project shall provide at least the same number of replacement dwelling units of equivalent size to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those

households in occupancy. If a project site containing occupied protected units to be demolished also contains unoccupied protected units that will be demolished as part of the project, or previously contained protected units that were demolished within the five-year period preceding the application submittal date, the housing development project shall also provide at least the same number of dwelling units of equivalent size to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as the last household in occupancy. If the income of the existing or last household in occupancy of any protected units is not known, it shall be rebuttably presumed that lower income renter households occupied these protected units in the same proportion of lower income renter households to all renter households within the City of Garden Grove, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database, and replacement protected dwelling units shall be provided in that same percentage.

4. Projects Only Involving Vacated or Demolished Protected Units. If all protected units on the site of a ~~housing~~ development project are vacant or have been demolished within the five-year period preceding the application submittal date, the ~~housing~~ development project shall provide at least the same number of dwelling units of equivalent size as existed at the highpoint of those units in the five-year period preceding the application submittal date to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those persons and families in occupancy at that time, if known. If the incomes of the persons and families in occupancy at the highpoint is not known, it shall be rebuttably presumed that low-income and very low income renter households occupied these protected units in the same proportion of low-income and very low income renter households to all renter households within the City of Garden Grove, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database, and replacement protected dwelling units shall be provided in that same percentage.

5. Replacement Protected Unit Size. A replacement protected unit must include at least the same number of bedrooms as the protected unit being replaced; provided, however, that if and to the extent permitted pursuant to the Housing Crisis Act, a protected unit may be replaced with two or more replacement protected units of the same or a lower income category as the protected unit, provided the cumulative number of bedrooms in the replacement protected units equals or exceeds the number of bedrooms in the protected unit being replaced.

6. Single-Family Projects Involving a Single Protected Unit. Notwithstanding subsections **3**, ~~and~~ **4**, and **5**, above, if a housing development project consists of a single residential unit on a site with a single protected unit, that protected unit may be replaced with a unit of any size at any income level.

7. Location of Protected Units. ~~Except as provided in the next sentence~~If the development project is a housing development project, dwelling units required to replace protected units shall be located on the same parcel or parcels as other units in the proposed new housing development project, if feasible. Notwithstanding the preceding sentence, subject to approval of the Department Director, an applicant may locate a replacement protected unit on a different parcel in the City zoned for residential use, provided that: (a) the development of units on different parcels is proposed as part of, and in the same, application as the remainder of the housing development project; (b) the other parcel is zoned for residential use and all objective general plan, zoning, and other standards and requirements are met; and (c) the applicant demonstrates that no residential tenants on the other parcel have been or will be displaced as a result of development of the replacement protected unit.

8. Timing of Construction of Replacement Units. All replacement units shall be constructed concurrently with or prior to other components of ~~other units in~~ the ~~housing~~ development project. ~~The City shall not issue a certificate of occupancy for any other units in a housing development project until certificates of occupancy have been issued for the replacement unit(s).~~

9. Affordability Period. All rental replacement units shall be made available to lower or very low income households, as applicable, at an affordable rent for at least 55 years. For-sale replacement protected units shall be subject to paragraph (2) of subdivision (c) of Government Code Section 65915.

10. Regulatory Agreement Required. The record owner(s) of the property shall enter into a regulatory agreement with the City pursuant to Section **9.60.050**.

G. Benefits to Be Provided to All Occupants of Protected Units.

1. Right to Remain in Occupancy Pending Demolition. The record owner of an occupied protected unit that will be demolished as part of a ~~housing~~ development project shall allow the existing occupants of the protected unit to occupy the unit until six months before the start of construction

activities. The record owner of the occupied protected unit shall provide the existing occupants with written notice of the planned demolition, the date the occupants must vacate the unit, and their rights under the Housing Crisis Act. ~~with proper notice, pursuant to the Relocation Assistance Law. The record owner shall deliver a~~ Said notice ~~of intent to terminate residency~~shall be provided at least six months in advance of the date that the existing occupants must vacate the unit, and a copy shall be concurrently delivered to the Department Director ~~and to the occupant household~~.

2. Right to Return if Demolition Does Not Proceed. The record owner of an occupied protected unit that will be demolished as part of a ~~housing~~ development project shall allow any existing occupants of the protected unit that are required to leave the unit to return at their prior rental rate if the demolition does not proceed and the property is returned to the rental market. The notice ~~of intent to terminate residency~~ required pursuant to subsection **1**~~.~~ shall include notice of this right. In addition, this right shall be memorialized in a written agreement, covenant, or other document that is enforceable by the occupant(s) of the protected unit, the form of which shall be subject to review and approval by the Department Director.

H. Benefits to Be Provided to Occupants of Protected Units that Are Lower Income Households.

1. Right of First Refusal for a Comparable Unit in New Housing Development Project.

a. Except as provided in subsection H.1.b., below, the record owner of a protected unit that will be demolished as part of a ~~housing~~ development project shall agree to provide existing occupants of the protected unit to be demolished as part of the ~~a housing~~ development project that are lower income households with a right of first refusal to rent or purchase ~~for~~ a comparable ~~dwelling~~ unit available in the new housing development project, or in any required replacement units associated with a new development that is not a housing development project, affordable to the household at an affordable rent or affordable housing cost. ~~A comparable dwelling unit is a dwelling unit containing the same number of bedrooms as the demolished protected unit, except that where the protected unit is a single-family home that contains four or more bedrooms, a comparable unit is a unit containing three bedrooms.~~ The right of first refusal shall be memorialized in a written agreement, covenant, or other document that is enforceable by the occupant(s) of the protected unit, the form of which shall be subject to review and approval by the Department Director.

b. Subsection H.1.a. shall not apply to: (i) a housing development project that consists of a single residential unit located on a site where a single protected unit is being demolished; ~~or~~ (ii) units in a housing development in which 100% of the units, exclusive of a manager's unit or units, are reserved for lower income households, unless the occupant of the protected unit qualifies for residence in the new development and providing a comparable unit to the occupant would not be precluded due to unit size limitations or other requirements of one or more funding sources of the housing development project; or (iii) a development project that is an industrial use and to which the requirement in the Housing Crisis Act to provide replacement units does not apply.

2. Relocation Benefits.

a. The applicant and/or the record owner of a protected unit that will be demolished as part of a ~~housing~~ development project shall provide existing occupants of the protected unit to be demolished as part of ~~a housing~~the development project that are lower income households with relocation benefits required to be paid by public entities pursuant to ~~consistent with the requirements of~~ the Relocation Assistance Law. By way of example, said relocation benefits may include, without limitation, advisory assistance in finding comparable new housing, payment of moving expenses, and rental assistance payments.

b. The applicant shall engage a qualified third-party contractor or consultant (a "relocation consultant") approved by the Department Director to determine the eligibility of occupants for benefits pursuant to this section, prepare a relocation plan, and oversee the provision of the required relocation benefits.

c. The applicant's relocation consultant shall prepare a written relocation plan consistent with the provisions of the Relocation Assistance Law, which plan shall be subject to review and approval by the Department Director. The relocation plan shall include, without limitation, provisions addressing the following:

i. Determination of eligibility requirements;
ii. Identification of eligible occupants;

iii. Occupant interviews and needs assessments;

iv. An evaluation of the availability of comparable replacement

housing within the relevant geographic area;

v. Identification of specific replacement housing options;

vi. The provision for relocation advisory services to affected occupants;

vii. A description of the relocation benefits available to eligible occupants;

viii. A process for the provision of benefits and the submission of benefit claims by eligible occupants;

ix. A process for occupants to appeal benefit determinations; and

x. Procedures for providing the benefits required pursuant to subsections **G** and **H**, above, including copies of the required notices, agreements, and other forms needed to implement the provision of said benefits.

d. Prior to the issuance of a grading or building permit for the ~~housing~~ development project, the relocation consultant shall provide a letter to the Department Director certifying that the relocation process has been completed and that all required relocation benefits have been provided.