



AGENDA

GARDEN GROVE PLANNING COMMISSION

AUGUST 20, 2026 – 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 Community Development Department 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: Agenda item descriptions are intended to give a brief and 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 (2) 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 – July 16, 2026

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

C.1 CONDITIONAL USE PERMIT NO. CUP-300-2026

APPLICANT: NS LIQUOR LLC

LOCATION: 9240 GARDEN GROVE BLVD, UNIT G16 & G17

REQUEST: A request for Conditional Use Permit approval to allow a new liquor store to operate with a new original Alcoholic Beverage Control (ABC) "Type 21" (Off-Sale General) License. In addition, a recommendation that the Planning Commission revoke the previous Conditional Use Permit No. CUP-075-2016. 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).

STAFF RECOMMENDATION: Adopt a Resolution approving Conditional Use Permit No. CUP-300-2026 pursuant to the recommended Conditions of Approval.

C.2. [CONDITIONAL USE PERMIT NO. CUP-103-65 \(REV. 2026\)](#)

APPLICANT: PDS West, Inc.

LOCATION: 10802 KATELLA AVENUE

REQUEST: A request for modifications to the approved plans under Conditional Use Permit No. CUP-103-65 to allow building and site improvements for an existing carwash. 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).

STAFF RECOMMENDATION: Adopt a Resolution approving Conditional Use Permit No. CUP-103-65 (REV. 2026) pursuant to the recommended Conditions of Approval.

C.3. [AMENDMENT NO. A-047-2026](#)

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 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-047-2026(A), Amendment No. A-047-2026(B), Amendment No. A-047-2026(C), and Amendment No. A-047-2026(D) to City Council.

D. [MATTERS FROM COMMISSIONERS](#)

E. [MATTERS FROM STAFF](#)

F. [ADJOURNMENT](#)

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

Meeting Minutes
Thursday, July 16, 2026

CALL TO ORDER: 7:00 p.m.

ROLL CALL:

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

Absent: Beard, Flanders, Lindsay

PLEDGE OF ALLEGIANCE: Led by Commissioner Cueva.

ORAL COMMUNICATIONS – PUBLIC – None

May 21, 2026 MINUTES:

Action: Received and filed.

Motion: Laricchia Second: Cueva

Ayes: (4) Ashland, Cueva, Laricchia, Ramirez
Noes: (0)
Absent: (3) Beard, Flanders, Lindsay
Abstain: (0)

PUBLIC HEARING –SITE PLAN NO. SP-177-2026 FOR PROPERTY LOCATED ON THE EAST SIDE OF SAFFORD STREET, SOUTH OF GARDEN GROVE BOULEVARD, AT 13042 SAFFORD STREET

Applicant: TONY LAM
Date: July 16, 2026

Request: A request for Site Plan approval to construct a new two-story residential apartment building consisting of four (4) units along with associated site improvements on a 0.35-acre lot that is improved with a one-story single-family dwelling with an attached two-car garage and detached two-car garage. The project would retain the existing residential

dwelling unit and attached two-car garage, and demolish the detached garage to accommodate the proposed development, so that the site would have a total of five (5) units upon completion of the project. 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).

The applicant’s representatives, Tony Lam, addressed the Commission and answered questions. The applicant representative was asked if they had read and agreed with the Conditions of Approval, and they responded that they had.

Action: Resolution No. 6141-26 was approved.

Motion: Ramirez Second: Laricchia

Ayes: (4) Ashland, Cueva, Laricchia, Ramirez

Noes: (0)

Absent: (3) Beard, Flanders, Lindsay

PUBLIC HEARING – SITE PLAN NO. SP-117-2022 (TE1) FOR PROPERTY LOCATED ON THE SOUTH SIDE OF STANFORD AVENUE, WEST OF LORNA STREET, AT 12771 LORNA STREET

Applicant: Dan Vy Ngoc Nguyen

Date: July 16, 2026

Request: A request for a one-year time extension for the entitlement approved under Site Plan No. SP 117-2022, which allowed the construction of six (6) three-story, multi-family residential units with two-car garages on a 16,329 square-foot (0.37 acres) lot. A California Environmental Quality Act (CEQA) determination is not required as the project was previously exempted.

The applicant’s representatives, Binh Tran, addressed the Commission and answered questions. The applicant representative was asked if they had read and agreed with the Conditions of Approval, and they responded that they had.

Action: Resolution No. 6142-26 was approved.

Motion: Ramirez Second: Cueva

Ayes: (4) Ashland, Cueva, Laricchia, Ramirez

Noes: (0)

Absent: (3) Beard, Flanders, Lindsay

PUBLIC HEARING –SITE PLAN NO. SP-111-2022 (TE3) FOR PROPERTY LOCATED ON THE NORTHEAST CORNER OF GARDEN GROVE BOULEVARD AND BROOKHURST STREET, AT 10201 AND 10231 GARDEN GROVE BOULEVARD

Applicant: MICHAEL DAO

Date: July 16, 2026

Request: A request to approve a one-year time extension for the approved entitlements under Site Plan No. SP-111-2022 and Tentative Parcel Map No. PM-2021-190, as modified by Minor Modification No. 1, which allowed the consolidation of two (2) existing parcels into a single 1.86 acre parcel, and the construction of a five-story mixed-use development on the 1.86-acre site consisting of 5,312 square feet of retail space, 3,548 square feet for an art gallery use, 10,745 square feet of medical space, and 52 apartment units. Pursuant to the State Density Bonus Law, in exchange for reserving three (3) units for very-low income, the project qualifies for a density bonus, concessions, waivers, and reduced parking. A California Environmental Quality Act (CEQA) determination is not required as the project was previously exempted.

The applicant's representatives, Steven Smith, addressed the Commission and answered questions. The applicant representative was asked if they had read and agreed with the Conditions of Approval, and they responded that they had.

Three letters of opposition were received from: David Painter, Cuong Tran, and Tran family. The letters cite concerns of the lot being used for semi-truck parking, noise issues, and Code Enforcement violations.

One member of the public spoke in opposition: David Painter.

Action: Resolution No. 6143-26 was approved.

Motion: Ashland Second: Ramirez

Ayes: (4) Ashland, Cueva, Laricchia, Ramirez

Noes: (0)

Absent: (3) Beard, Flanders, Lindsay

STUDY SESSION - STUDY SESSION REGARDING PROPOSED LAND USE CODE UPDATES: Presentation and discussion of draft proposed updates to Garden Grove Municipal Code Chapters 9.04.030 (Definitions), 9.08 (Single-Family Residential Development Standards), 9.12 (Multi-Family Residential Development Standards), 9.16 (Commercial, Office Professional, Industrial, and Open Space Development Standards), 9.18 (Mixed Use Regulations and Development Standards), 9.54 (Accessory Dwelling Units and Junior Accessory Dwelling Units), Chapter 9.56 (SB 9 Two-Unit Residential Developments and Urban Lot Splits), Chapter 9.60 (Special Housing Regulations), and other provisions of the Land Use Code to conform to

changes in State law and City policies, and to make clarifications and typographical corrections.

MATTERS FROM COMMISSIONERS: Commissioner Laricchia requested an update on the project located on 8th Street and Stanford Avenue. Staff stated that landscape removal and maintenance has started and demolition permits have been issued; and that the developer is moving forward with the project. Commissioner Laricchia cited concerns with the left turn lane from the Costco Gas Station exit at the Garden Grove Boulevard related to potential accidents, and requested that staff to look into the matter. Commissioner Ramirez spoke in agreement with Commissioner Laricchia's concerns. Staff stated that they will bring the matter to the City's Traffic Engineer. Commissioner Laricchia raised concerns about parking enforcement, and asked if an outside company or Code Enforcement can have the ability to issue parking citations. Staff stated that they will escalate the matter for further discussion.

Commission Ramirez welcomed and congratulated Interim Director, David Dent.

MATTERS FROM STAFF: Staff stated that the August 6th meeting will be cancelled, and gave a brief description of the August 20th meeting, as well as mentioned a Special Joint Meeting on August 25th between City Council and Planning Commission, and a meeting that will be held on September 3rd.

ADJOURNMENT: At 8:40 p.m.

Carol Sebbo
Recording Secretary

COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.1.	SITE LOCATION: Southside of Garden Grove Boulevard, Between Cannery Street and Casa Linda Lane, at 9240 Garden Grove Boulevard, Unit Nos. G16 and G17
HEARING DATE: August 20, 2026	GENERAL PLAN: RC2 (Residential/Commercial Mixed Use 2)
CASE NO.: Conditional Use Permit No. CUP-300-2026	ZONE: GGMU-2 (Garden Grove Boulevard Mixed Use 2)
APPLICANT: Nouh Sedra of NS Liquor LLC	APN: 098-571-07
PROPERTY OWNER: Wang Family Investment, LLC	CEQA DETERMINATION: Exempt – Section 15301 – Existing Facilities

REQUEST:

A request for Conditional Use Permit approval to allow a new liquor store to operate with a new original Alcoholic Beverage Control (ABC) Type "21" (Off-Sale General) License. In addition, a recommendation that the Planning Commission revoke Conditional Use Permit No. CUP-075-2016, which previously governed the tenant space. 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).

BACKGROUND:

The subject site is approximately 1.83 acres, and is currently improved with a multi-tenant commercial shopping center. The center is located on the south side of Garden Grove Boulevard, between Cannery Street and Casa Linda Lane. The commercial center is currently occupied by a variety of uses, including restaurants, administrative offices, personal services, and a beauty college.

The subject property has a General Plan Land Use Designation of RC2 (Residential/Commercial Mixed Use 2), and is zoned GGMU-2 (Garden Grove Boulevard Mixed Use 2). The shopping center is adjacent to R-3 (Multiple-Family Residential) zoned properties in the south, R-1 (Single-Family Residential) zoned properties to the north, across Garden Grove Boulevard, and GGMU-2 zoned properties to the east and west.

The specific tenant space under application is an approximately 2,112 square-foot space located on the western portion of the property. Conditional Use Permit No.

CASE NUMBER CUP-300-2026

CUP-075-2016 previously allowed for the operation of an educational institution in Unit Nos. G15, G16, and G17.

According to Business Tax records, an educational institution has not been in operation since February 2020. Unit G15 is currently operated by a sign company, and Units G16 and G17 are currently vacant.

The applicant has leased Units G16 and G17 with the intent to operate a new liquor store, which will require approval of building permits for interior tenant improvements. The applicant is requesting approval of a Conditional Use Permit to allow the new liquor store to operate with an ABC Type "21" (Off-Sale General) License, which would allow the sale of beer, wine, and distilled spirits for consumption off the premises. Section 9.18.060.030 of the Garden Grove Municipal Code (GGMC) requires a CUP when there is an application for an original ABC license.

The property owner of record, Wang Family Investment, LLC, have provided a letter requesting to revoke CUP-075-2016 for the previous education institution.

On July 9, 2026, the subject request was heard at the Zoning Administrator. Prior to the public hearing, Staff received five (5) written public comments opposing the request citing concerns of safety, traffic, and noise. There were no public speakers present during the hearing. The Zoning Administrator took no action on the item and deferred action to the discretion of the Planning Commission.

DISCUSSION:

The proposed liquor store would have a total floor area of approximately 2,112 square feet, occupying Unit Nos. G16 and G17. Within the tenant space, the liquor store would provide areas for retail, transaction counter, shopping aisles, beverage coolers, storage, and a large walk-in cooler for the sale of specialty alcoholic beverages. Proposed improvements would be subject to the approval of tenant improvement plans and building permits. In addition to the sale of alcohol, the liquor store would also sell grocery items, lottery products, tobacco products, and non-alcoholic beverages. There are no proposed changes to the exterior of the building, parking lot, or other site improvements. According to Garden Grove Municipal Code standards, no additional parking would be required to accommodate the proposed business.

The business would operate between the hours of 7:00 a.m. and 12:00 a.m., Sunday through Thursday, and 7:00 a.m. and 2:00 a.m. on Friday and Saturday. In the event problems arise concerning the operation of this business, the hours of operation may be reduced by order of the Police Department.

The subject property is located in a low-crime district, and in an area with an over-concentration of "Off-Sale" ABC licenses. In order to approve the request, a Finding of Public Convenience or Necessity is required. A summary of the district and

CASE NUMBER CUP-300-2026

the Findings of Public Convenience or Necessity can be found in Resolution No. 6145-26 for Conditional Use Permit No. CUP-300-2026.

The request has been reviewed by the Community Development Department and the Police Department.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

CEQA's Class 1 exemption applies to the operation, repair, maintenance, permitting, leasing, licensing, and minor alterations of existing public or private structures and facilities, with negligible or no expansion of use (CEQA Guidelines §15301). The subject request would allow the operation of a new liquor store with the alcohol sales within an existing tenant space. A liquor store is a conditionally permitted use and the addition of the ABC License does not involve the intensification of said use. Therefore, the proposed project is exempt from CEQA.

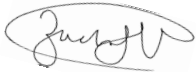
RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

1. Adopt Resolution No. 6145-26, approving Conditional Use Permit No. CUP-300-2026, subject to the recommended Conditions of Approval, and revoke Conditional Use Permit No. CUP-075-2016.



Maria Parra
Planning Services Manager

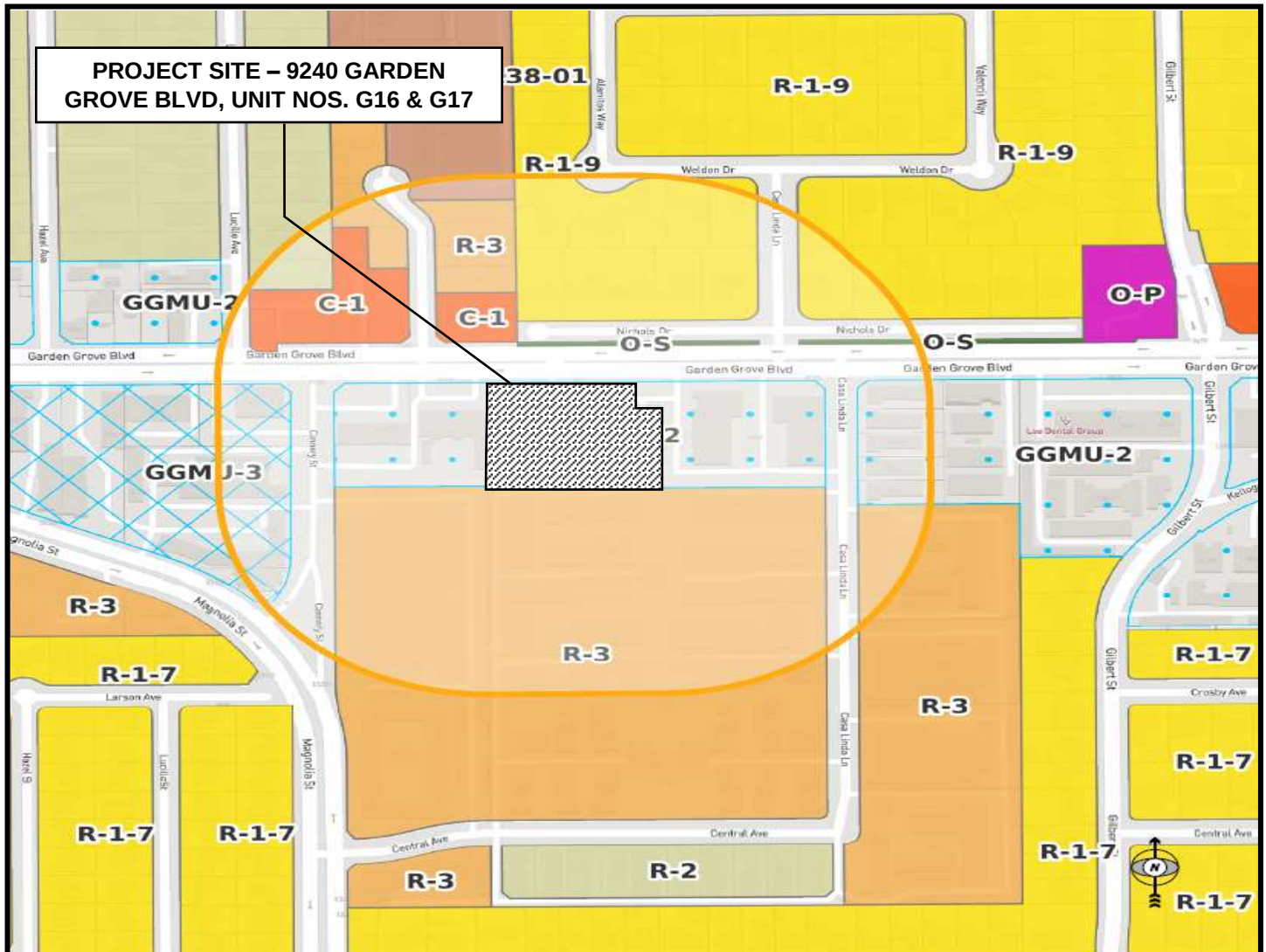


By: Zachary Hernandez
Assistant Planner

Attachment 1: Vicinity Map
Attachment 2: Plans
Attachment 3: Resolution No. 6145-26 with Exhibit "A" – Conditions of Approval



CONDITIONAL USE PERMIT NO. CUP-300-2026



LEGEND

-  SUBJECT SITE(S) – 9240 GARDEN GROVE BLVD., UNIT NOS. G16 & G17
-  500 FOOT RADIUS

NOTES

1. SITE ADDRESSES – 9240 GARDEN GROVE BLVD., UNIT NOS. G16 & G17
2. ZONING: GGMU-2 (GARDEN GROVE MIXED USE 2)



GARDEN GROVE BLVD

CANNERY ST

KA-JU
PLAZA

PROPOSED
LIQUOR
STORE
(G17)

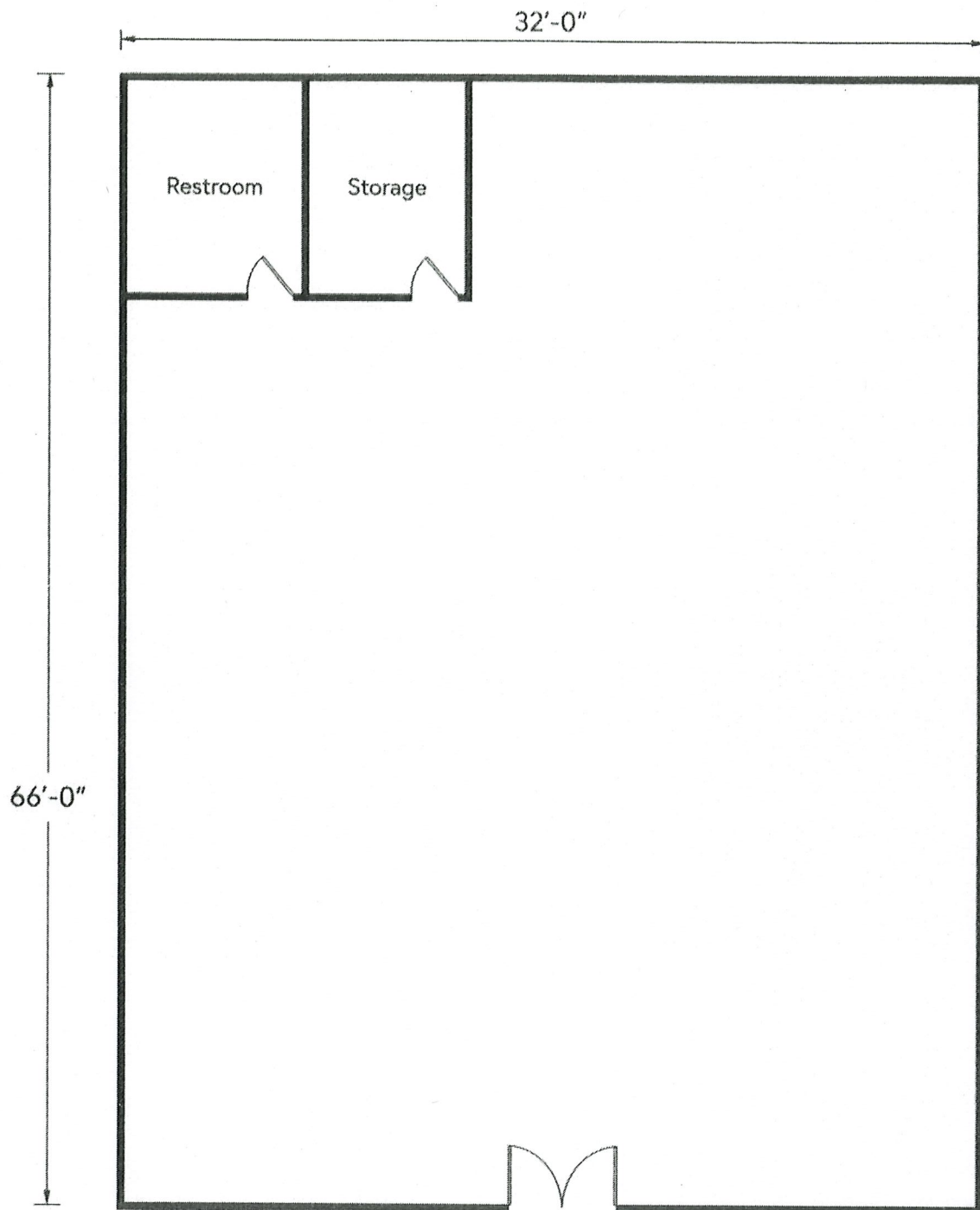
PARKING LOT

SITE PLAN

9240 Garden Grove Blvd, #G17
Garden Grove, CA 92844

 PROPOSED LIQUOR STORE (G17)

CUP-300-2026



Current Floor plan

PROJECT:

LIQUOR STORE LAYOUT

9240 GARDEN GROVE BLVD
GARDEN GROVE, CA 92844

DRAWING TITLE:

FLOOR PLAN

Current Floor plan

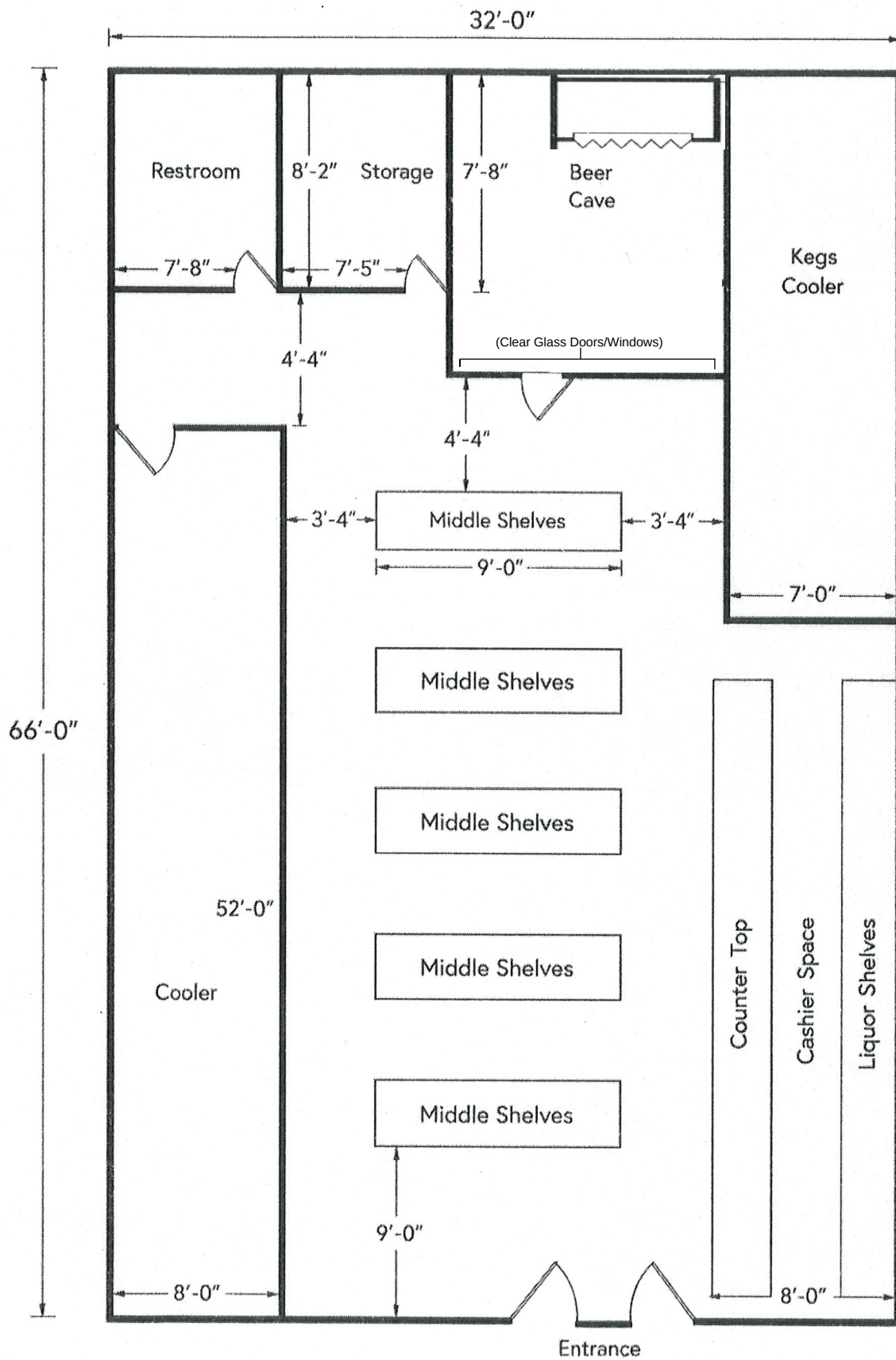
SCALE:

1/4" = 1'-0"

DATE:

MAY 12, 2026





PROJECT:

LIQUOR STORE LAYOUT

9240 GARDEN GROVE BLVD
GARDEN GROVE, CA 92844

DRAWING TITLE:

FLOOR PLAN

SCALE:

1/4" = 1'-0"

DATE:

MAY 12, 2026



RESOLUTION NO. 6145-26

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-300-2026 AND REVOKING CONDITIONAL USE PERMIT NO. CUP-075-2016 FOR A PROPERTY LOCATED ON THE SOUTH SIDE OF GARDEN GROVE BOULEVARD, BETWEEN CANNERY STREET AND CASA LINDA LANE, AT 9240 GARDEN GROVE BOULEVARD, UNIT NOS. G16 AND G17, ASSESSOR'S PARCEL NO. 098-571-07.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove does hereby approve Conditional Use Permit No. CUP-300-2026, for a property located on the south side of Garden Grove Boulevard, between Cannery Street and Casa Linda Lane, at 9240 Garden Grove Boulevard, Unit Nos. G16 and G17, Assessor's Parcel No. 098-571-07, subject to the Conditions of Approval attached hereto as Exhibit "A".

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-300-2026, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Nouh Sedra of NS Liquor LLC, with the authorization of the property owner, Wang Family Investment, LLC.
2. The applicant is requesting Conditional Use Permit approval to allow a new liquor store to operate with a new original Alcoholic Beverage Control (ABC) Type "21" (Off-Sale General) License. In addition, a recommendation that the Planning Commission revoke Conditional Use Permit No. CUP-075-2016, which previously governed the tenant space.
3. The Planning Commission hereby determines that the proposed project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines (14 Cal. Code Regs., Section 15301).
4. The property has a General Plan Land Use Designation of RC2 (Residential/Commercial Mixed Use 2), and is zoned GGMU-2 (Garden Grove Boulevard Mixed Use 2). The subject site is an approximately 1.83-acre multi-tenant commercial shopping center.
5. Existing land use, zoning, and General Plan designation of property within the vicinity of the subject property have been reviewed.
6. Report submitted by City Staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on August 20, 2026, and all interested persons were given an opportunity to be heard.

8. The Planning Commission gave due and careful consideration to the matter during its meeting on August 20, 2026.

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission as required under Municipal Code Section 9.32.030, are as follows:

FACTS:

The subject site is improved with an existing multi-tenant commercial shopping center, located on the south side of Garden Grove Boulevard, between Cannery Street and Casa Linda Lane. The subject property is zoned GGMU-2 (Garden Grove Boulevard Mixed Use 2) and has a General Plan Land Use Designation of RC2 (Residential/Commercial Mixed Use 2). The subject property is adjacent to R-3 (Multiple-Family Residential) zoned properties in the south, R-1 (Single-Family Residential) zoned properties to the north, across Garden Grove Boulevard, and GGMU-2 zoned properties to the east and west.

The specific tenant space under application is an approximately 2,112-square-foot space, at 9240 Garden Grove Boulevard. The subject space was previously occupied by an educational institution which operated in Unit Nos. G15, G16, and G17, governed by Conditional Use Permit No. CUP-075-2016, which will be revoked as part of the request. The application is requesting approval of a Conditional Use Permit to allow the operation of a new liquor store to operate with an original State Alcoholic Beverage Control (ABC) Type "21" (Off-Sale General) License within Unit Nos. G16 and G17. Garden Grove Municipal Code Section 9.18.060.030 requires the approval of a Conditional Use Permit when there is an application for an original ABC license.

The business would offer a variety of grocery items, lottery products, non-alcoholic beverages, and tobacco products in addition to the sale of alcohol. The business would operate between the hours of 7:00 a.m. and 12:00 a.m., Sunday through Thursday, and 7:00 a.m. and 2:00 a.m. on Friday and Saturday.

The subject property is located in a low-crime district, and in an area with an over-concentration of "Off-Sale" ABC License. A summary of the district is as follows:

- The subject site is located in Crime Reporting District No. 85.
- The crime count for the District is 79.
- The average crime count per district in the City is 69.
- A district is considered a high crime area when it exceeds the citywide average by 20%.
- The subject District has a crime count 14.5% above the citywide average; therefore, it is considered a low crime area.
- The subject district is located in Alcoholic Beverage Control Census Report District No. 887.02.

- ABC Census Reporting District No. 877.02 allows for three (3) off-sale licenses within the District. Currently, there are four (4) off-sale licenses in the District. The approval of this Conditional Use Permit would increase the number of off-sale ABC License in District 887.02 by one (1), and the total number of off-sale licenses in the district would be five (5). This would result in an overconcentration of off-sale ABC licenses within the district.

PUBLIC CONVENIENCE OR NECESSITY:

A finding for public convenience or necessity would have to be made in order to approve an establishment that is requesting an original Alcoholic Beverage Control license that is located within a district with a high crime rate and/or in an area with an over-concentration of ABC Licenses. California Business and Professions Code Section 23817.5 prohibits the ABC from issuing new alcoholic licenses in areas of over-concentration. Business and Professions Code Section 23958 states:

The department further shall deny an application for a license if issuance of that license would tend to create a law enforcement problem, or if issuance would result in or add to an undue concentration of license, exempt as provided in Section 23958.4.

Business and Professions Code Section 23958.4 provides the following exception:

(b) Notwithstanding Section 23958, the department may issue a license as follows:

(2) With respect to any other license, if the local governing body of the area in which the applicant premises are located, or its designated subordinate office or body, determines within ninety (90) days of notification of a completed application that public convenience or necessity would be served by the issuance. The 90-day period shall commence upon receipt by the local governing body of (A) notification by the department of an application for licensure, or (B) a completed application according to local requirements, if any, whichever is later.

Although, the subject site is located in an area considered to be in an area with an over-concentration of off-sale ABC licenses, a finding for public convenience or necessity is warranted with an ABC Type "21" (Off-Sale General) License. The addition of the new ABC Type "21" License would provide and maintain an amenity that enhances the customer shopping experience, increases in variety of goods available for purchase, and maintains the intent of being a business serving the local community. The use would not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area. Provided the Conditions of Approval are adhered to for the life of the project, the use would be harmonious with the persons who work and live in the area. Therefore, the City of Garden Grove

hereby determines and approved a Finding of Public Convenience or Necessity for Conditional Use Permit No. CUP-300-2026.

On July 9, 2026, the subject request was heard at the Zoning Administrator. Prior to the public hearing, Staff received five (5) written public comments opposing the request citing concerns of safety, traffic, and noise. There were no public speakers present during the hearing. The Zoning Administrator took no action on the item and deferred action to the discretion of the Planning Commission.

FINDINGS AND REASONS:

CONDITIONAL USE PERMIT

1. That the proposed use will be consistent with the City's adopted General Plan and redevelopment plan.

The property has a General Plan Land Use Designation of RC2 (Residential/Commercial Mixed Use 2), and is zoned GGMU-2 (Garden Grove Boulevard Mixed Use 2). The RC2 designation is intended to provide for a mix of residential and commercial uses mostly around older underutilized, multi-tenant commercial developments. The purpose of the GGMU-2 zone is to provide for commercial and residential uses to be developed as integrated developments either on a single development site or as complementary uses within a district. The proposed use would meet the intent of the RC2 General Plan Land Use Designation and GGMU-2 zone. Further, the subject proposal would be consistent with several General Plan Goals, Policies, and Implementation Programs, including specifically:

Policy 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 proposed use would add an additional service to the existing shopping center, and serve the anticipated needs of the community. The project would comply with the requirements of the Municipal Code for "Liquor Store" uses. The request would allow a proposed liquor store to have an ABC license to sell beer, wine, and spirits, which would be an additional amenity to the surrounding community, and could help meet the needs of the growing community.

Goal LU-1.4 Encourage a wide variety of retail and commercial services, such as restaurants and cultural arts/entertainment, in appropriate locations.

The subject request for a Conditional Use Permit would allow a new liquor store to sell alcoholic beverages for off-site consumption. This would increase the variety of services within the subject commercial center, and in the immediate

neighborhood. With the subject request, the proposed use would further enhance the variety of commercial and personal services already in the area.

Goal LU-2.4 Assure that the type and intensity of land use shall be consistent with that of the immediate neighborhood.

The site is located within a neighborhood that has a mix of different uses and development patterns, including residential, retail, restaurant, office, and personal service uses. The sale of alcohol in a new liquor store is compatible with these adjacent uses, and would not change the existing character of the commercial center, or the surrounding neighborhood. Furthermore, provided the conditions of approval are adhered to for the life of the project, the use would be compatible with other adjacent uses.

Goal LU-5 Economically viable, vital, and attractive commercial centers throughout the City that serves the needs of the community.

The sale of alcohol in a new liquor store would enhance the vitality of the commercial shopping center. The proposed Conditional Use Permit would allow a new liquor store to operate with an original ABC Type "21" License. The proposed use would enhance the community by providing a new service for residents within the immediate vicinity.

Policy LU-6.2 Encourage a mix of retail shops and services along the major corridors and in centers that better meet the community's needs.

The subject site is located on the south side of Garden Grove Boulevard, between Cannery Street and Casa Linda Lane. The subject request for a Conditional Use Permit would allow a new liquor store to operate with an alcohol license. With the subject request, the proposed use would further enhance the variety of commercial and personal services already in the area. By approving the subject request, the commercial facilities located along Garden Grove Boulevard would provide a variety of commercial services to meet the community's needs.

Policy SAD-1.2 Provide regular opportunities for communications between the Police Department and community members.

The Garden Grove Police Department has reviewed all relevant information pertaining to the proposed Conditional Use Permit. The intent of their review is to reduce potential crime-related activities, and to promote the safe operation of the proposed use. No concerns were raised by the Police Department regarding the proposal. Therefore, the Police Department is supportive of the proposal.

2. That the requested use at the location proposed will not: adversely affect the health, peace, comfort, or welfare of the persons residing or working in the surrounding area, or unreasonably interfere with the use, enjoyment, or valuation

of the property of other persons located in the vicinity of the site, or jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare.

The sale of alcohol in a new liquor store would not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area. Nor would the project interfere with the use, enjoyment, or valuation of the nearby properties, or constitute a menace to public health, safety, or general welfare. The proposed liquor store would operate between the hours of 7:00 a.m. and 12:00 a.m., Sunday through Thursday, and 7:00 a.m. and 2:00 a.m. on Friday through Saturday. The proposed Conditions of Approval would help ensure the use does not adversely affect the adjacent neighborhood. In the event problems arise concerning the operation of this business, the hours of operation may be reduced by order of the Police Department.

3. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title or as is otherwise required in order to integrate such use with the uses in the surrounding area.

There are no proposed alterations to the overall function of the site, with changes only proposed to the interior of the tenant space. There are no proposed modifications to the site's landscaping, walls, parking, or other development features. According to Municipal Code standards, no additional parking would be required to accommodate the proposed liquor store.

4. That the proposed site is adequately served: by highways or streets or sufficient width and improved as necessary to carry the kind and quantity of traffic such as to be generated, and by other public or private service facilities as required.

The subject site is located on the south side of Garden Grove Boulevard, between Cannery Street and Casa Linda Lane. The site is adequately served by driveway approaches on Garden Grove Boulevard. The site is also adequately serviced by the public services facilities required such as: gas, electric, water, and sewer facilities. As part of this request, only interior improvements would be made. Therefore, the site would continue to be adequately served by all existing highways, streets, and other public and private service facilities.

INCORPORATION OF FACTS AND REASONS SET FORTH IN THE 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. The Conditional Use Permit does possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030 (Conditional Use Permits).
2. In order to fulfill the purpose and intent of the Municipal Code and thereby promote the health, safety, and general welfare, the following Conditions of Approval, attached as Exhibit "A", shall apply to Conditional Use Permit No. CUP-300-2026.

EXHIBIT "A"

Conditional Use Permit No. CUP-300-2026

9240 Garden Grove Boulevard, Unit Nos. G16 and G17

CONDITIONS OF APPROVAL

General Conditions

1. The applicant and each owner of the property shall execute, and the applicant shall record against the property, a "Notice of Agreement with Conditions of Approval and Discretionary Permit Approval," as prepared by the City Attorney's Office, within thirty (30) days of approval.
2. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to each of the following: the project applicant, Nouh Sedra of NS Liquor LLC, the current property owner, Wang Family Investment, LLC, the future owner(s) and tenants(s) of the property, and each of their respective successors and assigns. All conditions of approval are required to be adhered to for the life of the project, regardless of property ownership. Except for minor modifications authorized to be approved by the Community Development Director pursuant to Condition No. 4, any changes of the Conditions of Approval require approval by the appropriate City hearing body.
3. Conditional Use Permit No. CUP-300-2026 authorizes the operation of an approximately 2,112-square-foot liquor store with an Alcoholic Beverage Control (ABC) Type "21" (Off-Sale General) License as identified on the plans submitted by the applicant and made part of the record of the August 20, 2026 Planning Commission proceedings, subject to these Conditions of Approval. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations, and wherein not otherwise specific, all requirements of the City of Garden Grove Municipal Code shall apply.
4. The approved plans are an integral part of the decision approving this Conditional Use Permit. Minor modifications to the approved site plan, floor plan, and/or these Conditions of Approval may be approved by the Community Development Director, in his or her discretion. Proposed modifications to the approved project and/or Conditions of Approval that would result in the intensification of the project or create impacts that have not been previously addressed, and which are determined by the Community Development Director not to be minor in nature shall be subject to approval of new and/or amended land use entitlements by the applicable City hearing body.

5. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.

Police Department

6. There shall be no gaming tables or gaming machines, as outlined in City Code Sections 8.20.010 and 8.20.050, on the premises at any time.
7. Hours of operation shall be permitted from 7:00 a.m. to 12:00 a.m., Sunday through Thursday, and 7:00 a.m. to 2:00 a.m. on Friday and Saturday. The hours of operation shall be applicable to the entire premises. The City of Garden Grove reserves the right to reduce hours of operation, by order of the Chief of the Police Department, in the event problems arise due to noise, disturbances or other problems that be resolved by modifying the hours of operation.
8. All walk-in coolers intended for customer use shall be comprised of transparent glass with complete viewpoint from other areas of the tenant space.
9. There shall be no customers or patrons in or about the premises when the establishment is closed.
10. In the event security-related problems occur, and at the request of the Police Department, the permittee, at their own expense, shall provide a California licensed, uniformed security guard(s) on the premises during such hours as requested by the Police Department.
11. The sale of alcoholic beverages for consumption on the premises is prohibited. Consumption of alcoholic beverages shall not occur anywhere on site or within the premises.
12. All pay phones located on the property, adjacent to the premises, shall be limited to out-going calls only. This condition shall be complied with within thirty (30) days following approval of this application.
13. The business, prior to obtaining the Alcoholic Beverage Control (ABC) Type "21" (Off-Sale General) License, shall show proof to the Police Department that all members of the business staff have completed the LEAD training (Licensee Education on Alcohol and Drugs) through the Alcoholic Beverage Control Department of an ABC approved "Responsible Beverage Service (RBS) Training" program.

Conditional Use Permit No. CUP-300-2026

Conditions of Approval

14. In the event that the Alcoholic Beverage Control (ABC) License is suspended for any period of time and/or fined for any ABC Violation as a result of the disciplinary action, the Conditional Use Permit shall be resubmitted to the Planning Commission for review or further consideration.
15. Any violations or noncompliance with the conditions of approval may result in the issuance of an Administrative Citation of up to \$1,000 pursuant to GGMC 1.22.010(a).

Code Enforcement

16. Prior to the sale of any tobacco products, the applicant shall acquire all necessary permits and approvals for the sale of tobacco and tobacco related products, including a Tobacco Retailer License. The applicant shall abide by all Federal, State and Local code sections pertaining to tobacco, in addition to Section 6.40.020 of the Municipal Code.

Building and Safety Division

17. All work shall comply with the latest edition of the California (CA) Building Standards Code (CBC) at the time of permit application.
18. The applicant shall submit Tenant Improvement plans for Building Permit Plan Check review for the change in use.

Engineering Division

19. To the extent applicable, the applicant shall be subject to all applicable fees, including Traffic Mitigation Fees, duly adopted and identified in Chapter 9.44 of the Garden Grove Municipal Code. The amount of said fees shall be calculated based on the City's current fee schedule at the time of permit issuance.

Orange County Fire Authority

20. The applicant shall comply with all applicable Orange County Fire Authority (OCFA) requirements, including, but not limited to, the Fire Master Plan.

Water Services Division

If applicable, the following Conditions of Approval for the Water Services Division would apply:

Conditional Use Permit No. CUP-300-2026
Conditions of Approval

21. Any new water service installations two inches (0'-2") and smaller, may be installed by the City of Garden Grove at owner's/developer's expense. Installation shall be scheduled upon payment of applicable fees, unless otherwise noted. Fire services and larger water services three inches (0'-3") and larger shall be installed by the applicant's contractor per City Standards.
22. Water meters shall be located within City right-of-way or within dedicated waterline easement. Fire services and large water services three inches (0'-3") and larger, shall be installed by a contractor with a Class A or C-34 license, per City water standards, and inspected by an approved Public Works inspection.
23. A Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed for meter protection. The landscape system shall have RPPD device. Any carbonation dispensing equipment shall have a RPPD device. Installation shall be per City Standards and shall be tested by a certified backflow device tester immediately after installation. Cross-connection inspector shall be notified for inspection after the installation is completed. Owner shall have RPPD device tested once a year thereafter by a certified backflow device tester and the test results to be submitted to Public Works, Water Services Division. Property owner must open a water account upon installation of the RPPD device.
24. It shall be the responsibility of the applicant to abandon any existing private water well(s) per Orange County Health Department requirements. Abandonment(s) shall be inspected by Orange County Health Department inspection after permits have been obtained.
25. A composite utility site plan shall be part of the building permit plan set, which shall be submitted to both the Engineering Division and Water Services Division for review and approval.
26. Any new or existing water valve located within a new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.
27. If required, fire service shall have an above-ground backflow device with a double-check valve assembly. The device shall be tested immediately after installation and once a year thereafter by a certified backflow device tester and the results to be submitted to the Public Works Department, Water Services Division. The device shall be on private property, and is the responsibility of the property owner. The above-ground assembly shall be screened from public view as required by GGMC Section 9.12.040.10.G.

Conditional Use Permit No. CUP-300-2026

Conditions of Approval

28. There is a ten-foot (10'-0") water easement for an existing eight-inch (8'-0") AC water main westerly of the property and there shall be a minimum twenty-foot (20'-0") clearance of any new building footings from edge of water easement. Clearances less than twenty feet (20'-0") shall be reviewed by Water Engineering.
29. There shall be no new structures or utilities built on or crossing water or sewer main easements.
30. No permanent structures, trees, or deep-rooted plants shall be placed over water mains.
31. New utilities shall have a minimum five-foot (5'-0") horizontal and one-foot (1'-0") vertical clearance from water main and appurtenances.
32. Food grinders (garbage disposal devices) are prohibited per Ordinance 6 of the Garden Grove Sanitary District Code of Regulations. Existing units are to be removed.
33. If needed, the owner shall install a new sewer lateral with a clean out connecting to existing private sewer system on site. It is the responsibility of the owner to install appropriate size sewer lateral.
34. The contractor shall abandon any existing unused sewer lateral(s) on the property owner's side in accordance with California Plumbing Code.

Community Development Department

35. This approval shall allow the operation of a liquor store with alcoholic beverage sales.
36. No outdoor storage or displays shall be permitted outside of the building, including, but not limited to, storage and display of merchandise, cardboard, pallets, or boxes.
37. A prominent, permanent sign stating "NO LOITERING IS ALLOWED ON OR IN FRONT OF THE PREMISES" shall be posted in a place that is clearly visible to patrons of the licensee. The sign lettering shall be four (4) to six (6) inches high with black letters on a white background. The sign shall be displayed near or at the entrance, and shall also be visible to the public.
38. There shall be no amusement devices permitted on the premises at any time.

Conditional Use Permit No. CUP-300-2026

Conditions of Approval

39. Any adult merchandise (books, magazines, videos) shall be kept under the control of the management, behind the cashier's counter, and must be segregated and screened from minors.
40. There shall be no uses or activities permitted of an adult-oriented nature as outlined in City Code Section 9.08.070.
41. There shall be no deliveries to or from the premises before 7:00 a.m. and after 10:00 p.m., seven (7) days a week.
42. All rear doors shall be kept closed at all times, except to permit employee ingress and egress, and in emergencies.
43. Litter shall be removed daily from the premises, including adjacent public sidewalks, and from all parking areas under the control of the applicant/property owner. These areas shall be swept or cleaned, either mechanically or manually on a weekly basis, to control debris.
44. All trash bins shall be kept inside trash enclosures, and gates closed at all times, except during disposal and pick-up. Trash pick-up shall be at least three (3) times per week.
45. The applicant/property owner shall abate all graffiti vandalism within the premises. The applicant/property owner shall implement best management practices to prevent and abate graffiti vandalism within the premises throughout the life of the project, including, but not limited to, timely removal of all graffiti, the use of graffiti resistant coating and surfaces, the installation of vegetation screening of frequent graffiti sites, and the installation of signage, lighting and/or security cameras, as necessary. Graffiti shall be removed/eliminated by the applicant/property owner as soon as reasonably possible after it is discovered, but not later than 72 hours after discovery.
46. The applicant is advised that the establishment is subject to the provision of State Labor Code Section 64.04.5 (ref: State Law AB 13), which prohibits smoking inside the establishment as of January 1, 1995.
47. No roof-mounted mechanical equipment, including exhaust vents, shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community Development Department, Planning Services Division. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.

Conditional Use Permit No. CUP-300-2026

Conditions of Approval

48. The applicant shall be responsible for providing adequate parking area lighting in compliance with City regulations. Lighting in the parking area shall be directed, positioned, or shielded in such a manner so as not to unreasonably illuminate adjacent properties.
49. No satellite dish antennas shall be installed on said premises unless, and until plans have been submitted to and approved by the Community Development, Planning Services Division. No advertising material shall be placed thereon.
50. There shall be no outdoor activities conducted on the premises without approval of a Special Event Permit or Community Event Permit.
51. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e. banners).
52. Signs shall comply with the City of Garden Grove sign requirements. No more than 15% of the total window areas and clear doors shall bear advertising or sign of any sort. Any opaque material applied to the store front, such as window tint, shall count toward the maximum window coverage area.
53. Any modification to existing signs or the installation of new signs shall require approval by the Community Development Department, Planning Services Division prior to issuance of a building permit.
54. The applicant/property owner shall submit signed letters acknowledging receipt of the decision approving Conditional Use Permit No. CUP-300-2026, and his/her agreement with all conditions of approval within 30 days from the date of this approval.
55. A copy of the decision approving Conditional Use Permit No. CUP-300-2026, including the conditions of approval, shall be kept on the premises at all times.
56. The Conditional Use Permit may be called for review by City staff, the City Council, or Planning Commission if noise or other complaints are filed and verified as valid by the Code Enforcement office or other City department concerning the violation of approved conditions, the Garden Grove Municipal Code, or any other applicable provisions of law.
57. If deemed necessary by the Community Development Director, the Conditional Use Permit may be reviewed within one (1) year from the date of this approval, and every three (3) years thereafter, in order to determine if the business is operating in compliance.

Conditional Use Permit No. CUP-300-2026
Conditions of Approval

58. The applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, or proceeding against the City, its officers, agents, employees and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body, or City staff action concerning Conditional Use Permit No. CUP-300-2026. The applicant shall pay the City's defense costs, including attorney fees and all other litigation related expenses, and shall reimburse the City for court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award, which may issue against the City, including, but not limited to, any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein.
59. In accordance with Garden Grove Municipal Code Section 9.32.160, the rights granted pursuant to Conditional Use Permit No. CUP-300-2026 shall be valid for a period of two (2) years. Unless a time extension is granted pursuant to Section 9.32.030.D.9 of the Municipal Code, the rights conferred by Conditional Use Permit No. CUP-300-2026 shall become null and void if the subject development and construction necessary and incidental thereto is not commenced within two (2) years of the expiration of the appeal period, and thereafter diligently advanced until completion of the project. In the event construction of the project is commenced, but not diligently advanced until completion, the rights granted pursuant to Conditional Use Permit No. CUP-300-2026 shall expire if the building permits for the project expire.
60. The applicant is advised that if the use of the establishment ceases to operate for a period of more than ninety (90) days, the existing Conditional Use Permit will become null and void and the new applicant shall be required to apply for a new Conditional Use Permit subject to the approval of the Community Development Department, Planning Services Division. In the event the use(s) authorized by the CUP cease and the property owner no longer desires to continue such use(s) on the property, the property owner may voluntarily terminate the CUP and all rights and obligations thereunder by executing and recording a request for voluntary revocation and termination of the CUP in a form acceptable to the City.
61. No alcoholic beverages shall be sold until all conditions of approval have been met, as determined by the Planning Services Division, and the State Alcoholic Beverage Control (ABC) has approved the release of the ABC License.

COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.2.	SITE LOCATION: Southwest corner of Katella Avenue and Dino Circle, at 10802 Katella Avenue
HEARING DATE: August 20, 2026	GENERAL PLAN: Residential / Commercial Mixed Use 2
CASE NO.: Conditional Use Permit No. CUP-103-65 (REV. 2026)	ZONE: NMU (Neighborhood Mixed Use)
APPLICANT: PDS West, Inc.	APN: 089-010-50
PROPERTY OWNER: Same as Applicant	CEQA DETERMINATION: Exempt – Section 15301 (“Existing Facilities”) & Section 15311 (“Accessory Structures”)

REQUEST:

A request for modifications to the approved plans under Conditional Use Permit No. CUP-103-65 to allow building and site improvements for an existing carwash. 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).

BACKGROUND:

The subject 33,106 sq. ft. (0.76-acre) site is improved with an existing automatic carwash, located on the southwest corner of Katella Avenue and Dino Circle. The subject property is zoned NMU (Neighborhood Mixed Use) with a General Plan Land Use Designation of RC2 (Residential/Commercial Mixed Use 2). The property is adjacent to NMU zoned properties to the west, south, and across Dino Circle, to the east. Nearby uses include a mobile home park, a restaurant, and commercial shopping center. The properties to the north, across Katella Avenue, are located in the City of Anaheim, and include a mini-storage use and a church.

In 1965, the City of Garden Grove approved Conditional Use Permit No. CUP-103-65 to allow the construction and operation of a new automatic carwash on the subject property. The existing carwash has been in operation since 1965, and is currently in operation today.

In 2020, the City approved modifications to the approved plans associated with Conditional Use Permit No. CUP-103-65 under Conditional Use Permit No. CUP-103-65 (REV. 2020). The applicant applied for building permits in 2021 to construct the proposed modifications. Building permits were never issued for the project. As a result, the approved entitlements expired on March 27, 2021.

Now, the applicant is requesting to revisit the modifications proposed in 2020 to allow building and site improvements. The improvements include a façade renovation, new landscaping, and improvements to the drive-thru queue and parking lot layout to improve vehicular access and circulation. The subject request is to reinstate the 2020 approvals, with a minor alteration to expand the driveway along Katella Avenue. The driveway and Katella Avenue street frontage notwithstanding, the project is predominantly the same as the request approved in 2020.

DISCUSSION:

Site Design, Circulation & Floor Plan:

Under the original approved plans of Conditional Use Permit No. CUP-103-65, the original site plan layout of the automatic carwash included parking stalls along the westerly property line and three (3) carwash queuing lanes. A fourth carwash queuing lane was subsequently added, with the intent to increase drive-thru queuing space. The applicant is proposing to modify the drive-thru and parking lot layout to improve vehicular access and circulation.

Currently, the property is improved with four (4) driveway approaches providing vehicular access to the site: two (2) driveway approaches off of Katella Avenue, and two (2) driveway approaches off of Dino Circle. As part of the request, the driveway from Katella Avenue would be consolidated into a single, two-way, sixty-five foot (65'-0") wide approach. The driveways from Dino Circle would remain, but would be modified to establish an entry only approach for the northern driveway and an exit only approach for the southern driveway.

Currently, the site provides thirteen (13) parking spaces along the westerly property line for customer use. Additionally, there are currently four (4) drive-thru queuing lanes feeding vehicular access to the automatic carwash. The site currently has parking and vehicular queuing space to accommodate twenty-nine (29) vehicles. After vehicles go through the automatic carwash and exit the building, cars are then queued facing Katella Avenue, while customers wait for their cars to be hand dried by employees.

The general intent of the applicant's request is to: (i) modernize the business operation; (ii) improve vehicular circulation to minimize on- and off-site impacts; and (iii) upgrade the overall aesthetics of the business and property by renovating the building façade and providing new landscaping.

In order to accommodate the proposed modifications to the drive-thru and parking lot layout, a portion of the existing building would be demolished, thereby reducing the existing building area by approximately 811 square feet. The resulting building size would be approximately 4,695 square feet. The number of drive-thru queuing lanes would be reduced from four (4) lanes to one (1) lane, which would run along

the westerly property line and feed vehicles into the automatic carwash building. At the center of the property, a double row of twenty-one (21) covered parking stalls would be provided. Said parking spaces would be covered by an arched canopy structure providing shade for customers and vehicles. Each parking stall would be fitted with a vacuum, attached to the canopy structure, for customer use. All parking stalls on-site would be oversized at 12'-6" width and 20'-0" length. The extra-large sized parking stalls would provide additional space in between vehicles for customer convenience.

The applicant's proposal includes installation of new state-of-the-art vacuum equipment and vacuum stations (vacuum hoses attached to the arched canopy structure) to replace the existing vacuum equipment. The primary centrifugal vacuum producer would be housed inside the fully enclosed building. All vacuum piping, airlines, and electrical conduits would be concealed underground and inside stanchions. The new vacuum system is expected to produce substantially less noise than the current existing vacuum equipment. The automatic carwash would continue to operate in compliance with the City's Noise Ordinance.

The Municipal Code restricts business hours for automatic carwash businesses, where operation shall not be allowed before 7:00 a.m. and after 10:00 p.m. The Anaheim West Car Wash would continue to maintain its existing business hours of 7:00 a.m. to 8:00 p.m., seven (7) days a week.

Parking:

For an automatic carwash use, Municipal Code Section 9.18.140.030 requires five (5) times the internal washing capacity for stacking and drying, plus one (1) space per employee based on the maximum shift, but not less than three (3) spaces. Internal capacity is defined as the conveyor length divided by 20 feet. The conveyor length of 140 feet would accommodate seven (7) cars. When multiplied by five (5), a total of thirty-five (35) spaces would be required. The additional three (3) employee spaces bring the total of required spaces to thirty-eight (38) spaces.

The existing drive-thru layout would be redesigned to reduce four (4) shorter lanes into one (1) extended lane running along the westerly property line. With the exception of the 140 foot-long conveyer belt, the total queuing length would be approximately 406 linear feet, accommodating twenty (20) vehicles in the queue. Per city policy, half of the vehicles in the queue may be credited towards required parking. Based on the proposed site plan layout, the proposed project would accommodate thirty-eight (38) vehicles, meeting the minimum required by Code, which is comprised of the twenty-one (21) vacuum station parking stalls, ten (10) vehicle credited queuing spaces in the drive-thru lane, and seven (7) vehicles within the automatic carwash building. Through better efficient use of the available space on the property, the redesigned site layout would now accommodate nine (9) additional vehicles as compared to the existing site layout, which accommodates twenty-nine (29) vehicles.

Landscaping:

The existing site is currently devoid of landscaping and is legal nonconforming to today's minimum landscape requirements of the Municipal Code. The applicant is proposing to significantly improve site landscaping through the installation of approximately 4,000 square feet of new landscaping throughout the site, including a variety of shrubs and trees. Existing landscaped areas would also be rehabilitated. The applicant is required to provide a landscape and irrigation plan that complies with the requirements of Title 9 of the Municipal Code. All landscaped areas would be water efficient and fitted with automatic irrigation systems, complying with the City's Water Efficiency Guidelines.

Façade Renovation

The existing building façade would be renovated and the building would be architecturally modern, contemporary, and aesthetically pleasing. The building elevations would consist of varying finishes, colors, and materials including re-painted stucco exteriors, metal panels, extended parapet features, and a roof tower architectural element at the front of the building facing Katella Avenue.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

CEQA's Class 1 (Existing Facilities) exemption applies to the operation, repair, maintenance, permitting, leasing, licensing, and minor alterations of existing public or private structures and facilities, with negligible or no expansion of use (CEQA Guidelines §15301). The proposed project qualifies for this exemption because it consists of facade improvements and equipment upgrades to an existing automatic carwash. Automatic carwashes are a conditionally permitted use, and the subject location has been in continuous operation since 1965 under Conditional Use Permit No. CUP-103-65.

Additionally, CEQA's Class 11 (Accessory Structures) exemption applies to the construction and replacement of accessory structures, including parking lots (CEQA Guidelines §15311). The proposed project qualifies for this exemption because it includes modifications to the site's parking lot, and on-site vehicular circulation. The subject request does not involve expansion or intensification of the existing use of the property.

Therefore, Staff recommends the Planning Commission find that the project is exempt from CEQA.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

1. Adopt Resolution No. 6144-26 approving Conditional Use Permit No. CUP-103-65 (REV. 2026), subject to the recommended Conditions of Approval.



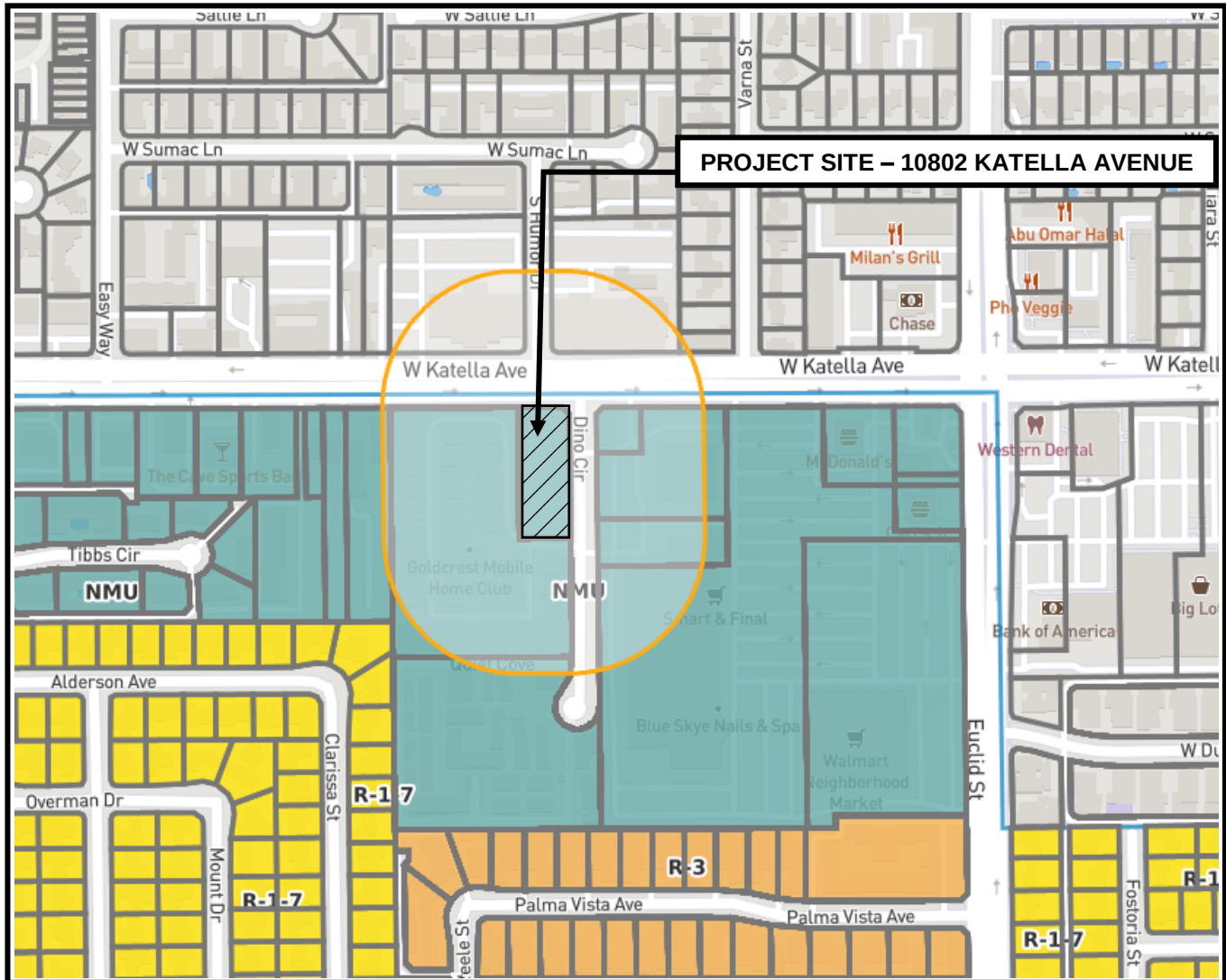
Maria Parra
Planning Services Manager



By: Patricia Malagon
Associate Planner

Attachment 1: Vicinity Map
Attachment 2: Plans
Attachment 3: Resolution No. 6144-26 with Exhibit "A" - Conditions of Approval

CONDITIONAL USE PERMIT NO. CUP-103-65 (REV.2026)



LEGEND

-  SUBJECT SITE(S) – 10802 KATELLA AVENUE
-  300 FOOT RADIUS

NOTES

1. SITE ADDRESSES – 10802 KATELLA AVENUE
2. ZONING: NMU (NEIGHBORHOOD MIXED USE)

ANAHEIM WEST EXPRESS WASH

10802 W. KATELLA AVE., GARDEN
GROVE, CA 92843

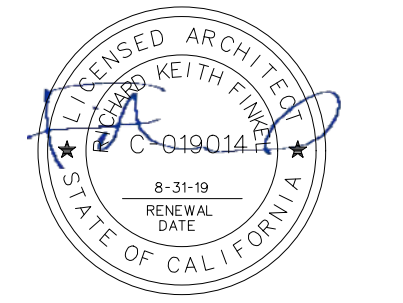


CUP-103-65 (REV. 2026)

BUILDING DEPT. SUBMITTAL NO. 4

Developed By: PDS West Inc.

revised: 10-07-21



PROJECT NAME:

ANAHEIM
WEST
EXPRESS
WASH

10802 W. Katella Ave.
Garden Grove, CA 92843

SHEET TITLE

NEW
CONSTRUCTION
SITE PLAN

NOTES: THE RECORDS SHOWN AND DESCRIBED HEREIN, INCLUDING ALL TECHNICAL DRAWINGS, GRAPHS, AND MODELS, THEREOF, ARE PRELIMINARY AND SHALL NOT BE CONSIDERED FINAL. THESE RECORDS SHALL BE USED IN CONJUNCTION WITH THE RECORDS OF THE ARCHITECT. THE ARCHITECT DOES NOT WARRANT IN ANY WAY THE ACCURACY OF THE INFORMATION AND SHALL NOT BE RESPONSIBLE FOR DISCREPANCIES BETWEEN THIS DOCUMENT AND EXISTING CONDITIONS. THESE PLANS AND THE PROPERTY OF THE ARCHITECT AND ARE AVAILABLE FOR LIMITED REVIEW AND EVALUATION BY THE CLIENT, CONSULTANTS, CONTRACTORS, ENGINEERS, ARCHITECTS, AND OTHER PERSONNEL, ONLY IN ACCORDANCE WITH THIS NOTICE. ADDITIONALLY, CONTRACTORS SHALL VERIFY DIMENSIONS AND SHALL NOT SCALE THE DRAWING AT ANY TIME.

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PROJECT NO.: 19-747

LAST ISSUE DATE: 11-18-19

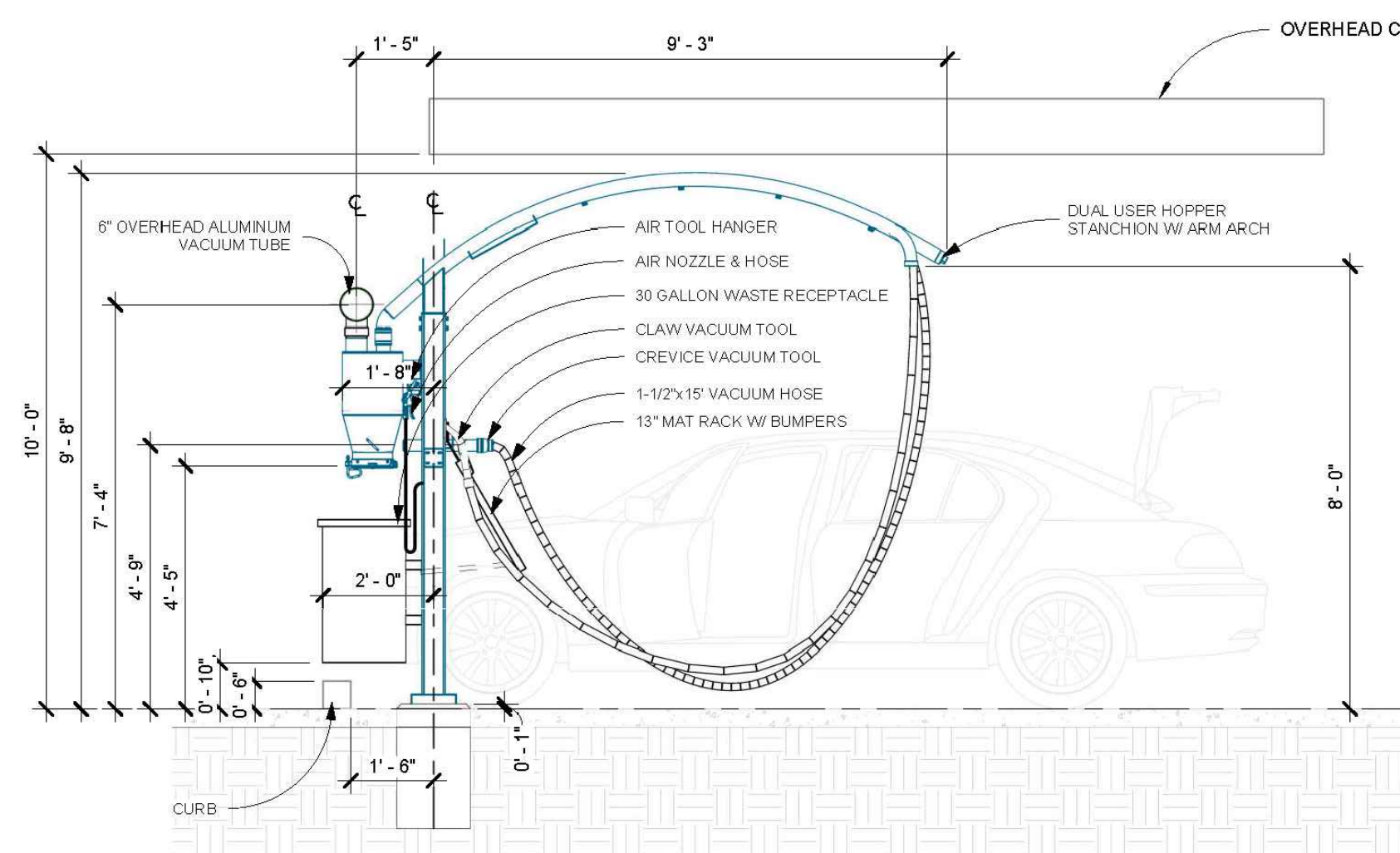
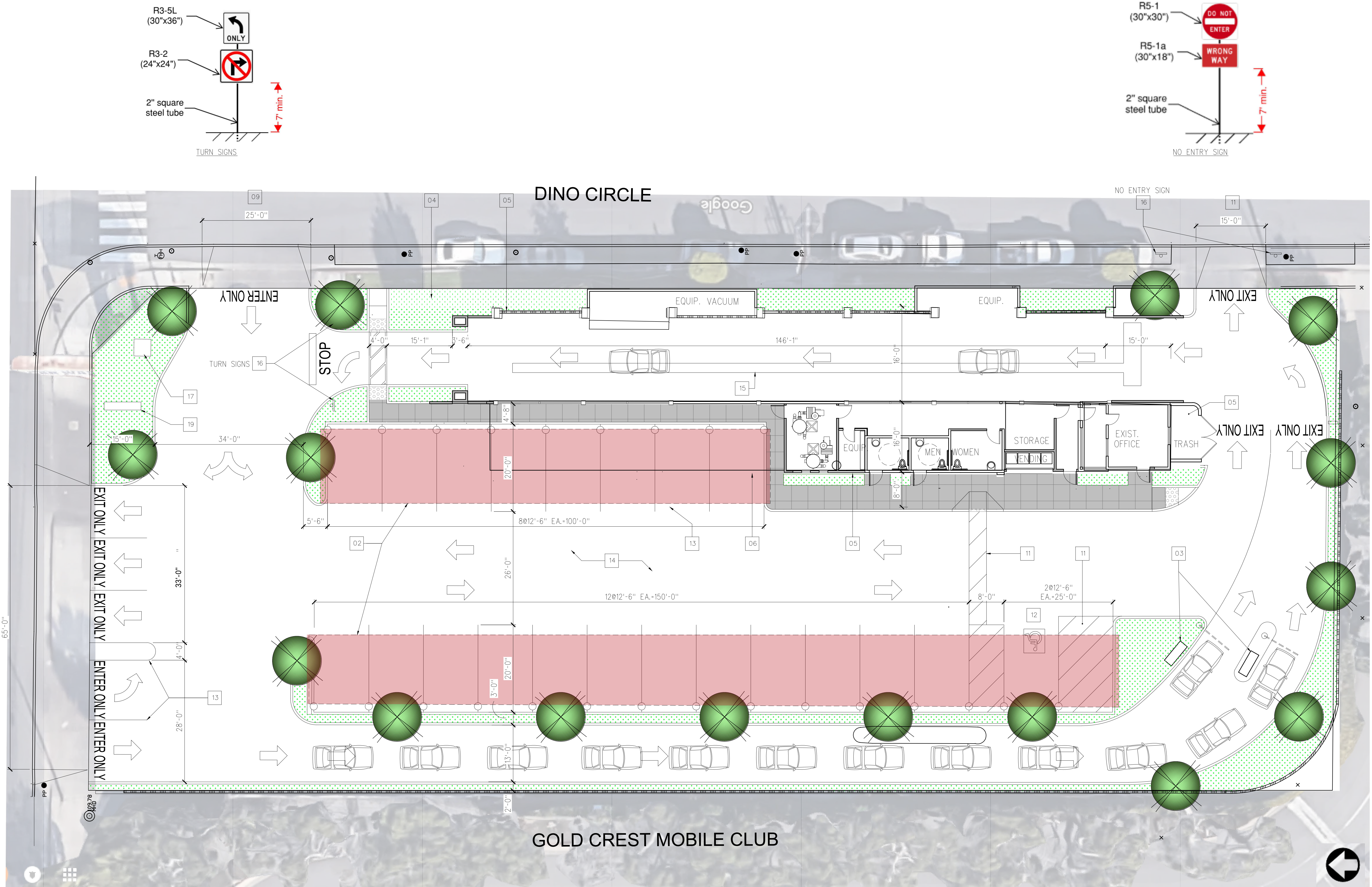
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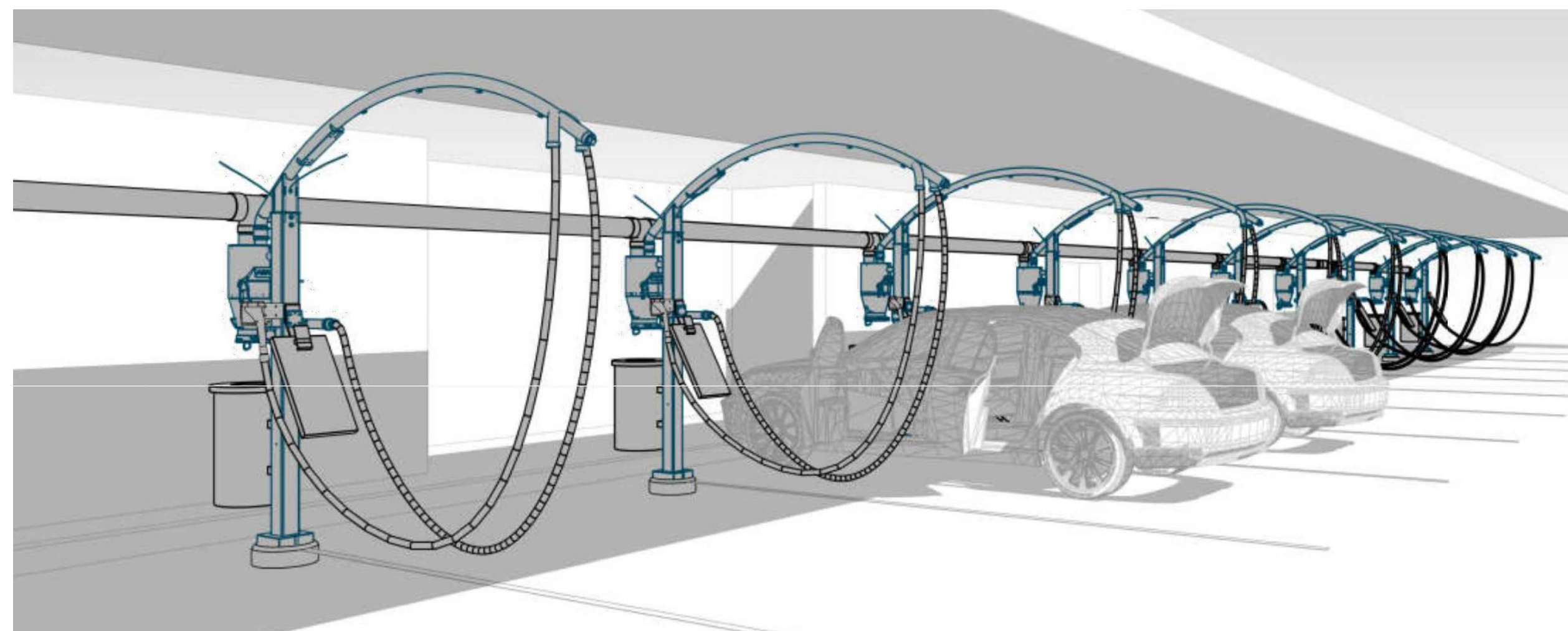
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A-3

KATELLA AVE



VACUUM CANOPY TYP. SECTION



VACUUM CANOPIES

PROJECT DATA:

PARKING:

STALLS REQUIRED:
CONVEYOR LENGTH: 140'-0"
AVERAGE VEHICLE LENGTH = 20'-0"
140'-0" ÷ 20' = 7
5 STALLS PER VEHICLE + 3 EMP. PARKING
= 38 TOTAL REQUIRED

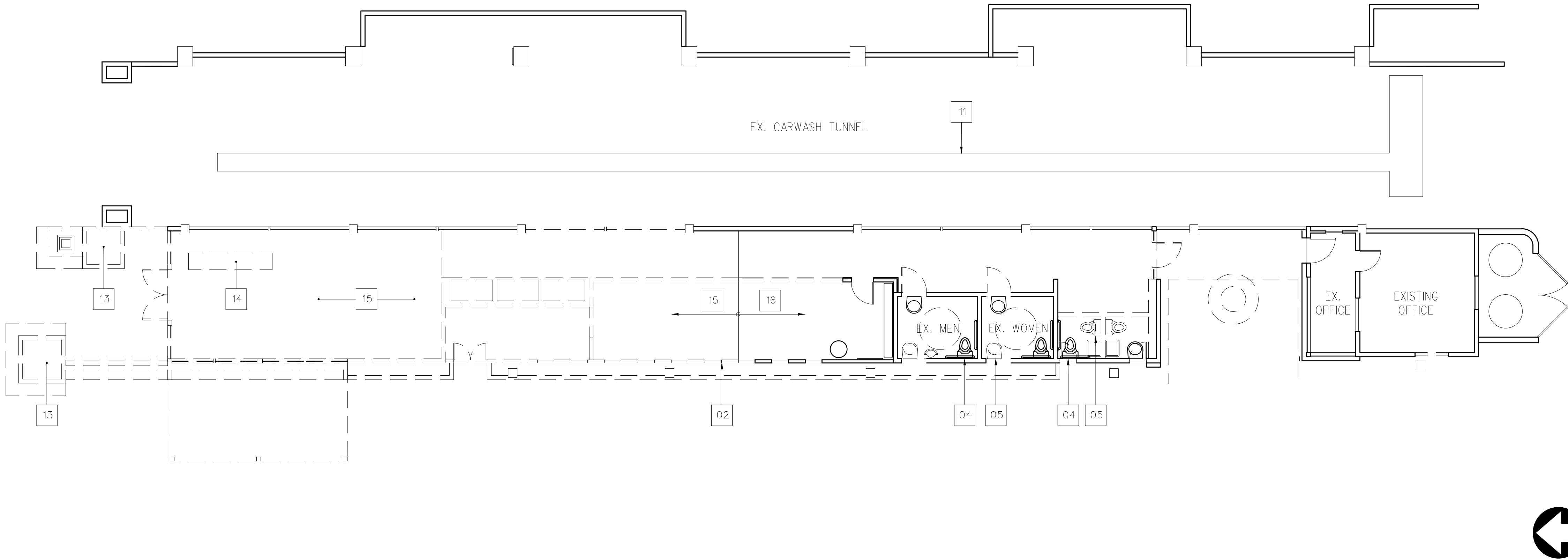
STALLS PROVIDED:

CREDIT:
140 ÷ 19 = 7.4
1/2 OF QUEUED VEHICLES = 18 ÷ 2 = 9
PARKING STALLS = 23
CREDIT = 7 + 9 = 16
TOTAL PROVIDED = 23 + 16 = 39 STALLS

NO.

SYMBOL
NUMBER

- DESCRIPTION
- EXISTING CURB AT DRIVE APPROACH TO BE MODIFIED
 - NEW PRE-MANUFACTURER VACUUM CANOPY ABOVE
 - NEW PAY STATION AND LIFT GATE
 - NEW TOWER "BLADE" ELEMENT
 - EXISTING PORTION OF BUILDING TO REMAIN IN PLACE
 - EXISTING PORTION OF BUILDING TO BE DEMOLISHED
 - COVERED TRASH ENCLOSURE
 - EXISTING SLUMP STONE WALL TO REMAIN IN PLACE
 - EXISTING DRIVEWAY TO BE REMAIN
 - EXISTING DRIVEWAY TO BE WIDENED
 - EXISTING DRIVEWAY TO BE NARROWED
 - ACCESSIBLE PARKING STALL
 - NEW STRIPING PER CITY STANDARDS
 - EXISTING PAVING TO REMAIN
 - EXISTING CONVEYOR
 - NEW TRAFFIC CONTROL SIGNS - SEE DETAILS
 - EXISTING POLE SIGN TO REMAIN
 - ACCESSIBLE PATH TO BUILDING
 - NEW MONUMENT SIGN



- | NO. | DESCRIPTION |
|-----|---|
| 01 | EXISTING BUILDING WALL TO REMAIN |
| 02 | EXISTING WALL TO BE DEMOLISHED |
| 03 | EXISTING MAN DOOR - PAINTED |
| 04 | EXISTING PLUMBING FIXTURES TO REMAIN - SEE PLUMBING DWGS. |
| 05 | EXISTING PLUMBING FIXTURES TO BE REMOVED - SEE PLUMBING DWGS. |
| 06 | NEW FRAMED STUD WALL WITH PLASTER FINISH |
| 07 | NEW FREE-STANDING "BLADE" TOWER |
| 08 | NEW VENDING MACHINE ENCLOSURE WITH ROLL-DOWN DOOR |
| 09 | NEW PAIR MAN DOORS - PAINTED |
| 10 | EXISTING WINDOW TO REMAIN |
| 11 | EXISTING CONVEYOR TRENCH TO REMAIN |
| 12 | APPLY TINTING FILM APPLIED TO EX. WINDOWS |
| 13 | EXISTING PLANTERS TO BE REMOVED |
| 14 | EXISTING CABINETRY TO BE REMOVED |
| 15 | EXISTING CONC. SLAB TO BE REMOVED |
| 16 | EXISTING CONC. SLAB TO REMAIN |
| 17 | NEW VACUUMS |

KEYNOTES	02
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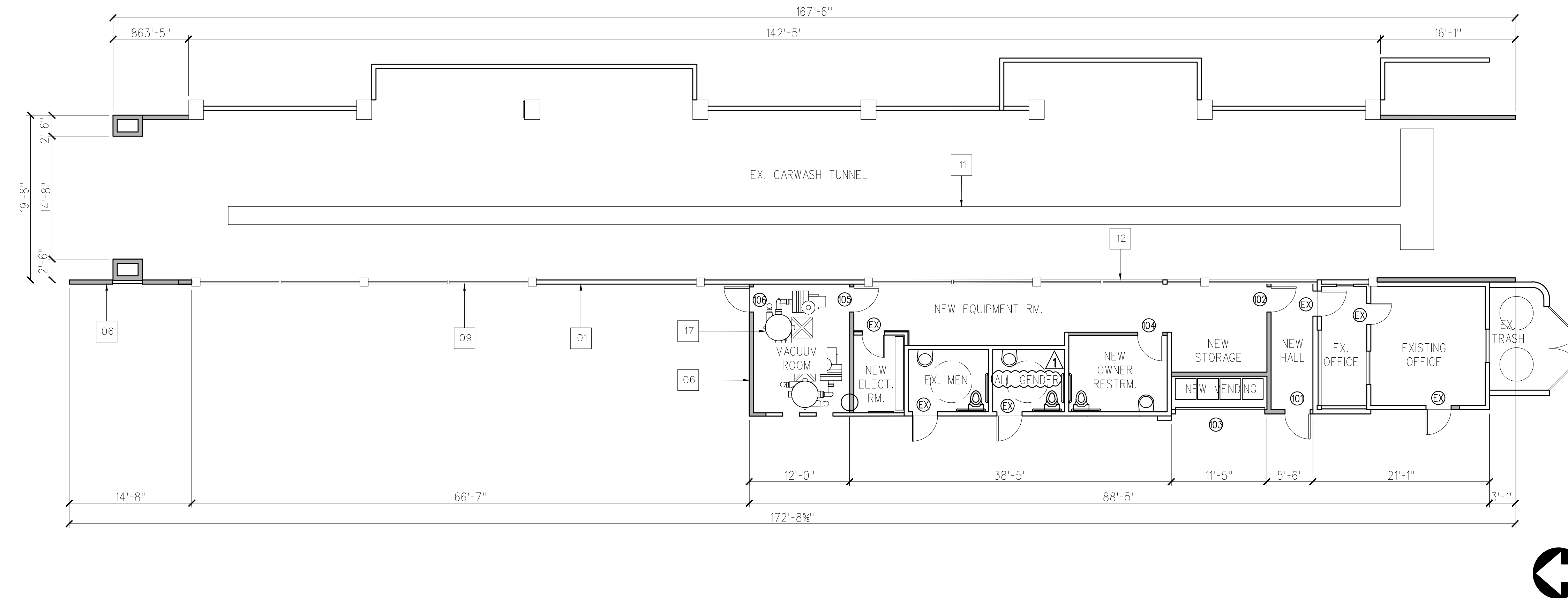
- WALL TYPE LEGEND:
- EXISTING NON-RATED WALL
 - NEW NON-RATED WALL
 - EXISTING WALL TO BE DEMOLISHED

EXISTING FLOOR PLAN

1/8"=1'-0"

06

WALL TYPE LEGEND	03
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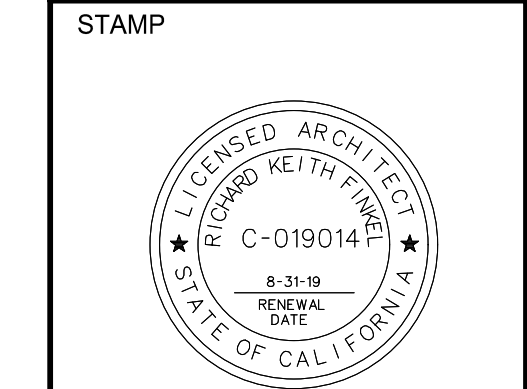
NEW CONSTRUCTION FLOOR PLAN

1/8"=1'-0"

08

GENERAL NOTES	04
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BUNDY-FINKEL Architects
1120 BRISTOL STREET STE 120
COSTA MESA CA 92626
TEL 714 850 7575
FAX 714 850 7576



PROJECT NAME:
**ANAHEIM
WEST
EXPRESS
WASH**

10802 W. Katella Ave.
Garden Grove, CA 92843

SHEET TITLE
**EXISTING
FLOOR PLAN /
NEW
CONSTRUCTION
FLOOR PLAN**

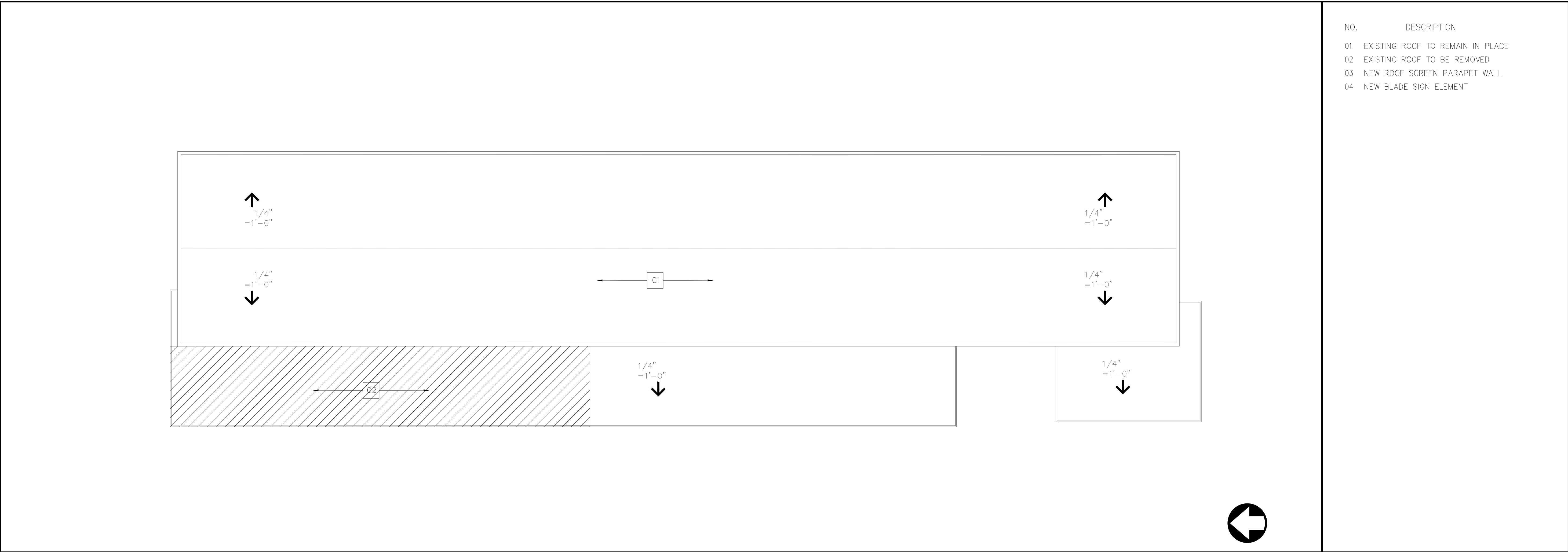
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PROJECT NO.: 19-747
LAST ISSUE DATE: 03-23-31
BY: RF CHKD:
BUILDING DEPT. SUB. NO. 1 01-27-31
BLDG. DEPT. SUB. #2 03-23-21

FILE:

SHEET
A2.1



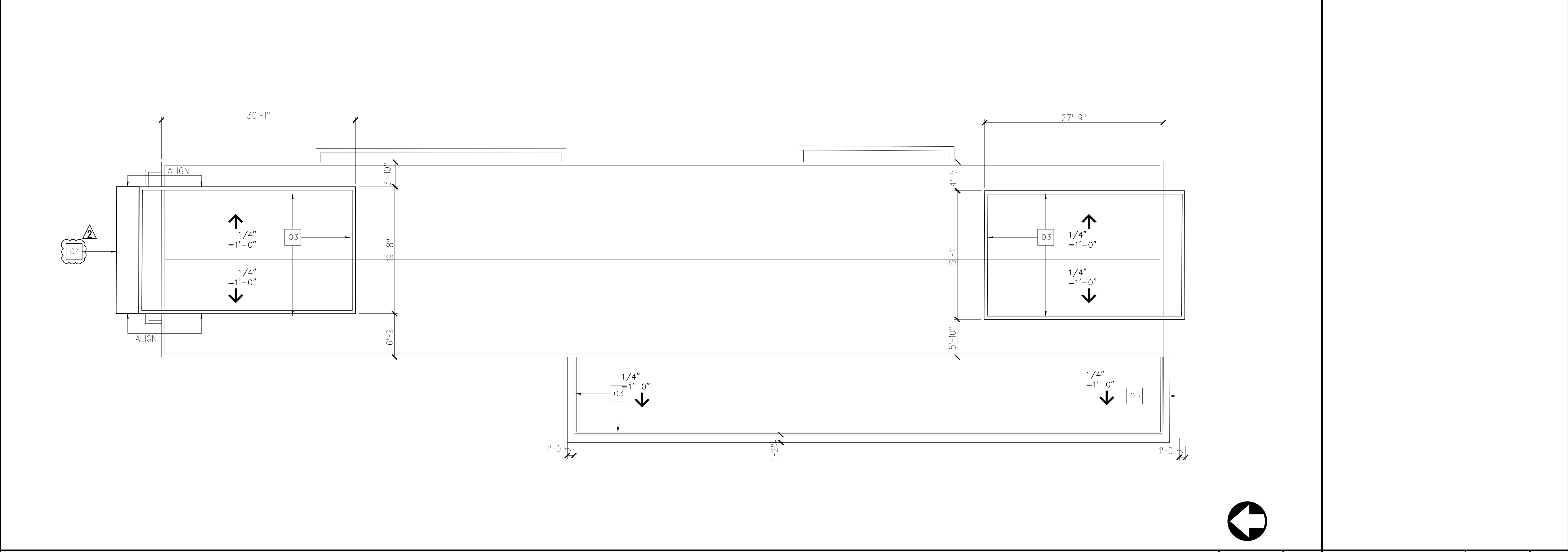
EXISTING ROOF PLAN

1/8"=1'-0"

06

KEYNOTES

03



NEW CONSTRUCTION ROOF PLAN

1/8"=1'-0"

08

SHEET TITLE
EXISTING
ROOF PLAN /
NEW
CONSTRUCTION
ROOF PLAN

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PROJECT NO.: 19-747

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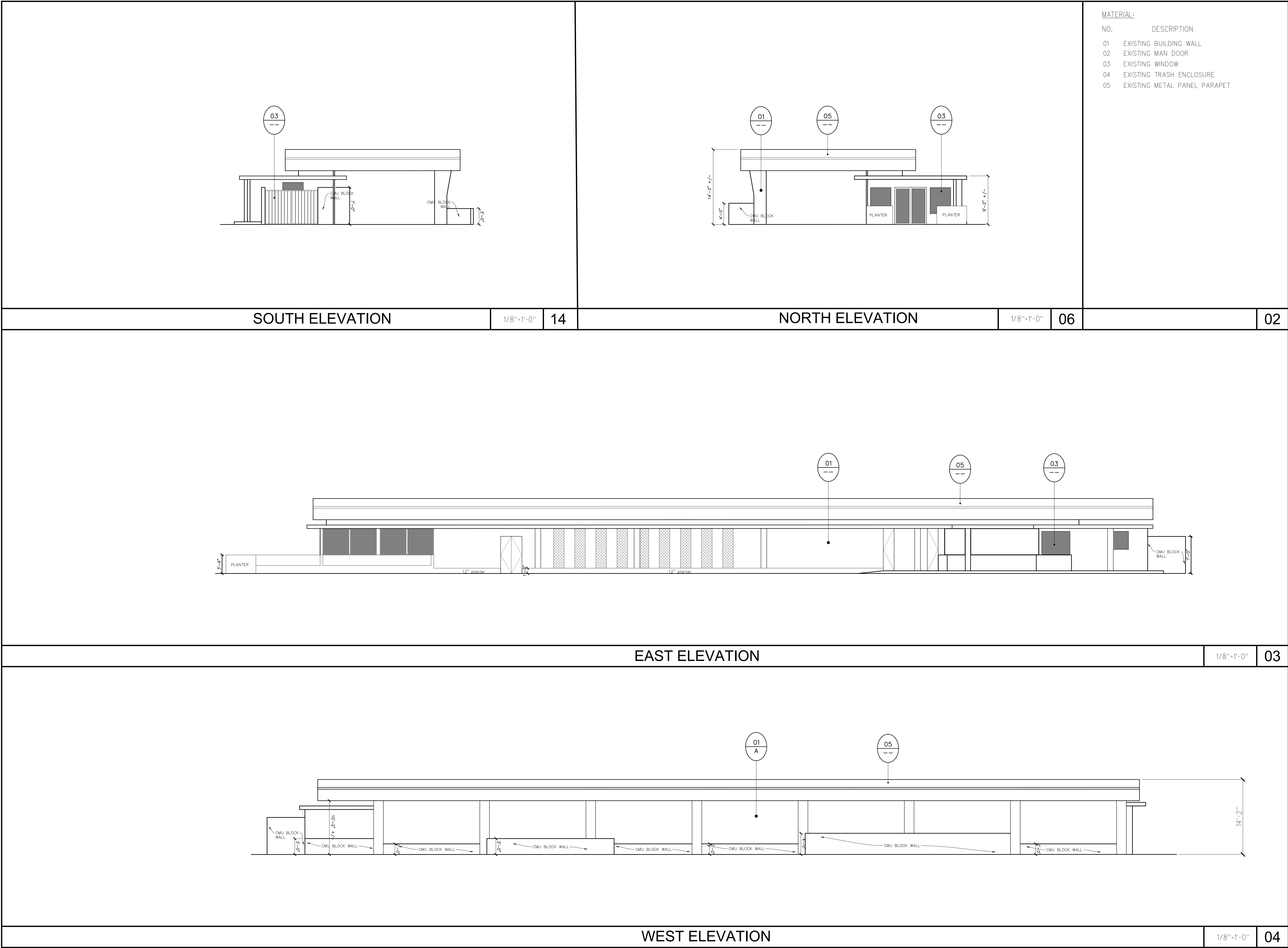
BUILDING DEPT. SUB. NO. 1 01-27-31

BLDG. DEPT. SUB. #2 03-23-21

BLDG. DEPT. SUB. #3 04-06-21

FILE:

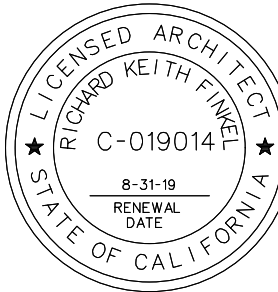
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A2.2



BUNDY-FINKEL Architects

1120 • BRISTOL STREET • STE 120
COSTA MESA • CA 92626
TEL 714 • 850 • 7575
FAX 714 • 850 • 7576

STAMP



PROJECT NAME:

**ANAHEIM
WEST
EXPRESS
WASH**

10802 W. Katella Ave.
Garden Grove, CA 92843

SHEET TITLE

**EXISTING
ELEVATIONS**

NOTICE: THE DESIGNS SHOWN AND DESCRIBED HEREIN, INCLUDING ALL TECHNICAL DRAWINGS, GRAPHS, AND MODELS THEREOF, ARE PROPRIETARY AND SHALL NOT BE COPIED, DUPLICATED, REPRODUCED, OR COMMERCIALY EXPLOITED IN WHOLE OR IN PART, WITHOUT THE WRITTEN PERMISSION OF BUNDY/FINKEL ARCHITECTS. ADDITIONALLY, THESE DOCUMENTS HAVE BEEN PREPARED TO DESCRIBE NEW WORK ONLY AND DO NOT REPRESENT AS-BUILT OR ACCURATE EXISTING CONDITIONS. THE ARCHITECT DOES NOT WARRANT IN ANY WAY THE ACCURACY OF THIS INFORMATION AND SHALL NOT BE RESPONSIBLE FOR DISCREPANCIES BETWEEN THIS DOCUMENT AND EXISTING CONDITIONS. THESE PLANS ARE THE PROPERTY OF THE ARCHITECT AND ARE AVAILABLE FOR LIMITED REVIEW AND EVALUATION BY THE CLIENT, CONSULTANTS, CONTRACTORS, GOVERNING AGENCIES, VENDORS, AND OFFICE PERSONNEL ONLY IN ACCORDANCE WITH THIS NOTICE. ADDITIONALLY, CONTRACTORS SHALL VERIFY DIMENSIONS AND SHALL NOT SCALE THE DRAWINGS AT ANY TIME.

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PROJECT NO.: 19-747

LAST ISSUE DATE: 03-23-31

BY: RF CHKD:

BUILDING DEPT. SUB. NO. 1 01-27-31

BLDG. DEPT. SUB. #2 03-23-21

BLDG. DEPT. SUB. #3 04-06-21

FILE:

SHEET

A3.1

RESOLUTION NO. 6144-26

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-103-65 (REV. 2026) TO ALLOW MODIFICATIONS TO THE APPROVED PLANS UNDER CONDITIONAL USE PERMIT NO. CUP-103-65 FOR AN EXISTING CARWASH, LOCATED AT 10802 KATELLA AVENUE, ASSESSOR'S PARCEL NO. 089-010-50.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on August 20, 2026, does hereby approve Conditional Use Permit No. CUP-103-65 (REV. 2026) for a parcel of land located on the southwest corner of Katella Avenue and Dino Circle, at 10802 Katella Avenue, Assessor's Parcel No. 089-010-50, subject to the Conditions of Approval attached hereto as "Exhibit A".

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-103-65 (REV. 2026), the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by PDS West, Inc., the applicant and property owner.
2. A request for modifications to the approved plans under Conditional Use Permit No. CUP-103-65 to allow building and site improvements for an existing automatic carwash.
3. The Planning Commission has determined that the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301, Existing Facilities, and Section 15311, Accessory Structures, of the CEQA Guidelines (14 Cal. Code Regs., Sections 15301 and 15311).
4. The property has a General Plan Land Use Designation of RC2 (Residential / Commercial Mixed Use 2), and is zoned NMU (Neighborhood Mixed Use). The subject 33,106 sq. ft. (0.76-acre) site is improved with an existing automatic carwash.
5. Existing land use, zoning, and General Plan designation of property within the vicinity of the subject property have been reviewed.
6. Report submitted by City Staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on August 20, 2026, and all interested persons were given an opportunity to be heard.
8. The Planning Commission gave due and careful consideration to the matter during its meeting on August 20, 2026, and considered all oral and written testimony presented regarding the project.

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Section 9.32.030, are as follows:

FACTS:

The subject 33,106 sq. ft. (0.76-acre) site is improved with an existing automatic carwash, located on the southwest corner of Katella Avenue and Dino Circle. The subject property is zoned NMU (Neighborhood Mixed Use) with a General Plan Land Use Designation of RC2 (Residential/Commercial Mixed Use 2). The property is adjacent to NMU zoned properties to the west, south, and across Dino Circle, to the east. The properties to the north, across Katella Avenue, are located in the City of Anaheim.

In 1965, the City of Garden Grove approved Conditional Use Permit No. CUP-103-65 to allow the construction and operation of a new automatic carwash on the subject property. The existing carwash has been in operation since 1965, and is currently in operation today.

In 2020, the City approved modifications to the approved plans associated with Conditional Use Permit No. CUP-103-65 under Conditional Use Permit No. CUP-103-65 (REV. 2020) to allow building and site improvements. The improvements included a façade renovation, new landscaping, and improvements to the drive-thru queue and parking lot layout to improve vehicular access and circulation. The applicant applied for building permits in 2021 to construct the proposed modifications. Building permits were never issued for the project. As a result, the approved entitlements expired on March 27, 2021. Now, the applicant is requesting to largely reinstate the 2020 approvals, with further minor alterations.

FINDINGS AND REASONS:

Modification to Approved Plans:

1. The change would not require the filing of an application for waiver or variance to the zoning code.

The subject site has a General Plan Land Use Designation of RC2 (Residential / Commercial Mixed Use 2) and is zoned NMU (Neighborhood Mixed Use). An "automatic carwash" use is conditionally permitted in the NMU zone. Existing Conditional Use Permit No. CUP-103-65 allows an automatic carwash on the subject property. The proposed project involves building and site improvements to the existing automatic carwash use/building, including: a facade renovation, new landscaping, and a revision to the drive-thru and parking lot layout to improve vehicular access and circulation.

All proposed modifications to the site would comply with the development standards of the NMU zone, and the special operating requirements for automatic carwash uses. As a result of the proposed modifications, the subject property would accommodate thirty-eight (38) vehicles, which satisfies the parking requirements under Municipal Code Section 9.18.140.030. The Conditions of Approval also require the applicant to provide a landscape and irrigation plan that complies with Title 9 of the Municipal Code.

Therefore, the proposed project does not require the filing of an application for waiver or variance to the zoning code.

2. The change would not adversely affect the quality or design of the original plan.

The proposed project involves building and site improvements to the existing automatic carwash use/building, including: a façade renovation, new landscaping, and a revision to the drive-thru and parking lot layout to improve vehicular access and circulation. All proposed modifications to the site and building design would be positive improvements and upgrades to the quality and design of the original plan. Said improvements include, but are not limited to: an increase in the number of parking stalls, additional vehicle queuing accommodation and maneuvering on-site, rehabilitation of existing landscaping and installation of new landscaping, a façade renovation to modernize and improve the existing building elevations, addition of ADA (Americans with Disability Act) compliant upgrades, and replacement of the existing outdated vacuum equipment with new state-of-the-art vacuum equipment. These proposed improvements would not adversely affect the quality or design of the original plan.

3. The change would not adversely affect the use or enjoyment of adjacent properties.

The proposed project is a modification to the approved plans under Conditional Use Permit No. CUP-103-65. Proposed modification would involve building and site improvements to an existing automatic carwash use, which is the sole use on the subject property. The automatic carwash use would continue to operate in compliance with the City's Noise Ordinance to ensure the business would not generate any noise impacts to nearby uses. The proposed modifications also comply with applicable Municipal Code requirements. As a result of the proposed modifications, the subject property would accommodate thirty-eight (38) vehicles, which satisfies the parking requirements under Municipal Code Section 9.18.140.030. The Conditions of Approval also require the applicant to provide a landscape and irrigation plan that complies with Title 9 of the Municipal Code. Provided the conditions of approval are adhered to for the life of the project, the use would be harmonious with the persons who work and live in the area.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN THE STAFF REPORT

In addition to the foregoing, the Planning Commission incorporates herein by this reference, the facts and findings set forth in the staff report.

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. Conditional Use Permit No. CUP-103-65 (REV. 2026) does possess characteristics that would indicate justification of the request in accordance with Municipal Code Sections 9.32.030 (Modifications to Approved Plans).
2. In order to fulfill the purpose and intent of the Municipal Code, and thereby promote the health, safety, and general welfare, the following conditions of approval, attached as Exhibit "A", shall apply to Conditional Use Permit No. CUP-103-65 (REV. 2026).

EXHIBIT "A"

Conditional Use Permit No. CUP-103-65 (REV. 2026)

10802 Katella Avenue
Assessor's Parcel No. 089-010-50

CONDITIONS OF APPROVAL

General Conditions

1. Each owner of the property shall execute, and the applicant shall record against the property, a "Notice of Discretionary Permit Approval and Agreement with Conditions of Approval," as prepared by the City Attorney's Office, on the property within 30 days of approval. This Conditional Use Permit runs with the land and is binding upon the property owner, his/her/its heirs, assigns, and successors in interest.
2. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to each of the following: the project applicant and current property owner, PDS West, Inc., the future owner(s) and tenants(s) of the property, and each of their respective successors and assigns. The applicant and subsequent owner/operators of such business shall adhere to the conditions of approval for the life of the project, regardless of property ownership. Except for minor modifications authorized to be approved by the Community Development Director pursuant to Condition No. 4, any changes of the Conditions of Approval require approval by the appropriate City hearing body.
3. Conditional Use Permit No. CUP-103-65 (REV. 2026) only authorizes modification to the approved plans under Conditional Use Permit No. CUP-103-65, for an existing automatic car wash to allow building and site improvements, which include facade renovation, new landscaping, and a revision to the drive-thru and parking lot layout to improve vehicular access and circulation, as depicted on the plans submitted by the applicant and made part of the record of the August 20, 2026 Planning Commission proceedings. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
4. The approved plans are an integral part of the decision approving this Conditional Use Permit. Minor modifications to the approved site plan, floor plan, and/or these Conditions of Approval may be approved by the Community Development Director, in his or her discretion. Proposed

modifications to the approved floor plan, site plan, or Conditions of Approval that would result in the intensification of the project or create impacts that have not been previously addressed, and which are determined by the Community Development Director not to be minor in nature shall be subject to approval of new and/or amended land use entitlements by the applicable City hearing body.

5. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.

Public Works Engineering Division

6. A separate street permit is required for work performed within the public right-of-way.
7. All parking spaces that abut sidewalks that are not elevated with a curb face to the stall, shall have wheel stops in order to prevent vehicle overhang into sidewalk. A minimum six-foot (6'-0") wide sidewalk is required for parking spaces that are utilizing elevated sidewalk curb face as a wheel stop, and must maintain a four-foot (4'-0") minimum from the overhang of the vehicle bumper for ADA pathway.
8. In accordance with the Orange County Storm Water Program manual, the applicant contractors shall provide dumpsters on-site during construction unless an Encroachment Permit is obtained for placement in street.
9. The applicant shall provide appropriate and adequate wayfinding and signage for drivers to easily navigate the entrance and exit per the approved site plan.
10. The applicant shall identify a temporary parking site(s) for construction crew prior to issuance of a grading permit. No construction parking is allowed on local streets.
11. Heavy construction truck traffic and hauling trips should occur outside peak travel periods. Peak travel periods are considered to be from 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.
12. Any required lane closures should occur outside of peak travel periods.
13. Construction vehicles should be parked off traveled roadways in a designated parking.

14. Prior to issuance of certificate of occupancy, the applicant shall construct street frontage improvements as identified below:

Katella Avenue

- a. Remove both existing substandard driveway approaches on Katella Avenue and construct a single driveway approach in accordance with the approved site plan and City of Garden Grove Standard Plan B-120 (Option #2). Standard Plan B-120 requires a minimum commercial/multi-family driveway width of thirty feet (30'-0"). Any deviation from the standard must be approved by the City Traffic Engineer, and clearly shown on the approved plans with all applicable modifications. The proposed sixty-five foot (65'-0") wide driveway approach along Katella Avenue shown on the site plan has been reviewed and approved by the City Traffic Engineer.
- b. Any proposed new landscaping in the public right-of-way shall be approved by the Planning Services Division, and maintained by the applicant.
- c. The applicant shall coordinate the location of all new water meters, backflow preventers, and backflow devices to be placed in the sidewalk areas along Katella Avenue and/or Dino Circle with the Planning Services Division and Water Services Division.

Public Works Water Services Division

15. Any new water service installations 2" and smaller may be installed by the City of Garden Grove at owner's/developer's expense or by owner's/developer's contractor per City Standards. Installation shall be scheduled upon payment of applicable fees, unless otherwise noted. Fire services and large water services 3" and larger shall be installed by developer/owner's contractor per City Standards at owner's/developer's expense.
16. Water meters shall be located within the City right-of-way or within dedicated waterline easement. Fire services and large water services 3" and larger shall be installed by a contractor with class A or C-34 license, per City water standards, and inspected by an approved Public Works inspection.

Conditional Use Permit No. CUP-103-65 (REV. 2026)

Conditions of Approval

17. A Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed for meter protection. The landscape system shall also have RPPD device. Any carbonation dispensing equipment shall have a RPPD device. Installation shall be per City Standards and shall be tested by a certified backflow device tester immediately after installation. Cross connection inspector shall be notified for inspection after the installation is completed. Owner shall have RPPD device tested once a year thereafter by a certified backflow device tester and the test results to be submitted to Public Works, Water Services Division. Property owner must open a water account upon installation of RPPD device.
18. It shall be the responsibility of owner/developer to abandon any existing private water well(s) per Orange County Health Department requirements. Abandonment(s) shall be inspected by Orange County Health Department inspector after permits have been obtained.
19. A composite utility site plan shall be part of the water plan approval.
20. New utilities shall have a minimum 5-foot horizontal and a minimum 1-foot vertical clearance from water main and appurtenances.
21. Any new or existing water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.
22. City shall determine if existing water service(s) is/are usable and meet(s) current City Standards and, if applicable, water meter(s) shall be replaced or upgraded. If applicable, existing water services are to be abandoned at the main with repair clamps or couplings. Any existing meter and service located within new driveway(s) shall be relocated at owner's expense.
23. Existing vacant water meter box on Katella Avenue shall be removed and backfilled per City standards and requirements.
24. No permanent structures, trees or deep-rooted plants shall be placed over sewer main or water main.
25. Water meters and boxes shall be installed by City forces upon payment of applicable fees and after new water systems (including water services) pass all bacteriological and pressure tests.
26. If required, fire service shall have an above-ground backflow device with a double-check valve assembly. The device shall be tested immediately after

Conditional Use Permit No. CUP-103-65 (REV. 2026)

Conditions of Approval

installation and once a year thereafter by a certified backflow device tester and the results must be submitted to Public Works, Water Services Division. The device shall be on private property and is the responsibility of the property owner. The above-ground assembly shall be screened from public view as required by the Planning Division.

27. Location and number of fire hydrants shall be as required by Water Services Division and the Orange County Fire Authority (OCFA).
28. If needed, contractor shall abandon any existing unused sewer lateral(s) at street right-of-way on the property owner's side. The sewer pipe shall be capped with an expansion sewer plug and encased in concrete. Only one sewer connection per lot is allowed.
29. If needed, owner shall install new sewer lateral with clean out at right-of-way line and lateral shall connect to the existing 12" VCP sewer main on Katella Avenue. Lateral in public right-of-way shall be 6" min. dia., extra strength VCP with wedgelock joints.
30. All perpendicular crossings of the sewer, including laterals, shall maintain a vertical separation of min. 12" below the water main, outer diameter to outer diameter. All exceptions to the above require a variance from the State Water Resources Control Board.
31. If water main is exposed during installation of sewer lateral, a 20 ft section of the water main shall be replaced with 20ft PVC C-900 DR-14 class 305 water pipe, size in kind and centered at the crossing.

Orange County Fire Authority

32. The applicant shall comply with all applicable Orange County Fire Authority (OCFA) requirements, including but not limited to OCFA Guideline B-01 (Fire Master Plans for Commercial and Residential Development) and the OCFA approved Fire Master Plan for the project.

Building and Safety Division

33. The applicant shall ensure the subject tenant space and improvements, including restrooms and parking, comply with all applicable requirements of the 2025 California Building Standards Code, as determined by the Building and Safety Division. An off-site path-of-travel will need to be provided, and demonstrated on plans submitted for building plan review.

34. Plans will be subject to building plan review and must illustrate compliance with all locally adopted Codes and Ordinances including all applicable Statutes and Regulations.

Community Development Department

35. The permitted hours of operation shall be between 7:00 a.m. to 8:00 p.m., seven (7) days a week.
36. If, at any time, the subject property cannot accommodate the parking demand generated by the automatic car wash resulting in a nuisance, hindrance, and/or problem with either on-site and off-site parking and circulation, the applicant shall devise and implement a plan, prepared by a licensed traffic engineer and approved by the City, to relieve the situation.

Upon written request by the City, the applicant shall submit a plan to manage the parking issues for review and approval by the Community Development Department. The plan may include, but is not be limited to: reducing the hours of operation, instituting an off-site parking arrangement; having on-site parking control personnel; and/or other actions that may be deemed applicable to the situation.

If the City's Community Development Director deems such action is necessary to address parking and circulation problems, such action shall be implemented within 30 days of written notice. Failure to take appropriate action shall be deemed a violation of these Conditions of Approval and may result in the City restricting the overall use of the facility and/or revocation of Conditional Use Permit No. CUP-103-65 (REV. 2026).

37. No outside display of merchandise shall be permitted at any time.
38. There shall be no customers or patrons in or about the premises when the establishment is closed.
39. There shall be no deliveries to or from the premises between the hours of 10:00 p.m. and 7:00 a.m., seven days a week.
40. The applicant and automatic car wash operation shall comply with the adopted City Noise Ordinance. As deemed necessary by the Planning Services Division, the applicant shall have the existing, or any new/future, dryer unit of the automatic car wash, tested by a licensed acoustical engineer

to determine, and ensure, the noise generated by the dryer unit complies with, and does not violate, the City's Noise Ordinance. In the event it is found that the dryer unit exceeds the allowable noise levels of the Noise Ordinance, the dryer unit of the automatic car wash shall be fitted with a noise reduction package to reduce the noise impacts to comply with the Noise Ordinance.

41. All landscaping shall be consistent with the landscape requirements of Title 9 of the Municipal Code. The applicant shall submit a complete landscape plan governing the entire development. The landscape plan shall include type, size, location, and quality of all plant material. The landscape plan shall include irrigation plans, and staking and planting specifications. All landscape irrigation shall comply with the City's Landscape Ordinance and associated Water Efficiency Guidelines. The landscape plan is also subject to the following:
 - a. A complete, permanent, automatic remote control irrigation system shall be provided for all landscaping areas shown on the plan. The sprinklers shall be of drip or micro-spray sprinkler head system for water conservation.
 - b. Forty percent (40%) of the trees on the site shall consist of minimum size two-foot (2'-0") box, and the remaining sixty percent (60%) shall be of minimum size fifteen (15) gallons. These trees shall be incorporated into the landscaped frontages of all streets. Where clinging vines are considered for covering walls, drought-tolerant species shall be used.
 - c. All landscape areas, including the areas located within the public right-of-way along Safford Street that abuts the subject property, are the responsibility of the applicant/property owner(s).
 - d. Trees planted within ten feet (10'-0") of any public right-of-way shall be planted in a root barrier shield. All landscaping along street frontages adjacent to driveways shall be of the low-height variety to ensure safe sight clearance. All trees planted on the subject property, whether for screening the project from the neighboring lots or for aesthetic or selling/marketing purposes, shall have an irrigation system installed in order to maintain the trees.
 - e. All trees shall be double-staked in accordance with City standards.

Conditional Use Permit No. CUP-103-65 (REV. 2026)

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- f. Fifty percent (50%) of all required shrubs shall be a minimum size of five (5) gallons at time of planting.
 - g. Live groundcover shall be planted and maintained where shrubbery is not sufficient to cover exposed soil. Mulch may be used in place of groundcover where groundcover will not grow or where groundcover will cause harm to other plants, but not more than thirty percent (30%) of the groundcover area shall have the mulch substitute.
 - h. Groundcover plants shall be planted at a density and spacing necessary for them to become well established and provide surface coverage within eighteen (18) months of planting.
 - i. The landscape plan shall incorporate and maintain, for the life of the project, means and methods to address water runoff, including Low Impact Development (LID) provisions which address water runoff. This includes, without limitation, all applicable requirements of the Water Quality Management Plan (WQMP), Drainage Area Management Plan (DAMP), Local Implementation Plan (LIP), and any other water conservation measures applicable to this type of development.
 - j. The irrigation system shall comply with all applicable provisions of the City's Water Conservation Ordinance, the City's Municipal Code landscape provisions, and all applicable State regulations.
 - k. All above-ground utilities (e.g., water backflow devices, electrical transformers, irrigation equipment, etc.) shall be shown on the landscape plan in order to ensure proper landscape screening and will be provided.
42. Litter shall be removed daily from the premises, including adjacent public sidewalks, and from all parking areas under the control of the applicant. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.
43. All trash bins shall be kept inside the trash enclosure(s), and gates closed at all times, except during disposal and pick-up. The applicant shall provide sufficient trash bins and pick-up to accommodate the site. Trash pick-up shall be at least once per week.
44. The applicant shall abate all graffiti vandalism within the premises. The applicant shall implement best management practices to prevent and abate

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graffiti vandalism within the premises throughout the life of the project, including, but not limited to, timely removal of all graffiti, the use of graffiti resistant coatings and surfaces, the installation of vegetation screening of frequent graffiti sites, and the installation of signage, lighting, and/or security cameras, as necessary. Graffiti shall be removed/eliminated by the applicant as soon as reasonably possible after it is discovered, but not later than 72 hours after discovery.

45. The applicant is advised that the establishment is subject to the provisions of State Labor Code Section 6404.5 (ref: State Law AB 13), which prohibits smoking inside the establishment as of January 1, 1995.
46. The applicant shall work with the Planning Services Division to ensure that the proposed building colors are appropriate and not overly bright. The applicant shall submit actual chip samples of the proposed materials and paint colors to the Planning Services Division for review and approval.
47. All lighting structures shall be placed so as to confine direct rays to the subject property. All exterior lights shall be reviewed and approved by the Planning Services Division. Lighting adjacent to residential properties shall be restricted to low, decorative type, wall-mounted lights, or ground lighting system. Lighting in the common and parking areas shall be directed, positioned or shielded in such manner so as not to unreasonably illuminate the window area of nearby residences. Parking area lighting shall be provided during the hours of darkness the establishment is open at a minimum of two-foot candles of light, and one-foot candle of light during all other hours of darkness. The applicant shall submit a light plan (Photometric Plan) to the Planning Services Division for review.
48. No roof-mounted mechanical equipment, including exhaust vents, shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community Development Department, Planning Services Division. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
49. No satellite dish antennas shall be installed on said premises unless, and until, plans have been submitted to and approved by the Community Development Department, Planning Services Division. No advertising material shall be placed thereon.

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50. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
51. Signs shall comply with the City of Garden Grove sign requirements. No more than 15% of the total window area and clear doors shall bear advertising or signs of any sort. Any opaque material applied to the store front, such as a window shall count toward the maximum window coverage area.
52. Any modifications to existing signs or the installation of new signs shall require approval by the Community Development Department, Planning Services Division, prior to issuance of a building permit.
53. Permitted hours and days of construction and grading shall be as follows, and all work shall comply with the noise regulations set forth in Chapter 8.47 of the City of Garden Grove Municipal Code:
 - a. Monday through Friday – not before 7:00 a.m. and not after 7:00 p.m.
 - b. Saturday – not before 9:00 a.m. and not after 6:00 p.m.
 - c. Sunday and Federal Holidays – no construction shall occur.
54. Construction activities shall adhere to SCAQMD Rule 403 (Fugitive Dust), which includes dust minimization measures. Where feasible, construction activities shall use electricity from power poles rather than diesel or gasoline powered generators, and methanol, natural gas, propane or butane vehicles instead of gasoline or diesel powered equipment. Also, use of solar, low emission water heaters, and low sodium parking lot lights, shall be required to ensure compliance with Title 24.
55. During construction, if paleontological or archaeological resources are found, all attempts will be made to preserve in place or leave in an undisturbed state in compliance with applicable law. In the event that fossil specimens or cultural resources are encountered on the site during construction and cannot be preserved in place, the applicant shall contact and retain, at applicant's expense, a qualified paleontologist or archaeologist as applicable, and acceptable to the City, to evaluate and determine appropriate treatment for the specimen or resource. Work in the vicinity of the discovery shall halt until appropriate assessment and treatment of the specimen or resource is determined by the paleontologist or archeologist (work can continue elsewhere on the project site). Any mitigation, monitoring, collection, and

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specimen/resource treatment measures recommended by the paleontologist/archaeologist shall be implemented by the applicant at its own cost.

56. The applicant shall comply with the Migratory Bird Treaty Act (MBTA), and Sections 3503, 3503.5, and 3513 of the California Fish and Game Code, which require the protection of active nests of all bird species prior to the removal of any on-site landscaping, including the removal of existing trees.
57. Prior to issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the name and address of the development, and the developer's name, address, and a 24-hour emergency telephone number.
58. The applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, or proceeding against the City, its officers, agents, employees and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body, or City staff action concerning Conditional Use Permit No. CUP-103-65 (REV. 2026). The applicant shall pay the City's defense costs, including attorney fees and all other litigation related expenses, and shall reimburse the City for court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award, which may issue against the City, including, but not limited to, any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein.
59. Prior to permit issuance, the applicant shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-103-65 (REV. 2026), and his/her agreement with all conditions of the approval.
60. In accordance with Garden Grove Municipal Code Sections 9.32.160, the rights granted pursuant to Conditional Use Permit No. CUP-103-65 (Rev. 2026) shall be valid for a period of two (2) years. Unless a time extension is granted pursuant to Section 9.32.030.D.9 of the Municipal Code, the rights conferred by Conditional Use Permit No. CUP-103-65 (Rev. 2026) shall become null and void if the subject development and construction necessary

and incidental thereto is not commenced within two (2) years of the expiration of the appeal period, and thereafter diligently advanced until completion of the project. In the event construction of the project is commenced, but not diligently advanced until completion, the rights granted pursuant to Conditional Use Permit No. CUP-103-65 (Rev. 2026) shall expire if the building permits for the project expire.

61. This Conditional Use Permit may be called for review by City Staff, the City Council, or the Planning Commission for any reason, including if noise or other complaints are filed and verified as valid by the Code Enforcement office or other City department concerning the violation of approved conditions, the Garden Grove Municipal Code, or any other applicable provisions of law.

COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.3.	SITE LOCATION: Citywide
HEARING DATE: August 20, 2026	GENERAL PLAN: N/A
CASE NO.: Zoning Text Amendment No. A-047-2026	ZONE: N/A
APPLICANT: City of Garden Grove	APNs: N/A
PROPERTY OWNER: N/A	CEQA DETERMINATION: Exempt

REQUEST:

That the Planning Commission recommend approval of a City-initiated zoning text Amendment to various provisions 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. 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:

In 2025, the City approved Zoning Text Amendment No. A-042-2025 for the purpose of: (A) updating various portions of the Title 9 of Municipal Code to conform to changes in State law and City policies; and (B) making clarifications and typographical corrections. The intent of the code cleanup was to make the Municipal Code easier for City Staff, business owners, and residents of Garden Grove to understand and implement, and easier for Code Enforcement to regulate.

Zoning Text Amendment No. A-047-2026 is intended to continue the effort of keeping Title 9 of the Municipal Code up to date with newly mandated State laws (including both housing- and non-housing-related provisions), as well as to codify administrative interpretations and practices, to clarify potential ambiguities, and to correct typographical errors. Proposed zoning text Amendment No. A-047-2026 would be divided into different sections, including the following:

A-047-2026(A) - CODE CLEANUP ZONING AMENDMENT

While various sections of the Municipal Code were updated and corrected through the approval of the Zoning Text Amendment No. A-042-2025, some inconsistencies, typographical errors, and other minor wording issues throughout Title 9 remained and were not addressed in the 2025 amendments. The first part of the proposed Zoning Text Amendment would continue to address these persistent issues in conjunction with other code updates.

These proposed updates can be categorized into different sections, including updates to definitions for multiple land use classifications, corrections to inconsistencies between the land use matrices for the commercial/industrial zones and the mixed-use zones, and other minor typographical errors found throughout Title 9.

In addition to addressing the issues described above, this proposed Zoning Text Amendment would codify several land use classifications that have been approved via the City's Interpretation of Use (IOU) process in recent years. The purpose of the IOU process is to allow land uses that are not explicitly listed in the land use matrices of the Code, but that have been determined to be substantially similar to permitted uses within a particular zoning designation. Each land use previously approved through the IOU process would be incorporated into Title 9 of the Municipal Code as a separate, standalone use classification. This would include establishing a definition for each classification, adding it to the applicable land use matrix and zoning designation, and adopting the corresponding development standards and parking requirements. The new land use classifications proposed as part of this Zoning Text Amendment would be consistent with the original IOU approvals issued by the City. Codifying these land use classifications in Title 9 would improve clarity, consistency, and transparency in the implementation and administration of the City's Zoning Code.

Similar to the previous code cleanup, a part of this Zoning Text Amendment would also address issues raised by the Code Enforcement Division based on recurring challenges encountered during field inspections. The proposed amendments generally incorporate language and standards derived from existing Staff policies and other current provisions of the Municipal Code. As such, the amendments would primarily codify existing policies and already established practices rather than create new standards. In other instances, the proposed changes would revise existing language to clarify regulations and improve their application. These updates are intended to assist Code Enforcement Staff with inspections of properties and administering the Code more effectively, while also providing property owners with a clearer understanding of applicable regulations. Overall, the amendments would streamline project review, inspections, and enforcement activities throughout the City. Additionally, the updates would help ensure greater compatibility of development standards across zoning designations and align certain procedural provisions more closely with those used by surrounding jurisdictions.

This Zoning Text Amendment would also codify the delegation of authority for making public convenience or necessity findings associated with State Alcoholic Beverage Control (ABC) licenses and clarify this delegation of authority so that it aligns with the approval authority for associated land use actions.

Finally, this Zoning Text Amendment would update various portions of Chapter 9.60 (Special Housing Regulations) to reflect recent state law changes impacting City review of proposed housing development projects, to codify certain current City practices and policies, and to provide additional clarification of the requirements that apply to applicants for development projects that involve the demolition of existing housing units and/or include affordable units.

Overall, Sections of Title 9 that would be updated include 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 Chapter 9.60 (Special Housing Regulations).

A-047-2026(B) – ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

The State has identified Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) as innovative, effective, and affordable housing options that help address California’s ongoing housing crisis. Since 2016, the State has enacted multiple laws intended to streamline the development of ADUs and JADUs at the local level. In response to these legislative changes, the City has periodically updated its ADU Ordinance, most recently through the adoption of Ordinance No. 2966 in August 2025, which amended Chapter 9.54 – Accessory Dwelling Units and Junior Accessory Dwelling Units.

Following its adoption, Ordinance No. 2966 was submitted to the Department of Housing and Community Development (HCD) for review. On March 20, 2026, the City received a letter from HCD ([Attachment 1](#)) identifying several purported inconsistencies between Ordinance No. 2966 and current State ADU laws, including Assembly Bills (AB) 130, 462, and 1154, as well as Senate Bills (SB) 9 and 543. Most of the concerns raised by HCD involve regulatory language for “State-exempt ADUs” and overall restrictive language in the existing ADU/JADU Ordinance that might hinder the ability to construct an ADU of at least 800 square feet. In its letter, HCD outlined the inconsistencies and requested that the City take one of the following actions:

1. Amend the Ordinance to comply with State ADU Law; or
2. Adopt the Ordinance without changes and include findings in the accompanying resolution explaining why the City believes the Ordinance complies with State ADU Law despite HCD’s findings.

Accordingly, zoning text Amendment No. A-047-2026(B) is intended to address the nonconforming provisions identified by HCD and ensure that the City’s ADU Ordinance remains consistent with State ADU law upon adoption of the proposed amendment. These revisions are intended to ensure that the City’s regulations are objective, clear, and compliant with current State requirements.

A-047-2026(C) – SENATE BILL (SB) 9 UNIT DEVELOPMENTS AND URBAN LOT SPLITS

On January 1, 2022, Governor Newsom signed Senate Bill (SB) 9 into law which added Sections 66585.21 and 66411.7 to the Government Code. Section 65852.21

requires cities to consider a proposed housing development containing no more than two (2) residential units within a single-family residential zone ministerially, without discretionary review or hearing, if the proposed housing development meets certain requirements. Section 66411.7 requires local agencies to ministerially approve a parcel map for an "urban lot split" that meets certain requirements.

SB 9, as originally adopted, permitted local agencies to impose objective zoning, subdivision, and design standards on such projects as long as those standards would not have the effect of physically precluding the construction of up to two (2) units on a lot or physically preclude either of the two (2) units from being at least 800 square feet in floor area. Accordingly, in 2022, the City adopted Ordinance 2929, creating local standards and procedures for the review of SB 9 applications. Subsequent to the City's adoption of a local ordinance for SB 9, and in 2024 the legislature introduced SB 450, which amended SB 9 to require that local jurisdictions apply the same objective standards that apply generally to single-family homes to SB 9 units, except where State law prohibits it, such as for parking or setback requirements. Further, HCD has released several guidance letters interpreting SB 9 and its subsequent amendments in a manner that necessitates additional amendments to the City's Municipal Code provisions regarding SB 9 two-unit developments and urban lot splits.

Proposed zoning text Amendment No. A-047-2026(C) is intended to align the City's SB 9 Ordinance with current State law and ensure that the City's regulations are compliant with current State requirements and HCD Guidance.

A-047-2026(D) –STARTER HOME REVITALIZATION ACT (SHRA) DEVELOPMENTS

In July of 2024, Senate Bill (SB) 684, also known as the Starter Home Revitalization Act (SHRA), became effective. The SHRA is intended to facilitate the development of small lot subdivisions and the construction of "missing-middle" housing to expand access to homeownership units by requiring local agencies to ministerially approve qualifying subdivision maps and residential development projects with ten (10) or fewer lots and units, and to conditionally permit construction of approved developments prior to approval of a final subdivision map. Initially, the SHRA only applied to certain multiple-family zoned parcels, but this law was expanded by SB 1123 in 2024 to include vacant single-family parcels beginning in July of 2025. In June of 2025, AB 130 was signed into law, and it included a further amendment to the SHRA to allow for a remainder parcel to be created as part of a SHRA subdivision, allowing more lots to potentially meet the density and size requirements of the SHRA.

A new Chapter (Chapter 9.58) is proposed to be added to the City's Municipal Code to implement the provisions of the SHRA. Proposed zoning text Amendment No. A-047-2026(D) is intended to implement the provisions of the SHRA, as reflected in Government Code Sections 66499.41, 65852.28, and 65913.4.5. The SHRA largely preempts City land use authority, but there are a few areas where the SHRA allows local agencies to exercise regulatory discretion. The proposed new Code provisions

are intended to provide for regulation of qualifying developments to the maximum extent permitted by the SHRA.

DISCUSSION:

A-047-2026(A) - CODE CLEANUP ZONING AMENDMENT

The section of the zoning text Amendment would generally be divided into seven (7) categories, including the following:

1. Definition Updates: This category focuses solely on Section 9.04.060.C of the Municipal Code, which contains a list of definitions of land use classifications that are referenced throughout the Code. While the list is extensive, Staff has identified certain definitions that could be improved to provide more clarity and accuracy. The proposed revisions are non-substantive and are intended to improve clarity and provide more precise language for the land use classifications identified below.

- ***Art, music and dance studio*** – The current definition is intended to encompass all uses related to artistic and creative instruction. However, it also includes “martial arts”, which refers to a type of self-defense and combat training. Staff believes that the nature of martial arts studios is inherently different from that of art, music, and dance studios and that it would be more clear and accurate to have separate land use categories for them. Therefore, the reference to “martial arts” would be removed from this definition, and a new, separate definition for “Martial Arts Studio” would be created to provide a clear distinction between martial arts studios and art, music and dance studios.
- ***Martial arts studio*** – The Code currently does not include a separate definition for martial arts studios or similar establishments that provide instruction and training in self-defense or combat disciplines. Historically, these uses have been reviewed and classified under the “*Art, Music, and Dance Studio*” classification because martial arts is currently referenced in that definition. In addition, Staff has also encountered requests for similar businesses described as athletic clubs or fitness studios, even though their operations do not fully align with the “*Athletic and Health Club*” classification. Thus, the lack of a clear definition for martial arts studios has led to inconsistent interpretations and application of the Code.

Since martial arts studios primarily focus on instruction and training in self-defense and combat disciplines rather than artistic or performance-based activities or health and fitness training, Staff has determined that they are more appropriately regulated as a separate land use classification. Establishing a distinct definition would improve clarity, promote consistent implementation of the Municipal Code, and more accurately reflect the operational

characteristics of these establishments. Following the adoption of this new definition, "Martial Arts Studio" would be added as a standalone land use to the Land Use Matrix in Section 9.16.020.030 (Permitted Uses in Commercial, Office Professional, Industrial, and Open Space Zones) and the land use Matrix in Section 9.18.020.030 (Uses Restricted to Indoor in Mixed-Use Zones) of the Municipal Code, as discussed below.

- ***Athletic and health clubs, spas or gyms*** – The City has received numerous requests to operate a variety of different types of health, fitness, and athletic-related businesses throughout the City, and Staff has found the current definition of this land use classification challenging to apply when evaluating some specific proposed uses. Therefore, Staff proposes to amend the definition for this land use category to be more specific and precise, and to expressly encompass a wide range of physical fitness and recreational activities, including exercise-oriented classes such as yoga, Pilates, Zumba, and similar fitness programs. The updated definition is intended to clarify that this land use category includes all types of businesses whose primary purpose is to provide physical fitness instruction, exercise, wellness, or recreational training.
- ***Bar*** – The current definition of this land use classification focuses primarily on the sale and consumption of alcoholic beverages, but lacks descriptive language that distinguishes the operational characteristics of a bar from those of other food service establishments that also serve alcoholic beverages. To address this ambiguity, additional language would be added to clarify that a bar is an establishment where the sale of food is subordinate to the sale of alcoholic beverages. This revision would effectively set a bar apart from a typical eating establishment or a bona fide restaurant with alcohol sales where the City's standard Conditions of Approval limit the sale of alcoholic beverages to less than 35% of the overall sales.
- ***Trade school*** – This classification is currently defined to include the term "school for self-improvement," which Staff believes to be inaccurately placed. Traditionally, a trade school is generally defined as an educational institution that provides specialized training and instruction for a particular occupation or career, typically through a structured curriculum that leads to a certificate, diploma, or other recognized credential. Courses intended for personal enrichment or self-improvement are different from credential programs; therefore, it is proposed that the term "school for self-improvement" be removed from this definition and that this category of uses instead be covered under the newly proposed land use term, "*Non-Vocational Instruction*", which is discussed below.
- ***Non-vocational instruction*** - "Non-vocational instruction" would be a newly created land use classification proposed to describe businesses that provide educational or instructional services that are not intended to prepare students for a specific trade, profession, or occupation. Unlike trade schools, these uses

generally do not follow a structured vocational curriculum or lead to a professional certification or diploma. Uses qualified under this classification include, but are not limited to, tutoring centers, traffic schools, test preparation centers, workshops, and self-improvement classes. Although this is a new land use classification, the City has historically permitted similar businesses by classifying them as trade schools or under "*Incidental Instruction (15 Students or Less)*", which is a term that does not have a proper definition, and is only referenced in Chapter 9.18 (Mixed Use Regulations and Development Standards). Staff has determined that the term "*Incidental Instruction (15 Students or Less)*" neither accurately describes the nature of the aforementioned uses, nor is it referenced anywhere in the Code except in Chapter 9.18. Therefore, establishing a separate "Non-Vocational Instruction" classification with a proper definition that encompasses a "school for self-improvement" currently included in the "trade school" classification definition and replaces "*Incidental Instruction (15 Students or Less)*" is necessary because it would provide greater clarity, and more accurately reflect the services provided by these businesses. At the same time, the new classification would continue to align with the City's policies, and would promote consistent implementation of the Zoning Code. Concurrent with the proposed definition, this classification would also be added to the Land Use Matrix in Section 9.16.020.030 (Permitted Uses in Commercial, Office Professional, Industrial, and Open Space Zones) and Section 9.18.020.030 (Uses Restricted to Indoor in Mixed-Use Zones) with the applicable requirements for each zoning designation as discussed below. Parking requirements associated with this classification would also be added to Section 9.16.040.150 (Parking Spaces Required in Commercial, Office Professional, Industrial, and Open Space Zones), and Section 9.18.140.030 (Parking Spaces Required in Mixed-Use Zones) with the parking ratio of one (1) space per employee plus one (1) space for each six (6) students.

- **Day care facility, adult** – The current definition of this land use classification is confusing and difficult for Staff to interpret and apply consistently. To address this issue, the definition is proposed to be revised to clearly state it encompasses both State-licensed and non-State licensed facilities.

2. Updates to Land Use Matrices: This category focuses on updating the land use matrix in Section 9.16.020.030 (Permitted Uses in Commercial, Office Professional, Industrial, and Open Space Zones) and the Land Use Matrix in Section 9.18.020.030 (Uses Restricted to Indoor in the Mixed-Use Zones) of the Municipal Code. Both tables contain comprehensive lists of the City's land use classifications and identify the applicable entitlement requirements for each zoning designation. Although the list is generally similar between the two chapters, some discrepancies exist. The purpose of this update is to address some of the prominent discrepancies found, and to ensure these land use classifications are implemented in the same fashion across all applicable zones while maintaining the appropriate standards and requirements for each.

- ***Radio/TV and Recording Studios*** – Currently, radio, television, and recording studios are permitted in both commercial (Chapter 9.16) and mixed-use zones (Chapter 9.18). However, the zoning requirements differ between the two chapters. In the mixed-use zones (GGMU-1, GGMU-2, GGMU-3, CC-1, CC-2, CC-3, NMU, and AR), studios that are 1,500 square feet or less are permitted by-right, while studios exceeding 1,500 square feet require approval of a Conditional Use Permit (CUP). In contrast, commercial and industrial zones (C-1, C-2, C-3, and M-1) require CUP approval for all radio, television, and recording studios of any size. Therefore, the proposed amendment would revise the Land Use Matrix for the commercial zones to align with the mixed-use zones by automatically allowing studios that are 1,500 square feet or less and requiring a CUP for studios larger than 1,500 square feet. This change would simplify the review process for smaller studios while maintaining discretionary review for larger operations that may have greater impacts to surrounding areas. The proposed amendment would not expand the zoning districts in which these uses may be established. In addition, all new businesses of this classification would continue to be subject to applicable development standards, including parking requirements, Building Code requirements, and other applicable provisions of the Municipal Code.
- ***Athletic and Health Clubs, Spas or Gyms*** – Similar to “Radio/TV and Recording” studios, a similar inconsistency between the two chapters currently exists for this land use classification. The proposed zoning text Amendment would thus also update this classification in the commercial zones to allow “Athletic and Health Clubs, Spas or Gyms” that are 1,500 square feet or less by-right and require a CUP for ones that are larger than 1,500 square feet. All other applicable requirements related to this classification would remain unchanged. In addition, the proposed amendment would not expand the zoning districts in which these uses may be established.
- ***Martial Arts Studio*** – The proposed zoning text Amendment would add “Martial Arts Studio” as a standalone use to the land use matrix tables for both the commercial/industrial and mixed-use zones. In the commercial/industrial zones, the use would be allowed in the OP, C-1, and C-2 zones, which are the same zones in which “art, music, and dance studios” are permitted. In the mixed-use zones, the use would be allowed in the GGMU-1, GGMU-2, GGMU-3, CC-1, CC-2, CC-3, NMU, and AR zones. To remain consistent with other similar classifications, martial arts studios that are 1,500 square feet or smaller would be permitted by-right, while larger facilities would require approval of a CUP. “Martial arts studios” would be permitted only in those zones in which “art, music, and dance studios” are currently permitted; the proposed amendment would not expand the zoning districts in which this use may be established.
- ***Eating Establishment/Restaurant With Limited Entertainment*** – Title 9 distinguishes between two restaurant-related land use classifications based on the type and scale of entertainment provided: “Eating

Establishment/Restaurant With Limited Entertainment" and *"Eating Establishment/Restaurant With Entertainment."* Both classifications require entertainment to remain incidental to the primary restaurant use. However, limited entertainment is restricted to no more than two (2) performers, while full entertainment may include larger performances, such as live bands, karaoke, or similar activities. Currently, the Land Use Matrix for commercial zones includes only *"Eating Establishment/Restaurant With Entertainment."* Limited entertainment is referenced separately in Section 9.16.020.050.X (Special Operating Conditions and Development Standards – Entertainment in the C-1 Zone), which allows limited entertainment only in the C-1 zone. The proposed amendment would add *"Eating Establishment/Restaurant With Limited Entertainment"* as a separate land use classification in the commercial/industrial Land Use Matrix and conditionally allow it in C-1, C-2, and C-3, zones where full entertainment is allowed. Because restaurants with limited entertainment are generally less intensive than restaurants with full entertainment, allowing the use in the same zones where full entertainment is permitted is appropriate, provided that discretionary review is maintained to ensure compatibility with surrounding uses and operational characteristics. Although the definition of limited entertainment allows up to two (2) performers, the number of performers in the C-1 zone would continue to be limited to one (1) to stay consistent with current City policy. Provided that *"Eating Establishment/Restaurant With Limited Entertainment"* is added into the commercial/industrial Land Use Matrix, language of Section 9.16.020.050.X would be modified accordingly.

- ***Incidental Instruction (15 students or less)*** - For the reasons mentioned in the previous section, *"Incidental Instruction (15 students or less)"* would be removed from the Land Use Matrix and replaced by *"Non-vocational instruction"*.
- ***Non-Vocational Instruction*** – This classification would be added to the Land Use Matrix in Section 9.16.020.030 (Permitted Uses in Commercial, Office Professional, Industrial, and Open Space Zones) and the Land Use Matrix in Section 9.18.020.030 (Uses Restricted to Indoor in the Mixed-Use Zones) to replace *"Incidental Instruction (15 students or less)"*. It would permit by-right businesses that are 1,500 square feet or less with a maximum of 15 students, and require CUP for larger facilities.

3. Codify Interpretations of Use - This category would codify land use classifications that are currently silent in the Municipal Code, but have been conditionally permitted through the City's Interpretation of Use (IOU) entitlement process. In recent years, the City approved three land use classifications through the IOU process, including *"Day Care Facility, Adult"* (in conjunction with religious facility in the R-1 zone); *"Indoor Playground"*; and *"Karaoke Establishment"*. The proposed zoning text Amendment would establish a definition for each land use classification, add the use to the applicable Land Use Matrix, add any necessary special operating conditions and development standards, and establish parking

requirements, all while being consistent with the original Interpretation of Use approvals. Details of the changes related to this category is included in [Exhibit "A"](#) (Proposed Code Amendment Redlines) of [Attachment 2](#). The following highlights summarize the key changes:

- ***Day Care Facility, Adult*** – Adult day care facilities operating in conjunction with religious facilities have been approved through Interpretation of Use No. IOU-005-2024 and may be conditionally permitted in the R-1 (Single-Family Residential) zone. To minimize potential impacts to surrounding single-family residential neighborhoods, the use would be limited to religious facility sites that are located along a major corridor. Access via a secondary arterial or local residential street would be prohibited.
 - ***Indoor Playground*** – Indoor playgrounds were approved through IOU-003-2020 for the NMU zone, a residential/commercial mixed-use zone. The original IOU established operating and development standards requiring the use to be located adjacent to a major corridor, and all activities to occur entirely within an enclosed building. Under the proposed Amendment, this classification would be allowed with approval of a CUP in regular commercial zones, including the C-1, C-2, and C-3 zones, as well as commercial/residential mixed-use zones, including the GGMU-1, GGMU-2, GGMU-3, and NMU zones. The use would remain subject to the same operating and development standards established through the original IOU. Parking requirements for this use would be one (1) space per 200 square feet of playground area, and one (1) space per 100 square feet of dining area.
 - ***Karaoke Studio or Karaoke Establishment*** – Karaoke studios were approved under IOU-002-2017 to be allowed in the C-2 zone with a CUP based on their similarity to other entertainment and commercial uses permitted in that zone, including music studios, radio and television studios, recording studios, arcades, billiards halls, bowling alleys, and eating establishments. Consistent with the original IOU, "*Karaoke Studio or Karaoke Establishment*" would be allowed with approval of a CUP in regular commercial zones, including the C-2, and C-3 zones, and in commercial/residential mixed-use zones, including the GGMU-1, GGMU-2, GGMU-3, and NMU zones. Related operating and development standards would require the use to be located adjacent to a major or primary corridor, require all activities to occur entirely indoors, and require each karaoke room to include a clear window measuring at least five (5) feet wide by four (4) feet tall to allow visibility into the rooms. Any deviation from the window standards could be approved at the discretion of the final review authority. Parking requirements for this use would be one (1) space per 200 square feet of gross floor area.
- 4. Enhance Enforceability** – This category would focus on items requested by the Code Enforcement Division based on the regular challenges the team encounters in the field. The following proposed updates are 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.

- **Hedges** – A new definition for “hedge” would be added to the Municipal Code to clarify how the term is applied throughout Title 9. Although hedges are referenced in several chapters, the term is not currently defined and has often been interpreted interchangeably with trees for landscaping purposes. The lack of clear definition has created challenges for Code Enforcement when administering regulations related to front yard landscaping, visibility, and property maintenance. Establishing a clear definition would support consistent interpretation of the Code and improve enforcement of the City’s landscaping and visibility standards. (GGMC §9.04.060)
 - **Outdoor Lighting** – The Municipal Code currently does not include specific provisions regulating outdoor lighting in residential areas. Code Enforcement has received numerous complaints regarding outdoor lighting that shines onto adjacent residential properties, creating challenges in addressing residents’ concerns. To improve enforceability and reduce potential impacts to neighboring properties, new language would be added to require outdoor lighting in residential zones, including the R-1, R-2, and R-3 zones, to be stationary, shielded, directed downward, and not directed toward adjacent properties. (GGMC §9.08.040.010)
 - **Fences within Residential Zones** - The current Code allows single-family residential properties located along major corridors to install front-yard fences higher than three (3) feet only with Director’s Review approval. The proposed amendment would streamline this process by allowing front-yard fences up to six (6) feet in height within the required front yard of properties improved with single-family dwellings without requiring Director’s Review. To maintain visibility and neighborhood compatibility, the upper thirty-six (36) inches of the fence would be required to consist of railings no wider than one (1) inch, with spacing of at least three (3) inches between railings. All other single-family residential properties would continue to be limited to a maximum front-yard fence height of thirty-six (36) inches. (GGMC § 9.08.040.110)
 - **Fences within Commercial, Industrial and Mixed-Use Zones** – It is the City’s policy to discourage the use of chain-link fences, barbed wire, and razor wire; however, the Code does not have clear regulatory language allowing enforcement of this policy. Staff proposes to add language to the Code to only allow chain-link fences, and barbed wire for industrial buildings; strictly prohibiting razor wire; and also prohibit electrified fences unless allowed by State law. (GGMC § 9.16.040.120 and 9.18.030.250)
5. **Minor Typographical Errors:** This category addresses typographical errors identified in several sections of Title 9. The proposed revisions are

non-substantive and are intended only to correct errors and preserve the original intent of the subject provisions. Examples include:

- **Supermarket** – Incorrect references would be removed from the Land Use Matrix and replaced with a reference related to the alcohol sale which is consistent with other chapters. (GGMC §9.16.020.030)
- **Single Room Occupancy** – Remove the duplicate requirement for storage. (GGMC §9.12.050.010)
- **City Manager or Designee Review – Minor Deviations** – Correct a small special error. (GGMC §9.32.030.D.11.x)

6. **Public Convenience or Necessity Determinations for ABC Licenses:** The State Department of Alcoholic Beverage Control requires the City to provide it with “public convenience or necessity” determinations before it will issue a new alcohol license to a business in a “high crime” district or area of overconcentration. The Municipal Code does not currently address who has the authority to make such “public convenience or necessity” determinations, however.

The City’s Land Use Code separately requires Conditional Use Permit approval for businesses seeking to obtain an ABC license for the sale or service of alcohol. Pursuant to City Council policy, some of these Conditional Use Permits may be approved by the Zoning Administrator, while others are typically approved by the Planning Commission. It has been past practice for the hearing body or official approving an CUP for the sale of alcohol to also make a “public convenience or necessity” determination at the same time, if one is required.

The proposed Zoning Text Amendment would codify and clarify the delegation of authority for making required “public convenience and necessity” determinations for ABC licenses by adding a new provision within GGMC Section 9.32.030.D stating that such determinations may be made by the hearing body or final review authority approving the related conditional use permit and land use application.

7. **Updates to Special Housing Regulations.** This category includes updates to various portions of Chapter 9.60 (Special Housing Regulations) to reflect recent state law changes impacting City review of proposed housing development projects, to codify current City practices and policies, and to provide additional clarification of the requirements that apply to applicants for development projects that involve the demolition of existing housing units and/or include affordable units.

- **Updates to List of State Housing Laws** – Several state laws establish rules and restrictions governing the City’s review of proposed housing development projects. GGMC Section 9.60.020.A contains a non-exclusive list of these state laws. The proposed Amendment would update this list to reflect recent additions and amendments to state statutes since the last Code update.

- **Updates to Reflect AB 130 Changes** – AB 130 was enacted in June of 2025. Among numerous other changes, AB 130 made the provisions of the Housing Crisis Act permanent and amended the Permit Streamlining Act to apply to ministerially approved housing development projects and to impose a requirement that local agencies either approve or disapprove projects subject to ministerial approval within 60 days of submittal of a complete application. The proposed Amendment would update certain language in GGMC Sections 9.60.020.C and 9.60.070 to reflect these state law changes.
- **Clarification of Standards that Apply to Housing Projects in Non-Residential Zones** – Several state statutes require local agencies to permit housing development projects meeting specified requirements to be built in non-residential zones. The City has not received an application for any such projects to date. But due to how the City's Land Use Code is structured, there is currently some ambiguity as to which design and development standards would apply to such a project if one were to be proposed in the City. The proposed Amendment would eliminate this ambiguity by expressly stating that the standards and criteria applicable to development within the R-3 (Multiple-Family Residential) zone would apply to any such project, unless otherwise expressly provided by state law or another provision of the Code.
- **Updates to Density Bonus Incentives/Concessions Provisions in Section 9.60.040** – Changes to the State Density Bonus Law that took effect on January 1, 2026 authorizes local agencies to deny incentives or concessions for the hotel or motel components of mixed-use housing development projects and/or that would result in substantial increases in the floor area ratio of the commercial component of a mixed-used project. The proposed Amendment would add language to GGMC Section 9.60.040 (Residential Density Bonus) to allow the City to exercise this authority.
- **Clarifications Pertain to Affordable Housing Regulatory Agreements Pursuant to Section 9.60.050** – GGMC Section 9.60.050 requires applicants for housing development projects that invoke the Density Bonus Law or are otherwise required to include affordable units to enter into an affordable housing regulatory agreement prepared by the City at the applicant's cost that includes specified provisions. The proposed Amendment would update the language of this section to clarify some of the required provisions of such agreements and related items for which the City is entitled to reimbursement from an applicant.
- **Clarification of Requirements that Apply to Applicants Pursuant to Dwelling Unit Protection Regulations in Section 9.60.060** – The State's Housing Crisis Act of 2019 obligated the City to impose certain requirements and restrictions on applicants for development projects that propose the demolition of existing housing units and to provide certain rights and protections to existing lower-income occupants of rental housing units that will be displaced by a project. In response, the City enacted GGMC Section

9.60.060 (Dwelling Unit Protection Regulations). The applicable state law provisions have been amended and re-organized since the City initially adopted Section 9.60.060. Accordingly, the proposed Amendment would update this Section to align with current State law. In addition, the proposed Amendment would add clarifying provisions as to the obligations applicants have under these laws and specify that an applicant is not entitled to issuance of specified permits if they fail to comply.

The exact proposed changes to the Municipal Code are shown in [Exhibit "A"](#) (Proposed Code Amendments) of [Attachment 2](#) (Resolution No. 6146-26 for Amendment No. A-042-2026(A)).

A-047-2026(B) – ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

The proposed Amendment would update the City's ADU/JADU Ordinance in GGMC Chapter 9.54 to address HCD's comments and other recent changes to State law.

Many of HCD's comments relate to ADUs and JADUs covered by Government Code Section 66323, which are referred to interchangeably as "66323 Units" or "State-exempt ADUs." These include four types of ADUs, including single-family converted ADUs and JADUs, single-family detached ADUs, multi-family converted ADUs, and multi-family detached ADUs. Under State law, these units must be approved ministerially through a building permit and are exempt from certain local development standards, such as lot coverage, front setbacks, and design requirements.

The City's existing Ordinance contains a provision (§9.60.54.E.) stating: "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, Government Code Section 66323." Notwithstanding this provision, HCD determined that the City's Ordinance inadequately addresses the exemptions that apply to State-exempt ADUs. Therefore, the proposed updates would address any language in the existing City's Ordinance that was considered by HCD as imposing restricting standards to "State-exempt ADUs" beyond those that are allowed by Government Code Section 66323 by either removing the language found by HCD to be objectionable or clarifying that these standards are not applicable to "State-exempt ADUs" including minimum unit size, building separation, and required utility connections.

Concurrent with "State-exempt ADUs" related provisions, the ADU/JADU Code provisions would also be updated to revise other provisions that were identified by HCD to potentially hinder the ability for ADUs to be constructed and to implement additional changes to State ADU law that took effect this year. Pertinent changes to Chapter 9.54 include the following:

- **Standard Design Plans and Criteria for ADUs** – The proposed Amendment would remove discretionary or subjective language and retain only objective standards, consistent with Government Code Section 66314, subdivision (b)(1).
- **Front Setbacks** – The proposed Amendment would be modified to ensure the Ordinance does not restrict construction of an ADU of at least 800 square feet within the front setback area. This revision would align the City's front setback provisions with State ADU law. (GGMC § 9.54.010.C.1)
- **ADU Garage** – The proposed Amendment would update the definition and development standards for "ADU Garage" to ensure that applicable setback requirements do not obstruct the creation of an ADU of at least 800 square feet. (GGMC §§ 9.54.010.B.3 and 9.54.010.C.4)
- **Junior Accessory Dwelling Unit (JADU) Parking** – The proposed Amendment would remove all parking requirements for JADUs to ensure consistency with State ADU law. (GGMC § 9.54.050.F)
- **Mechanical Equipment, Visibility, and Unobstructed Access** – The proposed Amendment would revise the language related to mechanical equipment to ensure the standards are objective and do not preclude ADU development, particularly for converted ADUs, consistent with Government Code section 66314, subdivision (d)(7). (GGMC § 9.54.040.L)
- **Group R Occupancy** – The HCD letter noted that the City's Ordinance should specify that construction of an ADU does not constitute a Group R occupancy change under the local building code unless the Building Official makes a written finding, supported by substantial evidence in the record, that the ADU could have a specific adverse impact on public health and safety. The proposed Amendment would add this language for clarity. (GGMC § 9.54.010.D.4)
- **Connection Fee or Capacity Charge** – The proposed Amendment would clarify that a separate utility connection between an ADU and the primary dwelling is not required, consistent with State ADU law. (GGMC § 9.54.080.A)
- **Interior Livable Space** – Consistent with SB 543, the proposed Amendment would specify that allowable square footages for an ADU or JADU refer only to the square footage of the "interior livable space" of an ADU or JADU.
- **JADU Owner Occupancy** – Consistent with AB 1154, the proposed Amendment would eliminate the owner occupancy requirement where a JADU does not share sanitation facilities with the primary dwelling unit.

- **Completeness Review** – Consistent with SB 543, the proposed Amendment would add new procedures for application completeness review and appeals of Staff decisions pertaining to ADU and JADU applications.

The exact proposed changes to the Municipal Code are shown in [Exhibit "A"](#) (Proposed Code Amendment Redlines) of [Attachment 3](#) (Resolution No. 6147-26 for Amendment No. A-042-2026(B)).

A-047-2026(C) – SENATE BILL (SB) 9 UNIT DEVELOPMENTS AND URBAN LOT SPLITS

Senate Bill (SB) 450 took effect on January 1, 2025, and requires that local SB 9 ordinances apply the same development standards as those that apply to the underlying single-family zone, except where specifically identified by State law, such as reduced setbacks and parking. With the implementation of SB 450, the City's adopted ordinance governing SB 9 Units and Urban Lot Splits (GGMC Chapter 9.56) must be substantially amended to eliminate standards that apply only to SB 9 developments and to apply the development standards of the applicable R-1 (Single-Family Residential) zoning designation, including minimum and maximum unit size, building height, lot coverage, open space, and other objective design standards.

The following table summarizes some of the key differences between the development standards for SB 9 developments the City previously enacted and the R-1 zoning standards the City is now mandated to apply pursuant to SB 450.

	Prior Standards	New Standards
Maximum Unit Size	800 square feet	No Maximum
Maximum Building Height	17 feet, One-Story	35 feet, Two-Story
Minimum Setbacks	20 feet – Front 5 feet - Side 15 feet - Rear 10 feet – Side Street	20 feet – Front 4 feet – Side, Rear, Street Side (State Law)
Minimum Unit Separation	6 feet	0 feet or per Building Code (State Law)

Additionally, HCD has issued several guidance letters since SB 9's adoption interpreting the statute in a manner not originally anticipated by the City. The proposed Amendment would amend and restate Chapter 9.56 of the City's Municipal Code which governs SB 9 residential developments and urban lot splits to align with changes to State law and with HCD Guidance. The exact proposed amended and restated Ordinance is set forth in [Exhibit "A"](#) (Proposed Amended and Restated Chapter 9.56) of [Attachment 4](#) (Resolution No. 6148-26 for Amendment No. A-047-2026(C)). A redlined version of the proposed amendment would also be included as [Attachment 6](#) for references.

A-047-2026(D) – STARTER HOME REVITALIZATION ACT (SHRA) DEVELOPMENTS

The proposed Amendment would add a new chapter (Chapter 9.58) to the GGMC to implement the Starter Home Revitalization Act (SHRA), as reflected in Government Code Sections 66499.41, 65852.28, and 65913.4.5. The SHRA is intended to facilitate the development of small lot subdivisions and the construction of missing-middle housing to expand access to homeownership units by requiring local agencies to ministerially approve qualifying subdivision maps and residential development projects with ten (10) or fewer lots and units, and to conditionally permit construction of approved developments prior to approval of a final subdivision map.

The SHRA allows for an up to ten (10) lot subdivision meeting to certain requirements, regardless of the allowable base density. To qualify for ministerial approval, the development must satisfy specified criteria. Key requirements include:

- A minimum density requirement (the greater of: 19.8 units per acre in Garden Grove, 66 percent of the zoned capacity, or at least as many units as are identified on a site that has been identified in the City's Housing Element);
- A maximum parcel size of five (5) acres for a multiple-family parcel or one and a half (1.5) acres for a single-family parcel;
- The site must be adequately served by all utilities;
- The property is vacant if it is a single-family housing site;
- The property is not occupied by tenants, nor can it have been occupied by tenants, within the last 3 years; and
- The site is not located on any of the following: a high fire severity zone, prime farmland, wetlands, a delineated earthquake fault zone, special flood hazard area, in a regulatory floodway, land identified for conservation in an adopted community conservation plan, habitat for protected species, land under a conservation easement, or a hazardous waste site.

The SHRA provides standards, including:

- A minimum parcel size of 600 square feet for a multiple-family parcel or 1,200 square feet for a single-family parcel;
- Setback requirements include a 4-foot setback from the original side and rear property lines and no required internal separation for the units;

- An average maximum unit size of 1,750 square feet;
- A maximum of one (1) parking space required or zero (0) parking spaces when located within half (0.5) a mile of a major transit station; and
- Expedited and ministerial review is required within sixty (60) days.

The SHRA largely preempts City land use authority, but there are a few areas where the SHRA allows local agencies to exercise regulatory discretion. The proposed new Code provisions are intended to provide for regulation of qualifying developments to the maximum extent permitted by the SHRA. Specifically, the proposed new Chapter 9.58 would contain the following provisions:

- Except to the extent they are preempted by the SHRA, qualifying projects would be subject to the City's objective multiple-family development standards;
- The City may require the installation of public improvements and right-of-way dedications consistent with City standard specifications;
- ADUs and JADUs would be prohibited on lots developed with SHRA subdivisions;
- Subsequent SB 9 urban lot splits would be prohibited;
- Subdivisions allowing the separate sale or division of existing dwelling units on a lot would be prohibited;
- Conditions, Covenants and Restrictions (CC&Rs) or private maintenance agreements for the maintenance of common areas would be required;
- The payment of applicable development impact fees would be required;
- In accordance with State law, the Community Development Director could deny a proposed SHRA Project if the Director makes a written finding, based on a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact upon public health and safety, for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact;
- A developer could obtain building permits and commence construction prior to approval and recordation of the final subdivision map, subject to certain restrictions, including:
 - The property owner must execute and record a covenant and agreement, in a form acceptable to the City Attorney, stating that no certificate of occupancy

or equivalent final approval will be issued for any dwelling constructed under an early-issued building permit until the final map is recorded;

- With certain exceptions, no parcel created through a SHRA project may be sold, leased, or separately financed until a dwelling unit has been constructed on the parcel and approved for occupancy;
- The developer would be required to provide bonds or other security to the City to ensure the construction of any required public improvements.

The text of proposed new Chapter 9.58 is shown in [Exhibit "A"](#) (Proposed New Chapter 9.58) of [Attachment 5](#) (Resolution No. 6149-26 for Amendment No. A-047-2026(D)).

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

A-047-2026(A) - CODE CLEANUP ZONING AMENDMENT

Pursuant to Section 15378(b)(5) of the State CEQA Guidelines, organizational and administrative actions of government that would 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 Section 15303.) To the extent they are subject to review under CEQA, both the Class 1 and Class 3 exemptions would apply to the Amendments adding "*Martial Arts Studio*", "*Non-vocational Instruction*", and a "*Hedges*" land use classification, and requirements for residential and commercial/industrial fences, and outdoor lighting in residential zones.

To the extent that codification of the previously approved Interpretation of Use approvals is subject to review under CEQA, the Class 1 and Class 3 categorical exemptions would apply. Each of the original Interpretation of Use approvals was determined to be categorically exempt from CEQA. Although the proposed codification would amend multiple chapters of the Municipal Code and incorporate related development standards, the amendments would remain consistent with the scope and intent of the original approvals; thus, codifying those approvals to promote consistency, clarity, and implementation throughout the Code would likewise be exempt from CEQA.

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 would result in significant environmental impacts.

A-047-2026(B) - ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

The proposed zoning text 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-047-2026(C) - SENATE BILL (SB) 9 UNIT RESIDENTIAL DEVELOPMENTS AND URBAN LOT SPLITS

The proposed zoning text Amendment to implement State law pertaining to SB 9 residential developments and urban lot splits is not subject to California Environmental Quality Act ("CEQA") pursuant to Government Code Sections 65852.21(j) and 66411.7(m).

A-047-2026(D) -STARTER HOME REVITALIZATION ACT (SHRA) Developments

The proposed zoning text Amendment to implement the Starter Home Revitalization Act is not subject to California Environmental Quality Act ("CEQA") pursuant to Government Code Sections 66499.41(i), 65852.28(e), and 65913.4.5(b).

RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Adopt Resolution No. 6146-26 recommending that the Garden Grove City Council approve Amendment No. A-047-2026(A).
2. Adopt Resolution No. 6147-26 recommending that the Garden Grove City Council approve Amendment No. A-047-2026(B).
3. Adopt Resolution No. 6148-26 recommending that the Garden Grove City Council approve Amendment No. A-047-2026(C).
4. Adopt Resolution No. 6149-26 recommending that the Garden Grove City Council approve Amendment No. A-047-2026(D).



MARIA PARRA
Planning Services Manager



By: Huong Ly, AICP
Associate Planner



By: Christian Farmer
Urban Planner

- Attachment 1: California Department of Housing and Community Development (HCD)'s letter dated March 20, 2026
- Attachment 2: Resolution No. 6146-26 for Amendment No. A-047-2026(A) with Exhibit "A" (Proposed Code Amendments)
- Attachment 3: Resolution No. 6147-26 for Amendment No. A-047-2026(B) with Exhibit "A" (Proposed Code Amendments)
- Attachment 4: Resolution No. 6148-26 for Amendment No. A-047-2026(C) with Exhibit "A" (Proposed Amended and Restated Chapter 9.56)
- Attachment 5: Resolution No. 6149-26 for Amendment No. A-047-2026(D) with Exhibit "A" (Proposed New Chapter 9.58)
- Attachment 6: Redlined version of the proposed amendment for Chapter 9.56

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

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March 30, 2026

Maria Parra, Division Manager
Planning Commission
City of Garden Grove
11222 Acacia Parkway
Garden Grove, CA 92840

Dear Maria Parra:

**RE: Review of Garden Grove's Accessory Dwelling Unit (ADU) Ordinance under
State ADU Law (Gov. Code, §§ 66310 - 66342)**

Thank you for submitting the City of Garden Grove (City) ADU Ordinance No. 2966 (Ordinance), adopted August 12, 2025, to the California Department of Housing and Community Development (HCD). HCD has reviewed the Ordinance and submits these written findings pursuant to Government Code section 66326, subdivision (a). HCD finds that the Ordinance fails to comply with State ADU Laws in the manner noted below. Pursuant to Government Code section 66326, subdivision (b)(1), the City has up to 30 days to respond to these findings. Accordingly, the City must provide a written response to these findings no later than April 29, 2026.

The Ordinance addresses many statutory requirements; however, HCD finds that the Ordinance does not comply with State ADU Law as follows:

1. Please note, there is recent legislation that amended State ADU Law. Language relevant to these changes should be incorporated into the Ordinance as it is updated. The bills referenced below are relevant to State ADU Law:
 - Assembly Bill (AB) 130 – Effective June 30, 2025
 - AB 462 – Effective October 10, 2025
 - AB 1154 – Effective January 1, 2026
 - Senate Bill (SB) 9 – Effective January 1, 2026
 - SB 543 – Effective January 1, 2026

2. 9.54.010.C.5. – *Converted ADU Definition* – The Ordinance states, “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” (emphasis added). State ADU Law establishes that ADU ordinances shall also enable ADUs to be created within a **proposed** single family primary dwelling.¹ The Ordinance fails to provide for the creation of converted ADUs within a proposed single-family dwelling as required by State ADU Law. The City must amend the Ordinance to add this provision.
3. 9.54.010.D. – *Group R Occupancy* – The Ordinance fails to address and specify, as required by State ADU Law that the construction of an accessory dwelling unit shall not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code (Title 24 of the California Code of Regulations), unless the building official or enforcement agency of the local agency makes a written finding based on substantial evidence in the record that construction of the ADU could have a specific, adverse impact on public health and safety.² The City must amend the Ordinance to include this exception.
4. 9.54.040.B.1. – *Minimum ADU Size* – The Ordinance states, “An ADU shall be at least the following minimum sizes based on the number of bedrooms provided: a. Efficiency units: 150 square feet; b. Studio: 220 square feet; c. One bedroom: 500 square feet; d. Two or more bedrooms: 700 square feet.” However, a local agency shall not impose objective development or design standards upon ADUs that meet the requirements of Government Code section 66323, subdivision (a). Government Code section 66323 does not include minimum ADU sizes based on the number of bedrooms. This section of the Ordinance is applying unlawful, additional standards upon ADUs developed pursuant to Government Code section 66323, subdivision (a). The City must amend the Ordinance to remove these restrictions from ADUs developed pursuant to Government Code section 66323, subdivision (a).
5. 9.54.040.C.1. – *Front Setbacks* – The Ordinance states, “...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” (emphasis added). Government Code section 66321, subdivision (b)(3) states that a local agency shall not establish, by ordinance, specified requirements, including front setbacks, that do not permit the construction of an ADU of at least 800 square feet, four-foot side and rear yard setbacks, and that satisfies all other local development standards. Requiring an alternative site for an ADU due to front setback requirements restricts the ability of homeowners to create ADUs in

¹ Gov. Code, §§ 66314, subd. (d)(3); 66323, subd. (a)(1).

² Gov. Code, § 66314, subd. (d)(8).

zones in which they are authorized by local ordinance. Therefore, when in compliance with local development standards, an ADU developed pursuant to Government Code section 66314 may be built in the front setback. In addition, it is significant to reflect in the Ordinance that no development or design standards beyond those enumerated in Government Code section 66323, subdivision (a) may be imposed on ADUs developed pursuant to this section.³ The City must amend the Ordinance so that front setback requirements reflect State ADU Law.

6. 9.54.040.C.4. – *ADU Garage* – The Ordinance states that, “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.” While a local agency may impose objective development standards upon ADUs created pursuant to Government Code section 66314, consistent with local building codes, development standards may not be applied if they would unreasonably restrict the creation of ADUs, and in this case ADU garages., unless they are a requirement of a Building Code or Fire Code.⁴ Similarly, the 9.54.040.G. requirement that, “One off-street parking space must be provided for a new attached or detached ADU,” fails to incorporate the exemptions pursuant to Government Code section 66322, subdivision (a) and the specific language of Government Code section 66314, subdivision(d)(10)(3) which permits off street parking in setback areas. Accordingly, the City must amend the Ordinance to ensure that setback requirements for an ADU garage do not obstruct the creation of ADUs and ADU garages consistent with legislative intent and State ADU Law.
7. 9.54.040.D.1 and 2. – *Building Separation* – The Ordinance states that a minimum separation of six feet is required between a detached ADU and the primary dwelling unit, and that six feet of separation is also required between attached or detached ADUs and all other structures on the property not attached to the ADU, including garages. However, State ADU Law establishes that a local agency shall not impose objective development or design standards that are not authorized by Government Code section 66323 upon ADUs that meet the requirements of Government Code section 66323, subdivision (a)⁵. Government Code section 66323 does not include specific minimum separation requirements for detached or attached ADUs. No separation beyond what is required for fire and safety shall be required for detached and attached ADUs developed pursuant to Government Code section 66323, subdivision (a). The City must amend the Ordinance to clarify that this provision shall only apply to ADUs developed pursuant to Government Code section 66314.
8. 9.54.040.F.2. – *Standard Design Plans and Criteria for ADUs* – The Ordinance authorizes the Director of the Planning Commission to develop standard design

³ Gov. Code, § 66323, subd. (b).

⁴ Gov. Code, § 66311.

⁵ Gov. Code, § 66323, subd. (b).

plans and criteria for ADUs that “ensures reasonable consistency and compatibility of design”. Government Code section 66316 states, “An existing accessory dwelling unit ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this article.” Design plans and criteria developed for ‘consistency and compatibility of design’ are precisely the non-objective ‘discretionary processes, provisions, or requirements that are explicitly prohibited by State ADU Law. The City must amend the Ordinance to remove the discretionary, subjective language and only include objective standards as defined by Government Code section 66313, subdivision (i) to ensure a ministerial process as required by State ADU Law.

9. 9.54.040.L. – *Mechanical Equipment Requirements Visibility* – The Ordinance requires all roof and ground mounted mechanical equipment and metering devices to be completely “screened from view from either on or off the property.” However, State ADU Law establishes that a local agency shall not impose objective development or design standards that are not authorized by Government Code section 66323 upon ADUs that meet the requirements of Government Code section 66323, subdivision (a). Government Code section 66323 does not require mechanical equipment and metering devices to be ‘screened from view’. Furthermore, the requirement that mechanical equipment and metering devices be completely “screened from view from either on or off the property,” does not meet the definition of an objective standard as described by Government Code section 66313, subdivision (i). Therefore, this subjective standard shall not be imposed on ADUs created pursuant to both Government Code section 66314 and 66323. Accordingly, the City must amend the Ordinance to remove the arbitrary requirement that mechanical equipment and metering devices be completely “screened from view from either on or off the property.
10. 9.54.040.L. – *Mechanical Equipment Requirements Unobstructed Path* – The Ordinance states, “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.” Government Code section 66314, subdivision (d)(7) states, “No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit...” The requirement for an unobstructed three-foot path between the equipment and the property line violates State ADU Law as it would preclude the development of some conversion ADUs. The City must amend the Ordinance to remove this requirement and reflect State ADU Law for JADUs and conversion ADUs.

- 11.9.54.050.F. – *Junior Accessory Dwelling Unit (JADU) Parking* – The Ordinance states, “No additional off-street parking is required for a JADU beyond that required at the time the existing primary dwelling was constructed.” However, Government Code section 66334, subdivision (a) states, “A junior accessory dwelling unit ordinance adopted pursuant to Section 66333 shall not require additional parking as a condition to grant a permit.” Parking required at the time the existing primary dwelling was constructed shall not be considered in granting a permit to create a JADU. The City must amend the Ordinance to remove all parking requirements for JADUs.
- 12.9.54.080.A. – *Connection Fee or Capacity Charge* – The Ordinance states that “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, State ADU Law provides that an ADU created pursuant to Government Code section 66323, subdivision (a)(1), shall not be required “...to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge, unless the accessory dwelling unit was constructed with a new single-family dwelling, or upon separate conveyance of the accessory dwelling unit pursuant to Section 66342.”⁶ The City must amend the Ordinance to clarify that ADUs created pursuant to Government Code section 66323, subdivision (a)(1) shall not be required to install a new or separate utility connection directly between the ADU and the utility, as specified in State ADU Law.

The City has two options in response to this letter.⁷ The City can either 1) amend the Ordinance to comply with State ADU Law⁸ or 2) adopt the Ordinance without changes and include findings in its resolution accompanying the Ordinance that explain the reasons the City believes that the Ordinance complies with State ADU Law despite HCD’s findings.⁹ If the City fails to take either course of action, or if HCD finds that the newly adopted Ordinance remains out of compliance with State ADU Law despite the City’s findings and explanations, HCD must notify the City and may notify the California Office of the Attorney General that the City is in violation of State ADU Law.¹⁰

⁶ Gov. Code, § 66311.5, subd. (d).

⁷ Gov. Code, § 66326, subd. (b)(2).

⁸ Gov. Code, § 66326, subd. (b)(2)(A).

⁹ Gov. Code, § 66326, subd. (b)(2)(B).

¹⁰ Gov. Code, § 66326, subd. (c)(1).

HCD appreciates the City's efforts in the preparation and adoption of the Ordinance and welcomes the opportunity to assist the City in fully complying with State ADU Law. Please feel free to contact Auzzie.Sheard@hcd.ca.gov if you have any questions or wish to discuss any of HCD's findings.

Sincerely,

A handwritten signature in black ink that reads "Jamie Candelaria". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Jamie Candelaria
Section Chief, ADU Policy
Housing Accountability Unit

RESOLUTION NO. 6146-26

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING THAT THE CITY COUNCIL APPROVE AMENDMENT NO. A-047-2026(A), A ZONING TEXT AMENDMENT TO VARIOUS PROVISIONS 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.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on August 20, 2026, does hereby recommend that the City Council approve Amendment No. A-047-2026(A) and adopt an Ordinance amending various provisions of Title 9 (Land Use) of the Garden Grove Municipal Code as shown in Exhibit "A" attached hereto.

BE IT FURTHER RESOLVED in the matter of Amendment No. A-047-2026(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 various provisions 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 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 August 20, 2026, 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 August 20, 2026.

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

FACTS:

The intent of Zoning Text Amendment No. A-047-2026(A) is to continue the effort of keeping Title 9 of the Municipal Code up to date with newly mandated State laws (including both housing- and non-housing-related provisions), as well as codify City-level interpretations of land uses and policies in recent years while correcting typographical errors. This code cleanup is intended to make the Land Use Code easier for City Staff, business owners, and residents of Garden Grove to understand and implement, and easier for Code Enforcement to regulate.

Zoning Text Amendment No. A-047-2026(A) would amend multiple provisions in 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 Chapter 9.60 (Special Housing Regulations) of the Title 9 (Land Use Code) of the Garden Grove Municipal Code. Proposed amendments generally fall into the following categories:

- Updates to various definitions in Subsection 9.04.060.C. for the purpose of providing more clarity and accuracy.
- Updates to the land use matrixes in Section 9.16.020.030 (Permitted Uses in Commercial, Office Professional, Industrial, and Open Space Zones) and Section 9.18.020.030 (Uses Restricted to Indoor in the Mixed-Use Zones) to correct discrepancies between how certain land uses are classified and treated and to ensure these land use classifications are implemented in the same fashion across all applicable zones while maintaining the appropriate standards and requirements for each.
- Amendments that codify land use classifications previously permitted or conditionally permitted by the City pursuant to the Interpretation of Use process, including adult day care in conjunction with religious facilities, indoor playgrounds, and karaoke establishments.
- Amendments intended to enhance the enforceability of certain provisions of Title 9 by correcting potentially vague and ambiguous terms and provisions, including by adding a definition for the term "hedge" in Section 9.04.060; by adding more specific requirements for shielding and directing outdoor lighting in residential zones to mitigate light spillover to adjacent properties; by establishing specific standards for front-yard fences up to six (6) feet in height within the required setback for single-family residential properties located along major corridors; and by adding standards clarifying the types of fencing permitted on commercial and industrial properties.
- Amendments to correct typographical errors.

- An amendment to Section 9.32.030.D. to codify and clarify the delegation of authority for making required “public convenience or necessity” determinations for ABC licenses.
- Updates to various portions of Chapter 9.60 (Special Housing Regulations) to reflect recent state law changes impacting City review of proposed housing development projects, to codify current City practices and policies, and to provide additional clarification of the requirements that apply to applicants for development projects that involve the demolition of existing housing units and/or include affordable units.

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 also updates various provisions in the Land Use Code to ensure their continued consistency with State law.

The Amendment is internally consistent with several goals, policies, objectives, and implementation programs of the Land Use Element, Community Design Element, and Housing 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 proposed Amendment is intended to enhance enforceability, simplify application, remove typos, clarify existing standards, update out-of-date language, create consistency across Code chapters, 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 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 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

Program 16 – Objective Design and Development Standards. The proposed amendment includes updates to definitions, the elimination of subjective or vague language, and the addition specific, objective definitions, standards and requirements. This will help ensure that the City can provide local guidance on design and development standards for residential projects, including by-right residential projects as allowed by State law and will facilitate high-quality residential developments and compliance with State objectives.

Program 17 – Zoning Code Update. Program 17 includes updating the Special Housing Regulations in Chapter 9.60 to implement specified provisions of State law pertaining to local regulation of housing development projects. The proposed Amendment includes amendments to Chapter 9.60

that implement recent changes in state laws relating to housing development projects.

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 City policies and procedures. The proposed Amendment would 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 City interpretations and 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 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 would 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-047-2026(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-047-2026(A) and adopt the Amendments to Title 9 reflected in Exhibit "A" attached hereto.

EXHIBIT "A"

PROPOSED AMENDMENTS TO TITLE 9

(Deletions shown in ~~strikethrough~~, additions shown in **bold-underlined-italics**)

§ 9.04.060. Definitions.

C. Definitions. Unless otherwise specifically provided, the words and phrases used in the chapter shall have the following meanings:

"A" Definitions.

[...]

"Art, music and dance studio" means a work and/or studio space for artists, musicians, or dancers, including individuals practicing one of the fine arts or performing arts, **and individuals** skilled in an applied art or craft, ~~such as martial arts.~~

[...]

"Athletic and health clubs, spas or gyms" means an establishment ~~that is open to the public and provides recreational activities for health and fitness~~ **that primarily engages in physical conditioning, fitness, sports, or recreational activities featuring body exercises such as Yoga, Pilates, and Zumba. Athletic and health clubs, spas or gyms may utilize exercise equipment as part of their respective training or physical fitness activities.**

[...]

"B" Definitions.

"Bar" means a public or private business open to the general public and licensed by the California Department of Alcoholic Beverage Control with an "on-sale premises" type license, providing preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars and similar ~~uses~~ **establishments where any food service is subordinate to the sale of alcoholic beverages.**

[...]

"D" Definitions.

"Day care facility, adult" shall mean a **State-licensed or non-licensed** facility of any capacity that provides nonmedical or limited-medical care to persons 18 years of age or older in need of personal care services, supervision, or assistance on less than a 24-hour basis, ~~subject to the provisions of the State of California Health and Safety Code Section 1570 et seq., and that is not subject to the state-licensed day care facilities.~~

[...]

"H" Definitions.

[...]

"Hedge" means a row of vegetation, or closely planted shrubs or trees that form a physical barrier or fence for the purpose of enclosing, dividing, or protecting an area.

[...]

"I" Definitions.

"Indoor playground" means a recreational facility located within an enclosed building, designed primarily for children's physical play activities such as climbing, sliding, jumping, and navigating soft play structures or obstacle courses. An indoor playground may operate on an hourly or time-based admission system and may include ancillary uses such as amusement devices and the sale of food and beverages.

[...]

"K" Definitions.

"Karaoke studio" or "karaoke establishment" means an establishment where patrons sing along to pre-recorded music using microphones and sound amplification, accompanied by video displays (or karaoke machines) in private rooms for recreational entertainment purposes. Use of karaoke rooms or machines may be rented on an hourly basis. No professional entertainers are permitted to perform within a karaoke studio or establishment. A karaoke studio or establishment may include incidental food and alcoholic beverage services.

[...]

"M" Definitions.

"Martial arts studio" means an establishment where instruction and training in martial arts, self-defense, or related physical disciplines are taught to individuals or groups. Martial arts include, but are not limited to, karate, taekwondo, judo, kung fu, jiu-jitsu, aikido, hapkido, Muay Thai, boxing, kickboxing, wrestling, and mixed martial arts.

[...]

"N" Definitions.

"Non-vocational instruction" means an establishment providing an educational course that is not intended for a specific professional license, trade certification, or occupational credential to individuals or small-groups. Non-vocational instruction may include supplemental classes, language classes, driving classes, after-school classes, tutoring centers, and test preparation classes. Non-vocational instruction can be incidental to a primary retail business in the form of workshops or demonstration classes. Non-vocational instruction

does not include public, or private schools, and trade or business schools.

[...]

"T" Definitions.

"Trade school" means a commercial land use consisting of an institution of learning other than an educational institution. Trade school includes a vocational school, trade school, business school, **and** professional school **~~and school for self-improvement.~~**

[...]

§ 9.08.020.030. Uses Permitted.

Table 1 City of Garden Grove Land Use Matrix	
ZONES USES	R-1
Residential	
[...]	
Cottage Food Operation	p*
<u>Day care facility, adult</u>	<u>I*</u>
Family Day Care Home (1-14 Children)	p*
[...]	p*

[...]

§ 9.08.020.050. Special Operating Conditions and Development Standards.

C. "Day care facility, adult". An adult day care facility shall require a conditional use permit and shall be subject to the following conditions:

- 1. An adult day care facility shall be permitted only in conjunction with and/or incidental to a religious facility or other religious center. Day care facilities, adult shall not be a stand-alone, or a primary use in the R-1 zone.**
- 2. Adult day care facilities shall abut and be accessible from at least one principal, major, or arterial street as defined in the City's General Plan Circulation Element. Access via a secondary arterial or local residential street shall be prohibited.**

(All subsequent paragraphs to be renumbered)

§ 9.08.040.010. Single-Family Residential—General Requirements.

[...]

H. Outdoor Lighting. All on-site outdoor lighting shall be stationary, shielded, directed downward, and not directed toward adjacent properties.

[...]

§ 9.08.040.110. 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. **Solid fences, walls, or hedges exceeding 36 inches in height within the front setback area shall be prohibited.**
2. **Single-family dwellings abutting a principal, major, or primary arterial street, as defined in the General Plan Circulation Element, may extend a front yard fence up to six feet (6'-0"), as measured from the nearest adjacent grade. The upper 36 inches of such fence shall consist of railings that are not wider than one inch (0'-1") with spacing no less than three inches (0'-3") apart.**

§ 9.12.040.020 Residential—General Development Standards.

[...]

G. Outdoor Lighting. All on-site outdoor lighting shall be stationary, shielded, directed downward, and not directed toward adjacent properties.

[...]

§ 9.12.050.010 Single Room Occupancy Use Regulations and Development Standards.

- 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.

[...]

3. Standards for Individual Units.

- a. Each unit shall contain efficiency kitchen facilities including, at a minimum, a sink, a microwave oven, a countertop of minimum dimensions 16 inches deep by 24 inches long, and refrigerator.
- b. Each unit shall contain a bathroom with a toilet, sink, and shower or tub located within an enclosed compartment.

- c. Each unit shall be furnished with a bed, nightstand, chair, table, television, and a closet/storage no less than 48 cubic feet in size.
- d. Each unit shall be equipped with an individually controlled heating and cooling ventilation system.
- ~~e. Each unit shall have in-unit closet/storage space of minimum size 72 cubic feet.~~
- f.e. Each unit shall be pre-wired for telecommunications services, which could include wireless telecommunications infrastructure.

[...]

§ 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								
Professional Studios								
[...]								
Radio/TV	€	€	€	€	€	—	—	
Recording	€	€	€	€	€	—	—	
<u>Radio/TV and Recording</u>								
<u>1,500 sf and smaller</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	=	=	
<u>Larger than 1,500 sf</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	=	=	
[...]								
Personal Service								
Athletic and Health Clubs, Gyms	—	€	€	€	—	—	€	

<u>1,500 sf and smaller</u>	<u>=</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>=</u>	<u>=</u>	<u>P</u>	
<u>Larger than 1,500 sf</u>	<u>=</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>=</u>	<u>=</u>	<u>C</u>	
[...]								
<u>Martial Arts Studio</u>								
<u>1,500 sf and smaller</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	
<u>Larger than 1,500 sf</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	
	O-P	C-1	C-2	C-3	M-1	M-P	O-S	Additional Regulations and Comments
Recreation, Amusement, Entertainment								
[...]								
<u>Indoor Playground</u>	<u>=</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>See Section 9.16.020.050. AL</u>
<u>Karaoke Studio</u>	<u>=</u>	<u>=</u>	<u>C</u>	<u>C</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>See Section 9.16.020.050. AN</u> <u>See Section 9.16.020.080 (Alcoholic Beverage Sales) for any associated sale of alcoholic beverages.</u>

[...]								
Food/Drink Sales and Service								
[...]								
Eating Establishment/Restaurant With Entertainment	—	—	C	C	—	—	—	See Section 9.16.020.05 0.U For C-1 Zone, see Section 9.16.020.050.X
<u>Eating Establishment/Restaurant With Limited Live Entertainment</u>	=	<u>C</u>	<u>C</u>	<u>C</u>	=	=	=	<u>In the C-1 zone, the number of performer shall be limited to one.</u> <u>See Section 9.16.020.05 0.X</u>
[...]								
	O-P	C-1	C-2	C-3	M-1	M-P	O-S	Additional Regulations and Comments
[...]								
Supermarket	—	C	P	P	—	—	—	See Section 9.16.020.05 0.BE <u>See Section 9.16.020.080 (Alcoholic Beverage Sales) for any associated sale of alcoholic beverages.</u>

[...]								
PUBLIC AND SEMI-PUBLIC								
[...]								
<u>Non-vocational instruction</u>								
<u>Less than 1,500 sf, and maximum 15 students</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>=</u>	<u>=</u>	<u>=</u>	
<u>Larger than 1,500 sf, or more than 15 students</u>	<u>=</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>=</u>	<u>=</u>	<u>=</u>	
[...]								

[...]

§ 9.16.020.050. Special Operating Conditions and Development Standards.

X. **Entertainment – Limited Live in the C-1 Zone** - Subject to the following conditions:

1. Entertainment shall be permitted only in conjunction with an eating establishment/restaurant.
2. A conditional use permit shall be required.
3. Entertainment shall be in the form of **one amplified instrumentalist and/ or one vocalist. In the C-1 zone, the number of performer shall be limited to one.** ~~except in the C-1 zone where such live entertainment shall be limited to one a~~ solo performer only.
4. Amplified sound shall not be permitted.
5. Entertainment shall be incidental to the restaurant use (such as background music). Entertainment shall not be utilized as a primary use or as an attraction to draw customers to the establishment.
6. No dancing or audience participation shall be permitted.
7. Food service shall be provided during all hours the entertainment operates.
8. There shall be no raised platform or stage permitted within the establishment at any time.
9. The hours of operation may be limited through the CUP.
10. Security may be required through the CUP.
11. Doors that face residential property shall be kept closed at all times during the operation of the establishment, except in the case of an

emergency or to permit deliveries.

12. In reviewing requests for entertainment in conjunction with restaurants ~~in the C-1 zone~~, of particular concern will be the physical relationship of the proposed use and impacts of that use on surrounding properties. The conditional use permit shall be denied if it is anticipated that the use will create adverse noise, security, parking and traffic impacts and/or if an adverse effect on the public health, safety or welfare will be created.
13. For purposes of this section, "eating establishment/restaurant" is defined as an establishment that contains a customer dining area as well as sufficient space and equipment for a full restaurant kitchen. The kitchen shall be open and preparing food during all hours the establishment is open, and shall provide a full menu of food items typically offered in restaurants. Take-out establishments or establishments that only serve items such as sandwiches, salads, snacks or microwave items shall not be deemed in compliance with this definition.

[...]

AL. Indoor Playground. An indoor playground shall require a conditional use permit and shall be subject to the following conditions:

1. **Unless infeasible due to existing structural or physical constraints and otherwise authorized in conjunction with the approval of a conditional use permit, the entrance to an indoor playground establishment shall be oriented, accessed, and visible from a principal, major, or primary arterial street, as defined in the General Plan Circulation Element.**
2. **Doors of the establishment shall be kept closed at all times during operation of the establishment, except in the case of an emergency or to permit deliveries.**
3. **An adult employee shall be on duty throughout the hours that such establishment is open for business.**
4. **All activities shall be conducted indoors.**

(All subsequent paragraphs will be renumbered)

AN. Karaoke. All karaoke establishment uses shall require a conditional use permit and shall be subject to the following conditions:

1. **Location: Unless infeasible due to existing structural or physical constraints and otherwise authorized in conjunction with the approval of a conditional use permit, the entrance to a karaoke establishment shall be oriented, accessed, and visible from a principal, major, or primary arterial street, as defined in the General Plan Circulation Element. In no case shall the entrance**

to a karaoke establishment be oriented toward a residential street or toward residential uses.

2. All activities shall be conducted indoors.

3. Window standards:

a. Each individual karaoke room shall be fitted with unobscured glass windows within the top half of the corridor partition walls and doors beginning at a height of 36-inches as measured from the finished floor. The corridor partition walls shall be fitted with windows with minimum dimensions of 5'-0" wide by 4'-0" tall, and the doors shall be fitted with 3'-0" wide and 3'-8" tall windows.

b. All windows shall be of transparent, clear, colorless, non-reflective glass or similar material, and must remain unobstructed at all times, and shall provide complete visibility into the karaoke rooms at all times.

c. Any deviation from these minimum requirements for window standards may be approved by the final review authority.

(All subsequent paragraphs will be renumbered)

§ 9.16.040.120. Walls, Fences and Hedges.

D. Chain link fences and barbed wire, subject to height limitation as allowed by Section § 9.16.040.110, are allowed as perimeter fencing on properties improved with industrial buildings, provided the property does not abut residentially zoned properties or properties used for residential purposes. Otherwise, chain link fences and barbed wire are strictly prohibited.

E. Razor wire is strictly prohibited.

F. Double-wall designs shall be prohibited unless it is allowed under State Law for electrified security fences.

G. Electrified Security Fence:

a. An electrified security fence is a fence powered by an electrical energizer, driven by solar-charged batteries of no more than 12 volts of direct current, with both of the following output characteristics:

i. The impulse repetition rate does not exceed 1 hertz (hz).

ii. The impulse duration does not exceed 10 milliseconds, or 10/1000 of a second.

b. Electrified security fencing is not allowed except in areas allowed under State Law.

[...]

§ 9.16.040.150. Parking Spaces Required.

USE	REQUIRED MINIMUM PARKING SPACES
[...]	
E. Public and Semi-Public	
[...]	
<u>5. Non-vocational instruction</u>	<u>1 space per each employee, plus 1 space for each 6 students</u>
F. Commercial Recreation	
[...]	
<u>14. Indoor playground</u>	<u>1 space per 200 sq. ft. of playground area, plus 1 space per 100 sq. ft. of dining area</u>
<u>15. Karaoke studio</u>	<u>1 space per 200-sq. ft of gross floor area</u>

[...]

§ 9.18.020.030. Uses Restricted to Indoor.

Table 9.18-1 Use Regulations for the Mixed Use Zones								
Permitted Uses	GGM U- 1, -2, -3	CC- 1	CC- 2	CC - 3	CC - OS	NM U	AR	Additional Regulations and Comments
<i>Professional Studios</i>								
[...]								
Art, Music, <i>and</i> Dance, and Martial Arts								See Section 9.18.030.050 (Arts and Crafts Studios).
1,500 sf and smaller	P	P	P	P	[-]	P	P	
Larger than 1,500 sf	P	[-]	[-]	C	[-]	C	C	
[...]								

Permitted Uses	GGM U- 1, -2, -3	CC- 1	CC- 2	CC- 3	CC- OS	NMU	AR	Additional Regulations and Comments
Personal/Service								
[...]								
<u>Martial Arts Studio</u>								
<u>1,500 sf and smaller</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>[-]</u>	<u>P</u>	<u>P</u>	
<u>Larger than 1,500 sf</u>	<u>P</u>	<u>[-]</u>	<u>[-]</u>	<u>C</u>	<u>[-]</u>	<u>C</u>	<u>C</u>	
[...]								
Recreation, Amusement, Entertainment								
[...]								
<u>Indoor Playground</u>	<u>C</u>	<u>[-]</u>	<u>[-]</u>	<u>[-]</u>	<u>[-]</u>	<u>C</u>	<u>[-]</u>	<u>See Section 9.18.030.240</u>
<u>Karaoke Studio</u>	<u>C</u>	<u>[-]</u>	<u>[-]</u>	<u>[-]</u>	<u>[-]</u>	<u>C</u>	<u>[-]</u>	<u>See Section 9.18.030.250</u>
								<u>See Section 9.18.060 (Alcohol Beverage Sales)</u>
[...]								
Other Services								
[...]								
<u>Incidental Instruction (15 Students or Less)</u>	<u>{-}</u>	<u>I</u>	<u>{-}</u>	<u>{-}</u>	<u>{-}</u>	<u>{-}</u>	<u>{-}</u>	
[...]								

Permitted Uses	GGM U- 1, -2, -3	C C- 1	CC- 2	CC - 3	CC - OS	NM U	A R	Additional Regulations and Comments
Public and Semi-Public								
[...]								
Educational Institutions	C	[-]	[-]	C	[-]	C	C	Educational institutions shall be located on a minimum site area of one acre, whether in combination with another use or as the sole use of the property. However, establishments with a primary use of providing tutoring services are not subject to this restriction.
[...]								
<u>Non-vocational instruction</u>								
<u>Less than 1,500 sf, and maximum 15 students</u>	<u>P</u>	<u>P</u>	<u>=</u>	<u>P</u>	<u>=</u>	<u>P</u>	<u>=</u>	
<u>Larger than 1,500 sf, or more than 15 students</u>	<u>C</u>	<u>C</u>	<u>=</u>	<u>C</u>	<u>=</u>	<u>C</u>	<u>=</u>	

[...]

§ 9.18.030 Specific Uses—Special Operating Conditions and Development Standards

[...]

§ 9.18.030.240. Indoor Playground.

An indoor playground shall require a conditional use permit and shall be subject to the following conditions:

1. Unless infeasible due to existing structural or physical constraints and otherwise authorized in conjunction with the approval of a conditional use permit, the entrance to an indoor playground establishment shall be oriented, accessed, and visible from a principal, major, or primary arterial street, as defined in the General Plan Circulation Element.
2. Doors of the establishment shall be kept closed at all times during operation of the establishment, except in the case of an emergency or to permit deliveries.
3. An adult employee shall be on duty throughout the hours that such establishment is open for business.
4. All activities shall be conducted indoors.

§ 9.18.030.250. Karaoke.

All karaoke establishment uses shall require a conditional use permit and shall be subject to the following conditions:

1. Location: Unless infeasible due to existing structural or physical constraints and otherwise authorized in conjunction with the approval of a conditional use permit, the entrance to a karaoke establishment shall be oriented, accessed, and visible from a principal, major, or primary arterial street, as defined in the General Plan Circulation Element. In no case shall the entrance to a karaoke establishment be oriented toward a residential street or toward residential uses.
2. All activities shall be conducted indoors.
3. Window standards:
 - a. Each individual karaoke room shall be fitted with unobscured glass windows within the top half of the corridor partition walls and doors beginning at a height of 36-inches as measured from the finished floor. The corridor partition walls shall be fitted with windows with minimum dimensions of 5'-0" wide by 4'-0" tall, and the doors shall be fitted with 3'-0" wide and 3'-8" tall windows.
 - b. All windows shall be of transparent, clear, colorless, non-reflective glass or similar material, and must remain unobstructed at all times, and shall provide complete visibility into the karaoke rooms at all times.
 - c. Any deviation from these minimum requirements for window standards may be approved by the final review authority

(All subsequent paragraphs will be renumbered)

§ 9.18.130.010. Location and Height.

[...]

- L. Chain link fences and barbed wire, subject to the height limitation as allowed in this Section are allowed as perimeter fencing on properties improved with industrial buildings, provided the property does not abut residentially zoned properties or properties used for residential purposes. Otherwise, chain link fences and barbed wire are strictly prohibited.**
- M. Razor wire is strictly prohibited.**
- N. Double-wall designs shall be prohibited unless it is allowed under State Law for electrified security fence.**
- O. Electrified Security Fence:**
 - a. An electrified security fence is a fence that is powered by an electrical energizer, driven by solar-charged batteries of no more than 12 volts of direct current, with both of the following output characteristics:**
 - i. The impulse repetition rate does not exceed 1 hertz (hz).**
 - ii. The impulse duration does not exceed 10 milliseconds, or 10/1000 of a second.**
 - b. Electrified security fencing is not allowed except in areas allowed under State Law.**

§ 9.18.140.030. Parking Spaces Required.

Table 9.18-11 Required Parking Spaces	
Use	Required Minimum Parking Spaces
[...]	
Commercial Uses	
Karaoke studios	1 space per 200 square feet of gross floor area
Art studios and galleries	1 space per 500 square feet of gross floor area
[...]	
<u>Indoor playground</u>	<u>1 space per 200 sq. ft. of playground area, plus 1 space per 100 sq. ft. of dining area</u>

[...]

§ 9.32.030. Land Use Actions.

[...]

D. Land Use Action Procedures

[...]

11. City Manager or Designee Review—Minor Deviations.

[...]

- ix. To allow fences located in the required front setback of residentially zoned properties to be constructed to a maximum height of six feet, provided the upper 36 inches ~~is wrought iron fencing with vertical railings no less than three inches apart~~ **of such fence shall consist of railings that are not wider than one inch (0'-1") with spacing no less than three inches (0'-3") apart, unless otherwise expressly permitted by right.**
- x. To allow the construction of one single-family home on a legally created, residentially zoned vacant parcel, that is nonconforming due to area and/or width, provided no other discretionary actions are proposed;

[...]

16. Determinations of Public Convenience or Necessity for Alcoholic Beverage Control Licenses. The hearing body or final review authority for a conditional use permit or other land use action pertaining to an establishment engaged in the sale or service of alcohol is also authorized to make determinations of public convenience or necessity regarding the issuance of state Alcoholic Beverage Control (ABC) licenses in areas of high crime and undue concentration in accordance with ABC regulations, applicable provisions of the Business and Professions Code, and City Council policy, and the Department Director is authorized to submit written verification of such determinations of public convenience or necessity to the Department of Alcoholic Beverage Control.

§ 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 ~~65920-65964.5~~, 65589.5, 65915-65918, 65583, 65584, 65863, 65905.5, 65912.100-65912.~~105140~~, 65852.24, 65852.28, ~~65912.155-65912.162~~, 65913-65913.~~116~~, 65914.7, 65940-65945.3, 66300, ~~66300.5-66300.6.5~~, 65650-65656, ~~65658-65658.16~~, 65660-65666~~88~~, and 66499.41 **and Health and Safety Code Section 1597.22**. 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.

[...]

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~~**Pursuant to** Government Code Section 65905.5 ~~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 65905.5 **consistent with the applicable timelines under the Permit Streamlining Act (Government Code Section 65920 et. seq.)**; 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.

[...]

G. Housing Development Projects Located in Zones for Which Residential Development Standards Have Not Been Established. Where any provision of state law requires that the City permit the development of a multiple-family dwelling in a zoning district or area for which development standards and criteria applicable to multiple-family dwellings have not been expressly established, the standards and criteria applicable to development within the R-3 (Multiple-Family Residential) zone shall apply, unless otherwise expressly provided by state law or another provision of this code.

§ 9.60.040. Residential Density Bonus.

[...]

G. Incentives/Concessions. The City shall grant the applicant the number of incentives and concessions required by Government Code Section 65915. **Except as otherwise provided in 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. A concession or incentive shall not result in a proposed project with a commercial floor area ratio that is greater than two and a half times the premises' current allowed base zone commercial floor area ratio.**

[...]

§ 9.60.050. Affordable Housing Regulatory Agreements.

[...]

- 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:

[...]

5. For-Sale Affordable Units. For projects containing affordable units that will be offered for sale, the regulatory agreement shall include uniform provisions **for establishing the initial sales price of each affordable unit and** requiring the initial buyer(s) of each affordable unit meet the applicable income and eligibility requirements established for the affordable unit 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.

[...]

12. Monitoring and Administration Fees.

[...]

- 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 **or anticipated to be 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. **Said reimbursement shall be paid by owner to the City through escrow upon the sale of each affordable unit in an amount not exceeding two (2) percent of the maximum sales price established for the unit.**

[...]

- 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 **and/or review** of the regulatory agreement, **homebuyer documents, necessary subordination agreements, 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;
 3. Review of the initial marketing plan **and related forms, notices, and agreements** for projects containing for-sale affordable units or the marketing and management plan **and related forms, notices, and agreements** for projects containing rental affordable units required as part of the regulatory agreement entered into pursuant to this section and any amendments thereto.
 - 4. Review and/or preparation of escrow instructions for the initial sale of for-sale affordable units.**
 - 5. Monitoring compliance with the regulatory agreement prior to the initial sale of all affordable units in the project.**
 - 4.6.** Review of annual compliance reports submitted by an owner pursuant to a regulatory agreement.
 - 5.7.** 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 **in connection with the items identified in subsection H 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 the provisions of **Article 2 of Chapter 12 of Division 1 of Title 7 of the Government Code ("Demolition Protection Law")**~~the Housing Crisis Act,~~ which requires

development project 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 **Article 2 of** Chapter 12 of Division 1 of Title 7 of the Government Code 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.

[...]

- D. Definitions. As used in this section, the following terms shall have the following meanings, **unless any such term is defined differently in the Demolition Protection Law, in which case the definition set forth in the Demolition Protection Law shall apply:**

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. "Demolition Protection Law" means Article 2 of Chapter 12 of Division 1 of Title 7 of the Government Code.

- 45.** "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.

- 56.** "Equivalent size" means that the replacement protected units contain at least the same total number of bedrooms as the units being replaced.

7. "Existing occupants" include every living person or family who is or was a lawful tenant of a protected unit on the date a complete application for a development project requiring demolition of the protected unit is submitted to the City. Existing occupants do not include legal owners of a housing unit and members of their household who occupied a housing unit, but did not pay rent.

- 68.** "Extremely low income households" has the same meaning as defined in Health and Safety Code Section 50106.

9. "Housing development project" has the same meaning as defined in paragraph (3) of subdivision (b) of Government Code Section 65905.5.

710. "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.

811. "Protected unit" shall have the same meaning as defined in **Government Code Section 66300.5**~~the Housing Crisis Act~~ 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.

912. "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.

1013. "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 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.

1114. "Replacement protected units" means and refers to affordable residential units proposed to be developed to replace one or more protected units.

1215. "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.

[...]

F. Replacement of Protected Units. **Except as provided in Government Code Section 66300.6.5 with respect to single-room occupancy units, If** a development project **will require the demolition of occupied or vacant protected units, or** is located on a parcel or parcels ~~on which where~~ protected units ~~are or were located were demolished in the five year period preceding the date a complete application is submitted,~~ the project shall comply with the following:

1. Number of Total Units Required. If the project is a housing development project, 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~~ **Demolition Protection Law**, the development project shall replace all protected units that were previously located on the project site and demolished **within the five-year period preceding the date a complete application is submitted** ~~on or after January 1, 2020~~ 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 fractional 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.

[...]

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 ~~Demolition Protection Law~~ **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.

[...]

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, **which includes provisions to ensure ongoing compliance with the Demolition Protection Law and this section.**

- G. Benefits to Be Provided to All **Existing** 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 development project shall allow the existing occupants **occupying of the protected unit on the date a complete application is submitted, regardless of their income level,** to occupy the unit until six months before the start of construction activities. The record owner of the occupied protected unit shall provide ~~the~~ **such** existing occupants with written notice of the planned demolition, the date the occupants must vacate the unit, **their right to return to the unit at their prior rental rate if demolition does not proceed as provided in subsection G.2, below,** and **all of** their **other** rights under the ~~Housing Crisis Act~~ **Demolition Protection Law**. Said notice 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.

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 development project shall allow any existing occupants ~~of occupying~~ the protected unit **on the date a complete application is submitted** 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 required pursuant to subsection **G.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, **and a copy of which shall be provided to the Department Director no later than sixty (60) days following final approval of the development project by the City.**

3. **An applicant for a development project shall not be entitled to issuance by City of any permit authorizing demolition of a protected unit that is or was previously occupied by existing occupants or construction of any portion of a development project on a site on which such a protected unit is located until evidence of compliance with this subsection G is provided to the Department Director.**

H. Benefits to Be Provided to **Existing** 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 development project shall agree to provide existing occupants ~~of occupying~~ the protected unit to be demolished as part of the a development project **on the date a complete application is submitted** that are lower income households with a right of first refusal to rent or purchase a comparable 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. The right of first refusal shall be memorialized in a written agreement, covenant, or other document that is enforceable by the **existing** occupant(s) of the protected unit, the form of which shall be subject to review and approval by the Department Director, **and a copy of which shall**

be provided to the Department Director no later than sixty (60) days following final approval of the development project by the City. Unless otherwise approved by City, the right of first refusal shall prohibit the owner from selling or renting all of the units in the development project that are comparable units to another person unless the owner has given the existing occupants no less than forty-five (45) days' notice of its intent to sell or rent said units and the existing occupants do not exercise the right of first refusal within that forty-five (45) day period.

- 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; (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~~ **Demolition Protection Law** 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 development project shall provide existing occupants of the protected unit to be demolished as part of the development project that are lower income households with relocation benefits **that are equivalent to the relocation benefits** required to be paid by public entities pursuant to 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, **or reimburse the City for the cost of a relocation consultant retained by the City,** 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:

[...]

3. An applicant for a development project shall not be entitled to issuance by City of any permit authorizing demolition of a protected unit that is or was previously occupied by existing occupants that are lower income households or construction of any portion of a development project on a site on which such a protected unit is located until evidence of compliance with Paragraphs 1 and 2 of this subsection H. is provided to the Department Director.

4. An applicant for a development project for which a written agreement, covenant, or other document memorializing a right of first refusal to rent or purchase a comparable unit enforceable by an existing occupant of a protected unit pursuant to subsection H.1.a is required shall not be entitled to any certificate or equivalent approval authorizing occupancy of any portion of the development project until evidence of owner's compliance with the terms of such agreement, covenant, or other document is provided to the Department Director.

I. Reimbursement of City's Fees and Costs to Implement This Section.

[...]

2. In addition to the reimbursement of professional fees and costs pursuant to subsection I.1, above, the City may charge a fee or fees to recover the City's other reasonable costs to implement the provisions of ~~subsection (d) of Article 2 of Chapter 12 of Division 1 of Title 7 of the~~ Government Code ~~Section 66300~~ and this section. Any such fees shall be adopted by resolution of the City Council.

J. Information Required to be Provided by Applicants. Each applicant for a development project shall make a good faith effort to ascertain and, to the extent known or ascertained by applicant, provide all information and supporting documents required by the Department Director necessary for the City to determine compliance with the provisions of the Demolition Protection Law and this section, including, but not limited to, the name, current contact information, and income level of all existing occupants and of all tenants that previously occupied any residential units that were or will be demolished on the subject site during the five-year period preceding the submittal of a complete application.

§ 9.60.070. Transitional and Supportive Housing Projects.

[...]

B. Supportive Housing for the Homeless.

[...]

2. The Department Director shall review and approve or disapprove a proposed supportive housing for the homeless development **within sixty days from receipt of a complete application, unless a longer review period is permitted by state law**~~the time periods set forth in Government Code Section 65653.~~

[...]

C. Low-Barrier Navigation Centers.

[...]

2. The Department Director shall review and approve or disapprove a proposed low-barrier navigation center **within sixty days from receipt of a complete application, unless a longer review period is permitted by state law**~~the time periods set forth in Government Code Section 65664.~~

RESOLUTION NO. 6147-26

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING THAT THE CITY COUNCIL APPROVE AMENDMENT NO. A-047-2026(B), 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.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on August 20, 2026, does hereby recommend that the City Council approve Amendment No. A-047-2026(B) 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-047-2026(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 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 to respond to comments from the California Department of Housing and Community Development.
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 August 20, 2026, 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 August 20, 2026.

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 has identified Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) as innovative, effective, and affordable housing options that help address California's ongoing housing crisis. Since 2016, the State has enacted multiple laws intended to streamline the development of ADUs and JADUs at the

local level. In response to these legislative changes, the City has periodically updated its ADU Ordinance, most recently through the adoption of Ordinance No. 2966 in August 2025, which amended Chapter 9.54 – Accessory Dwelling Units and Junior Accessory Dwelling Units.

Following its adoption, Ordinance No. 2966 was submitted to the California Department of Housing and Community Development (HCD) for review. On March 20, 2026, the City received a letter from HCD containing written findings pursuant to Government Code Section 66326(a) and identifying specified provisions of Ordinance No. 2966 that HCD believes do not comply with current State ADU laws. In response, the City notified HCD that it would amend the Ordinance to comply with State law.

Zoning Text Amendment No. A-047-2026(B) would amend Chapter 9.54 to address HCD's findings and to make other changes intended to conform with recent legislation amending State laws governing ADUs and JADUs, including Assembly Bills (AB) 130, 462, and 1154, and Senate Bills (SB) 9 and 543. These revisions are intended to ensure that the City's regulations are objective, clear, and compliant with current State requirements.

FINDINGS AND REASONS:

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

The proposed Zoning Text Amendment would amend Chapter 9.54 (Accessory Dwelling Units and Junior Accessory Dwelling Units) of Title 9 to conform to current State law.

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 would 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) 9, SB 543, Assembly Bill (AB) 130, AB 462, and AB 543. 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 would 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.

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 would incorporate recent changes in State law pertaining to review of development applications for ADUs and JADUs. 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 would 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 and the findings of the California Department of Housing and Community Development.

The proposed Amendment and updated ADU/JADU Ordinance provisions would 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-047-2026(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-047-2026(B) and adopt the Amendments to Chapter 9.54 of the Garden Grove Municipal Code reflected in Exhibit "A" attached hereto.

EXHIBIT "A"

PROPOSED AMENDMENTS TO CHAPTER 9.54

(Deletions shown in ~~strikethrough~~, additions shown in ***bold-italics***)

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 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 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~~ ***an existing or proposed*** primary dwelling structure or physically attached to an accessory structure that is attached to ~~a~~ ***an existing or proposed*** 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~~ ***an existing or proposed*** 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, **or within the permitted interior space of a proposed primary dwelling structure**. 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 Development, or designee.

7. The term "State-Exempt ADU" means an ADU or JADU that is created pursuant to, and in compliance with, Government Code section 66323, including:

- a. **One converted ADU and JADU per single-family lot as described in Government Code section 66323, subdivision (a)(1);**
- b. **One detached ADU per single-family lot as described in Government Code section 66323, subdivision (a)(2);**
- c. **One or more converted ADUs on multifamily lots as described in Government Code section 66323, subdivision (a)(3); and**
- d. **One or more detached ADUs on multifamily lots as described in Government Code section 66323, subdivision (a)(4).**

- 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; **and**
- 4. Not constitute a Group R occupancy change under Title 18 of this Code, as described in Section 310 of the California Building Code (Title 24 of the California Code of Regulations), unless the Building Official makes a written finding based on**

substantial evidence that the construction of the ADU could have a specific, adverse impact on public health and safety.

- 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 66310 et. seq.) 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 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. Multiple-family lots may have multiple detached ADUs, not to exceed the numbers pursuant to subsections B.1 and B.2 and one or more converted ADUs pursuant to subsection B.3.
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.
 2. No more than a total of two detached ADUs may be constructed on a lot proposed to be developed with one or more multiple-family dwelling structures. If two detached ADUs are constructed, they 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.
 3. 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.

1. 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.

2. **A State-Exempt ADU that complies with applicable standards and requirements in accordance with Government Code section 66323 shall be ministerially approved and shall not have to comply with additional standards or requirements set forth in this chapter.**

B. Unit Size.

1. Minimum Size. An ADU **that is not a State-Exempt ADU** shall be at least the following minimum sizes based on the number of bedrooms provided:
 - a. Efficiency units: 150 square feet.
 - b. Studio: 220 square feet.
 - c. One bedroom: 500 square feet.
 - 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 **of interior livable space** 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 **of interior livable space**.
 - ii. Two or more bedrooms: 1,200 square feet **of interior livable space** 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 **of interior livable space**.
- b. Detached ADUs. The total floor area of a detached ADU shall not exceed the following:
 - i. Studio or one bedroom: 850 square feet **of interior livable space**.
 - ii. Two or more bedrooms: 1,200 square feet **of interior livable space**.
- 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~~ **and enclosed** one-car garage **may be provided for an attached or detached ADU**, which, if provided, shall not

exceed 250 square feet in size inside dimension (**"ADU Garage"**). ~~The enclosed one-car garage~~ **An ADU 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. **An ADU Garage shall not include a living area, livable space, or other living facilities, and therefore, shall not be considered an ADU or JADU, or part of an ADU or JADU, for purposes of this chapter, in accordance with Government Code section 66313.**

- 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 **of interior livable space** 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-Garage~~ that opens directly to any street or alley shall observe a setback of not less than 20 feet. When a new ADU ~~garage-Garage~~ abuts an alley and the access to the garage is perpendicular to the alley, the ADU 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. **An ADU Garage shall not be permitted on a lot that does not have sufficient space to include both an ADU and ADU Garage that comply with applicable design standards and requirements.**

D. Building Separation.

1. A minimum separation of six feet is required between a detached ADU and the primary dwelling unit, **if the detached ADU is not a State-Exempt ADU.**
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, **if the attached or detached ADU is not a State-Exempt ADU.**
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. 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.
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:
 - a. The type, pitch, color, material, and texture of the roof and eave details of an attached or detached ADU 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 ADU shall be the same as the primary unit.
2. ~~In order to facilitate the development of ADUs in a manner that ensures reasonable consistency and compatibility of design, the~~ **The** Director is authorized to develop objective standard design plans and criteria for ADUs, **in accordance with Government Code section 66314, subdivision (b)(1).** Notwithstanding the foregoing, ADUs developed in conformance with plans pre-approved by the City, pursuant to Government Code Section 65852.27, shall be deemed to comply with this subsection.

G. Off-Street Parking.

1. **Except in the instances set forth below in subsection G.3, in accordance with Government Code section 66322, subdivision (a), one** ~~One~~ off-street parking space must be provided for a new attached or detached ADU. ~~The required parking space may be~~ **Off-street parking is** permitted in setback areas **in locations determined by the Director,** or through tandem parking, 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, 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 **for an ADU that is not a State-Exempt ADU** shall be ~~completely screened from view from either on or off the property enclosed or placed within opaque barriers on all sides so that the mechanical equipment or metering device is completely concealed~~. 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. **Except as otherwise provided in Government Code section 66314, subdivision (d)(7),** ~~if~~ **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 a separate **bathroom sanitation facilities**—or may share a **bathroom sanitation facilities** with the proposed or existing single-family dwelling in which it is located. If a JADU does not include a separate **bathroom sanitation facilities**, the JADU must include **a separate entrance from the main entrance to the structure, with** 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.~~
- 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, **or if the JADU has its own separate sanitation facilities.**
 4. A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.
 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 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 30 days or longer. Short-term rental (i.e., less than 30 days) 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. **The Director shall determine whether an application is complete and provide written notice of this determination to the applicant not later than fifteen (15) days after receipt of the application by the City. If the Director determines the application is incomplete, the Director shall provide the applicant with a list of incomplete items and a description of how the application can be made complete with said notice.**
- 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. **If the Director disapproves an application for an ADU or JADU, the Director shall, within the time period for review, return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.**
 - 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 approving or disapproving the application for the ADU or the JADU until the City 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, Government Code Section 66323.

F. Appeal. If the Director determines than an application for an ADU or JADU is incomplete or denies an application for an ADU or JADU, the applicant may appeal the Director's determination to the Planning Commission by filing an appeal in writing with the City Clerk within ten (10) days of the Director's determination. The Planning Commission shall consider and act on an appeal, and the City shall provide a final written notice of its determination by not later than sixty (60) days after receipt of the applicant's written appeal. The determination of the Planning Commission shall be final.

§ 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. **Notwithstanding the foregoing, a State-Exempt ADU shall not be required to install a new or separate utility connection directly between the ADU and the utility.** 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.

RESOLUTION NO. 6148-26

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING THAT THE CITY COUNCIL APPROVE AMENDMENT NO. A-047-2026(C), A ZONING TEXT AMENDMENT TO CHAPTER 9.56 OF TITLE 9 (LAND USE) OF THE GARDEN GROVE MUNICIPAL CODE PERTAINING TO SB 9 RESIDENTIAL DEVELOPMENTS AND URBAN LOT SPLITS.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on August 20, 2026, does hereby recommend that the City Council approve Amendment No. A-047-2026(C) and adopt an Ordinance amending Chapter 9.56 of the Garden Grove Municipal Code to read as shown in Exhibit "A" attached hereto.

BE IT FURTHER RESOLVED in the matter of Amendment No. A-047-2026(C), 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 9.56 (SB 9 Two-Unit Residential Developments and Urban Lot Splits) of Title 9 (Land Use) of the Garden Grove Municipal Code to conform to changes in State law.
3. Pursuant to Government Code Sections 66411.7 and 65852.21, the proposed Amendment is not subject to review under the California Environmental Quality Act ("CEQA") as the adoption of this local ordinance is not considered a project under Division 13 of the Public Resources Code.
4. Pursuant to legal notice, a public hearing was held on August 20, 2026, 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 August 20, 2026.

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 Code Amendment is a text amendment intended to implement recent changes in State law regarding SB 9 Residential Unit Developments and Urban Lot Splits.

Effective January 1, 2025, Senate Bill (SB) 450 amended Sections 66585.21 and 66411.7 of the Government Code. Section 65852.21 requires local agencies to consider a proposed housing development containing no more than two (2) residential units within a single-family residential zone ministerially, without discretionary review or hearing, if the proposed housing development meets certain requirements. Section 66411.7 requires local agencies to ministerially approve a parcel map for an urban lot split that meets certain requirements. Both statutes permit the City to impose objective zoning, subdivision, and design standards on such projects as long as those standards would not have the effect of physically precluding the construction of up to two (2) units on a lot or physically preclude either of the two (2) units. SB 450 strengthens these provisions by requiring that Cities review SB 9 proposals with the same standards as the underlying zone, aside from parking and setback requirements, which are separately established by State law. They would additionally identify the State mandated review timelines for SB 9 applications. The Amendment would modify the development standards for proposed SB 9 two-unit residential developments and urban lot splits, and would make corrections and clarify existing portions of the Municipal Code.

Proposed Amendment No. A-047-2026(D) is intended to align the City's SB 9 Ordinance with State law and to ensure that the City's regulations are compliant with current State requirements and HCD Guidance.

FINDINGS AND REASONS:

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

The proposed Amendment would amend Chapter 9.56 of Title 9 pertaining to SB 9 Unit Residential Developments and Urban Lot Splits to conform to changes in State law. The intent of the changes to the State law is to continue to facilitate the housing production of SB 9 units, 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 SB 9 units 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. The proposed Amendment ensures the City's SB 9 Ordinance is adequately updated to comply with the latest State laws, supporting the State's goals of facilitating the development of housing units, which would aid the City in meeting its RHNA housing production goals. The updates to the City's SB 9 Ordinance would 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 SB 9 units 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. The proposed Amendment would bring the City's SB 9 Ordinance into compliance with the latest State laws, including specifically Senate Bill (SB) 450. The proposed Amendment ensures the City's SB 9 Ordinance is adequately updated to comply with the latest State laws, supporting the State's goals of facilitating the development of housing units, 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 SB 9 units, to establish objective design standards, and to provide clear expectations for applicants, decision makers, and residents. Updated SB 9 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 SB 9 units 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. The proposed Amendment is also consistent with the goals and objectives of Program 17 (Zoning Code Update), which require the City to make Amendments to the Municipal Code to remove development standard constraints and to meet State law requirements. The proposed Amendment would achieve this objective by updating Chapter 9.56 to bring the City's SB 9 Ordinance into compliance with the latest State laws, including Senate Bill (SB) 450 and technical guidance issued by the California Department of Housing and Community Development (HCD).

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 State has identified SB 9 units 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. The proposed Amendment ensures the City's SB 9 Ordinance is adequately updated to comply with the latest State laws, supporting the State's goals of facilitating the development of SB 9 units, 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 would 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's SB 9 Ordinance is consistent with all applicable State laws, including specifically Senate Bill (SB) 450.

The proposed Amendment and updated SB 9 Ordinance provisions would 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-047-2026(C) 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-047-2026(C) and adopt the Amendments to Chapter 9.56 of the Garden Grove Municipal Code reflected in Exhibit "A" attached hereto.

EXHIBIT "A"

PROPOSED AMENDED AND RESTATED CHAPTER 9.56

Chapter 9.56 SB 9 RESIDENTIAL DEVELOPMENTS AND URBAN LOT SPLITS

§ 9.56.010 Purpose, Applicability, Definitions, Interpretation.

- A. Purpose. The purpose of this chapter is to implement Government Code Sections 66411.7 and 65852.21, which require the City to permit urban lot splits and the development of up to two primary residential units on certain lots located in single-family residential zones, and to appropriately regulate such developments to the extent allowed by state law.
- B. Applicability. Except as otherwise provided by state law, the standards and limitations set forth in this chapter apply to urban lot splits and the development and use of SB 9 residential developments within single-family residential zones in the City.
- C. Definitions. As used in this chapter, the following terms shall have the following meanings:
 - 1. The terms ADU and JADU shall have the meanings ascribed to these terms in Chapter 9.54.
 - 2. The term "individual property owner" means a natural person holding fee title individually or jointly in the person's own name or a beneficiary of a trust that holds fee title. "Individual property owner" does not include any corporation or corporate person of any kind (partnership, limited partnership, limited liability company, C corporation, S corporation, etc.) except for a community land trust (as defined by Revenue and Taxation Code Section 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by Revenue and Taxation Code Section 214.15).
 - 3. The term "new primary dwelling unit" means either a new, additional dwelling unit that is created or an existing dwelling unit that is expanded, but does not include an ADU or a JADU.
 - 4. The term "single-family residential zone" shall have the same meaning as in California Government Code Section 65852.21. A single-family residential zone includes the R-1 (Single-Family Residential) zoning district and any property within a planned unit development district or a specific plan area where a single-family dwelling is a permitted use, but a duplex, triplex, or multiple-family dwelling is not a permitted or conditionally permitted use.

5. The term "SB 9 residential development" shall mean a housing development containing no more than two new primary dwelling units within a single-family residential zone that qualifies for ministerial review pursuant to Government Code Section 65852.21. A housing development contains two new primary dwelling units if the development proposes no more than two new primary dwelling units or if it proposes to add one new primary dwelling unit to one existing primary dwelling unit.
 6. The term "urban lot split" shall have the same meaning as stated in Government Code Section 66411.7.
- D. Interpretation. The provisions of this chapter shall be interpreted to be consistent with the provisions of Government Code Sections 65852.21 and 66411.7 and shall be applied in a manner consistent with state law. The City shall not apply any requirement or development standard provided for in this chapter to the extent prohibited by any provision of state law.

§ 9.56.020 Permit Application and Review Procedures.

- A. Application. An applicant for an SB 9 residential development or an urban lot split shall submit an application on a form prepared by the City, along with all supplemental forms, information, and materials prescribed by such form and/or otherwise required by the City for housing development projects. No application shall be accepted unless it is accompanied by payment for all applicable fees.
- B. Review. Consistent with state law, the Department Director will consider and approve or disapprove a complete application for an SB 9 residential development or an urban lot split ministerially, without discretionary review or public hearing, within the following time limits established by state law.
 1. The Department Director shall determine in writing whether a submitted or resubmitted application is complete and transmit the determination to the applicant within 30 calendar days in accordance with Government Code Section 65943.
 2. The Department Director shall either approve or disapprove a proposed SB 9 residential development and/or urban lot split within 60 days of receiving a complete application, or the application shall be deemed approved. If the Department Director disapproves an application, the Department Director shall concurrently return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

- C. Specific, Adverse Impacts. Notwithstanding anything else in this chapter, the Department Director may deny an application for an SB 9 residential development or a parcel map for an urban lot split if the building official makes a written finding, based on a preponderance of the evidence, that the project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Government Code Section 65589.5, on public health and safety for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

§ 9.56.030 Qualifying Requirements.

A proposed urban lot split or SB 9 residential development must meet all of the following requirements in order to qualify for ministerial review pursuant to the provisions of this chapter. It shall be the responsibility of the applicant to demonstrate to the reasonable satisfaction of the Department Director that each of these requirements is satisfied. The applicant and each owner of the property shall provide a sworn statement, in a form approved by the Department Director, attesting to all facts necessary to establish that each requirement is met. The city may conduct its own inquiries and investigation to ascertain the veracity of the sworn statements, including, but not limited to, interviewing prior owners and occupants of the subject property, interviewing owners and occupants of nearby properties, and reviewing tax records, and may require additional evidence necessary to support the sworn statements, as determined by the Department Director in his or her reasonable discretion.

- A. The subject property shall be located within a single-family residential zone.
- B. The proposed development shall not be located on any site identified in subparagraphs B to K, inclusive of paragraph (6) of subdivision (a) of California Government Code Section 65913.4, as that section read on September 16, 2021, unless the development satisfies the requirements specified therein. Such sites include, but are not limited to, prime farmland, wetlands, high or very high fire hazard severity zones, special flood hazard areas, regulatory floodways, and lands identified for conservation or habitat preservation as specifically defined in Government Code Section 65913.4.
- C. The proposed SB 9 residential development or urban lot split, as applicable, shall not be located on or in, or require the demolition or alteration of a structure located on or in, a historic district, historic property, or historical landmark property identified in paragraph 5 of subdivision (a) of Government Code Section 65852.21 or paragraph 3 of subdivision (a) of Government Code Section 66411.7.
- D. The proposed development shall not require the demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

- E. The proposed development shall not require the demolition or alteration of housing that is subject to any form of rent or price control.
- F. The proposed development shall not require the demolition or alteration of housing that has been occupied by a tenant within the three year period preceding the application submittal date.
- G. In the case of an urban lot split, the lot proposed to be subdivided shall be owned solely by one or more individuals.
- H. In the case of an urban lot split, the lot proposed to be subdivided shall not have been established through a prior urban lot split.
- I. In the case of an urban lot split, the lot proposed to be subdivided ("subject lot") is not adjacent to any lot that was established through an urban lot split by the owner of the subject lot or by any person acting in concert with the owner of the subject lot.

§ 9.56.040 Permitted Locations.

A lot on which an urban lot split or SB 9 residential development is proposed must be located within a single-family residential zone. A lot located within a multiple-family or mixed-use zone shall not be eligible to be subdivided through an urban lot split or developed with an SB 9 residential development pursuant to this chapter.

§ 9.56.050 Number of Dwelling Units Permitted on a Lot.

- A. Notwithstanding any other provisions of this Code, state law requires the City to permit a lot located within a single-family residential zone to contain up to two primary dwelling units, provided each unit is developed and maintained in compliance with the standards and requirements set forth in this chapter.
- B. Provided the lot is not subdivided or created through an urban lot split, development of one or two primary dwelling units on a lot through an SB 9 residential development in conformance with this chapter does not preclude the development or maintenance of one or more ADUs and/or JADUs on the lot to the extent permitted by Chapter 9.54 and state law.
- C. No more than two dwelling units of any kind may be constructed or maintained on a lot that results from an urban lot split. For purposes of this subdivision, the two-unit limitation applies to any combination of primary dwelling units, ADUs, and JADUs.

§ 9.56.060 Separate Conveyance.

- A. Primary dwelling units located on the same lot may not be owned or conveyed separately from one another. All fee interest in a lot and all dwellings must be held equally and undivided by all owners of the lot.

- B. Separate conveyance of the two lots resulting from an urban lot split is permitted. If dwellings or other structures (such as garages) on different lots are adjacent or attached to each other, the urban lot split boundary may separate them for conveyance purposes if the structures meet building code safety standards and are sufficient to allow separate conveyance. If any attached structures span or will span the new lot line, or if the two lots share a driveway, appropriate covenants, easements or similar documentation allocating legal and financial rights and responsibilities between the owners of the two lots ("CC&Rs") for construction, reconstruction, use, maintenance, and improvement of the attached structures and any related shared drive aisles, parking areas, or other portions of the lot must be recorded before the city will approve a final parcel map for the urban lot split. Notwithstanding the provision of such CC&Rs, however, where attached structures and/or related shared facilities span a lot line resulting from an urban lot split, all owners of both lots shall be jointly and severally responsible for the use and maintenance of such structures and/or shared facilities in compliance with all provisions of this Code.
- C. Condominium airspace divisions and common interest developments are not permitted on a lot created through an urban lot split or containing an SB 9 residential development.

§ 9.56.070 Residential Use Only.

No non-residential use is permitted on any lot created through an urban lot split or containing an SB 9 residential development.

§ 9.56.080 No Short-Term Rentals Permitted.

The rental of any dwelling unit on a lot created through an urban lot split or containing an SB 9 residential development shall be for a term longer than 30 consecutive days.

§ 9.56.090 Replacement of Protected Units.

Urban lot splits and SB 9 residential developments are also subject to, and shall comply with, the provisions set forth in Section 9.60.060 of this Code and Article 2 of Chapter 12 of Division 1 of Title 7 of the Government Code pertaining to the demolition of residential rental units and protection of existing tenants. If the proposed development will result in the demolition of protected units, as defined in Section 9.60.060 and California Government Code Section 66300.5, including a previously demolished residential dwelling unit that was rented by lower or very low income households within the five-year period preceding the application submittal date, the applicant shall replace each demolished protected unit and comply with all applicable requirements imposed pursuant to Section 9.60.060 and subsection (b) of Government Code Section 66300.6.

§ 9.56.100 Development Standards and Design Criteria.

A. Development Standards. Except as modified or provided by this subsection or state law, an SB 9 residential development and any development on a lot created through an urban lot split shall conform to all objective zoning, subdivision, and design standards that apply uniformly to development within the underlying single-family residential zone in which the lot is located, along with all applicable objective standards and criteria contained in standard plans and specifications, policies, and/or standard conditions duly promulgated and/or adopted by the city, the Garden Grove Sanitary District, and the Orange County Fire Authority.

1. Off-Street Parking. In accordance with state law, a minimum of one off-street parking space must be provided for each new primary dwelling unit unless one of the following applies, in which case off-street parking is not required:

a. The lot is located within one-half mile walking distance of either: (i) a high-quality transit corridor as defined in subdivision (b) of Section 21155 of the California Public Resources Code; or (ii) a major transit stop as defined in Section 21064.3 of the California Public Resources Code.

b. The lot is located within one block of a car-share vehicle location.

Required parking for new primary dwelling units may be provided within an enclosed garage or as open spaces on the lot, but not as tandem parking. Open spaces may be located within the side or rear setbacks, and in the front setback for driveways that are not shared by more than one housing unit. Off-street parking spaces for an existing primary dwelling shall continue to be provided in accordance with the standards for the underlying zone.

2. Setbacks. In accordance with state law, the setback requirements of the underlying single-family residential zone may be modified as follows:

a. No increased setback is required for an existing legally established structure or for a new primary dwelling unit that is constructed in the same dimensions as an existing legally established structure.

b. Minimum side and rear setbacks of four feet are permitted for new primary dwelling units.

3. Waiver of Development Standards.

- a. In accordance with state law, any objective zoning, subdivision, or design standard that would have the effect of physically precluding the construction of up to two primary residential units on a lot or that would physically preclude each new unit from being 800 square feet in floor area shall be modified or waived to the extent necessary to allow the development of one or two primary dwelling units on a lot pursuant to this chapter that are each 800 square feet in floor area or less. The city prioritizes some objective development standards over others, as provided below. In applying the exceptions required by this subsection, a proposed project shall be designed such that a development standard given a lower priority is modified or waived before a development standard given a higher priority. If a proposed project can be designed such that each lot can accommodate up to two 800 square foot primary dwelling units by modifying or waiving a development standard with a lower priority, then an application that proposes a design requiring the modification or waiver of a development standard with a higher priority will be denied.
- b. **Priority of Development Standards.** The City prioritizes the following development standards in the following descending order of priority, with the first development standard listed having the highest priority:
 - i. Height; Stories.
 - ii. Front Setback.
 - iii. Maximum front setback hardscape coverage.
 - iv. Open space.
 - v. Minimum dwelling unit area.
 - vi. Side or rear setback (a minimum of four feet must be maintained).
 - vii. Lot coverage.
- c. This subsection shall not be interpreted to permit the construction of new garages or accessory structures, or the maintenance of existing accessory structures not providing required parking, where the development or maintenance of two 800 square foot dwelling units on the lot would not be physically precluded in the absence of such proposed or existing structures.

- d. Building standards, standards required by federal, state or local law or for sanitation or safety reasons, the off-site parking requirements in subsection A.1 of this section, and the lot size, access, and frontage requirements set forth in Section 9.56.110 will not be waived or modified unless otherwise required by state law.
 5. As part of its application, the applicant shall provide a written explanation that: (a) specifically describes every development standard the applicant seeks to modify and waive, and to what extent; (b) demonstrates why waiver or modification of each development standard is needed to prevent physically precluding the construction of up to two primary residential units on the lot and/or each new unit from being at least 800 square feet in floor area; and (c) demonstrates that the requested modifications and/or waivers are consistent with the priority set forth in this subsection.
- B. Access and Circulation.
1. Each development shall be designed to provide adequate on-site vehicular access, circulation, back-up, and turn-around areas that comply with all the applicable ~~city~~ standards of the city and the Orange County Fire Authority.
 2. The number of permitted driveways, the width of driveways, and site distance vision clearance from driveways shall comply with applicable Public Works standards. Where the street frontage of a lot (or the combined street frontage of the two lots created through an urban lot split) is less than 81 feet, all units on the lot (or all units on both lots created through an urban lot split) shall share the same drive approach and driveway.
 3. Driveways that are shared by more than one residential unit shall maintain a minimum width of 20 feet, unless a greater width is required for emergency access.
 4. Adequate access to each residential unit on the lot for fire and emergency medical service personnel and vehicles must be provided. Approval of an application pursuant to this chapter shall be conditioned upon confirmation by the Orange County Fire Authority that all applicable fire and emergency access requirements are met.
- C. Refuse Storage Areas. All developments shall provide each unit with sufficient space for the appropriate number of containers for recyclables, organics, and non-recyclable solid waste as required by this Code and the Garden Grove Sanitary District.

D. Utilities.

1. Each primary dwelling unit on a lot must have its own direct utility connection to the utility/public service provider, unless otherwise expressly permitted by the utility/public service provider.
2. All necessary and/or required easements for the provision of electricity, gas, water, sewer, and other utility or public service to the lot and each primary dwelling unit must be obtained by the property owner/applicant. The city may condition approval of an application under this chapter upon the applicant providing evidence that such easements have been agreed to and/or recorded.
3. Submitted plans shall show the location and dimension of all proposed above-ground and underground utility and public service facilities serving the lot and each dwelling unit and the location and dimensions of all related easements.

E. Building and Safety. All structures built on the lot must comply with all current local building standards.

F. Drainage and Stormwater Management. Each lot shall drain to the street or to an approved storm drain facility. The design of parkway culverts and storm drain lateral pipe connections to city-maintained storm drains within the City right-of-way shall comply with applicable City standards. SB 9 ~~two-unit~~ residential developments and the development of lots created through an urban lot split are subject to Chapter 6.40 of this Code ("Stormwater Quality") and must comply with all applicable related rules, requirements, and standards, including, but not limited to, the preparation and implementation of a water quality management plan that meets applicable requirements.

G. Address Identification. Each residential unit shall have a separate address and shall be provided with approved address identification that is visible from the street fronting the lot in accordance with Section R319 of the California Residential Code. Where the unit address on the building cannot be viewed from the street fronting the lot, a monument, pole, or other means consistent with City standards shall be used to identify the unit. Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response.

§ 9.56.110 Additional Requirements for Urban Lot Splits.

- A. An urban lot split must conform to all applicable objective requirements of the Subdivision Map Act, including implementing requirements in this Code, except as otherwise provided in this chapter. Notwithstanding the foregoing, no dedication of rights-of-way or construction of offsite improvements is required solely for an urban lot split.

- B. Lot Size. The parcel map for an urban lot split must subdivide an existing lot to create no more than two new lots of approximately equal lot area, provided that one lot shall not be smaller than 40% of the lot area of the original lot proposed for subdivision. Both newly created lots must each be no smaller than 1,200 square feet.
- C. Easements.
 - 1. The owner must enter into an easement agreement with each utility/public-service provider to establish easements that are sufficient for the provision of public services and facilities to each of the resulting lots.
 - 2. Each easement must be shown on the tentative parcel map and the final parcel map.
 - 3. Copies of the unrecorded easement agreements must be submitted with the application. The easement agreements must be recorded against the property before the final parcel map may be approved.
- D. Lot Access.
 - 1. Each resulting lot must adjoin the public right-of-way.
 - 2. Each resulting lot must have frontage on the public right-of-way of at least 25 feet.
- E. Improvements Required. Each resulting lot must be developed in accordance with improvement plans processed concurrently with the parcel map application and approved by the City, showing the location and dimensions of all structures, drive aisles, parking areas, pedestrian pathways, and other improvements proposed to be constructed or to remain on each lot. Approval of a parcel map for an urban lot split shall be subject to the City's approval of such related improvement plans and all related entitlements or other approvals required by this Code. Any proposed development on one of the lots that is inconsistent with or not shown on the improvement plans approved concurrently with the urban lot split shall be subject to review and approval by the City in accordance with the applicable requirements of this Code.
- F. Required Affidavit. The applicant for a parcel map for an urban lot split must sign an affidavit provided by the City stating that the applicant intends to occupy one of the dwelling units on one of the resulting lots as the applicant's principal residence for a minimum of three years after the final parcel map for the urban lot split is approved.

§ 9.56.120 Compliance with Emergency Access and Service Requirements.

Development of a lot pursuant to this chapter must conform and comply with all applicable provisions of the fire code and applicable requirements promulgated by the Orange County Fire Authority intended to ensure sufficient emergency access is provided or maintained. Prior to submitting a complete application for an SB 9 residential development or an urban lot split, the applicant shall obtain and provide the City with written confirmation from the Orange County Fire Authority that the proposed development complies with all such requirements.

§ 9.56.120 Compliance with Emergency Access and Service Requirements.

Development of a lot pursuant to this chapter must conform and comply with all applicable provisions of the fire code and applicable requirements promulgated by the Orange County Fire Authority intended to ensure sufficient emergency access is provided or maintained. Prior to submitting a complete application for an SB 9 residential development or an urban lot split, the applicant shall obtain and provide the City with written confirmation from the Orange County Fire Authority that the proposed development complies with all such requirements.

§ 9.56.130 Deed Restriction.

Prior to approval of a parcel map for an urban lot split and/or the issuance of a building permit for the development of an SB 9 residential development, the owner(s) of record of the property shall provide the Department Director a copy of a covenant agreement, declaration of restrictions, or similar deed restriction ("deed restriction") recorded against the property, which is in a form prepared by and/or acceptable to the Department Director, and that does each of the following:

- A. Expressly requires the rental of any dwelling unit on the property be for a term longer than 30 consecutive days.
- B. Expressly prohibits any non-residential use of the lot.
- C. Expressly prohibits primary dwelling units located on the same lot from being owned or conveyed separately from one another.
- D. Expressly requires all fee interest in each lot and all dwellings to be held equally and undivided by all individual owners of the lot.
- E. Expressly prohibits condominium airspace divisions and common interest developments on the property.
- F. States that the property was formed and/or developed pursuant to the provisions of this chapter and is therefore subject to the City regulations set forth in this chapter.

- G. Expressly prohibits more than two dwelling units of any kind from being constructed or maintained on a lot that results from an urban lot split.
- H. States: (1) that the deed restriction is for the benefit of and is enforceable by the City; (2) that the deed restriction shall run with the land and shall bind future owners, their heirs, and successors and assigns; (3) that lack of compliance with the deed restriction shall be good cause for legal action against the owner(s) of the property; (4) that, if the City is required to bring legal action to enforce the deed restriction, then the City shall be entitled to its attorneys' fees and court costs; and (5) that the deed restriction may not be modified or terminated without the prior written consent of the Department Director.

§ 9.56.140 Fees.

Development of lots pursuant to this section shall be subject to all applicable fees, including development impact fees, and assessments, duly adopted by the City.

§ 9.56.150 Objective Standard Conditions.

The Department Director is authorized to promulgate objective standard conditions implementing this section, which are consistent with this code and state law, that shall apply to the application and development of SB 9 residential developments and urban lot splits, and to publish such standard conditions on the City's internet website. Applicants must comply with all standard conditions duly promulgated by the Department Director and published on the City's internet website.

§ 9.56.160 Expiration of Approval.

The approval of an SB 9 residential development shall become null and void if construction is not commenced within one year of the approval and diligently advanced until completion of the project. In the event construction of the project is commenced, but not diligently advanced until completion, the rights granted pursuant to the approval shall expire if the building permits for the project expire.

RESOLUTION NO. 6149-26

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING THE CITY COUNCIL APPROVE AMENDMENT NO. A-047-2026(D), A ZONING TEXT AMENDMENT TO TITLE 9 OF THE GARDEN GROVE MUNICIPAL CODE TO ADD NEW CHAPTER 9.58 (STARTER HOME PROJECTS) IMPLEMENTING THE STARTER HOME REVITALIZATION ACT.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on August 20, 2026, does hereby recommend that the City Council approve Amendment No. A-047-2026(D) and adopt an Ordinance adding Chapter 9.58 to the Garden Grove Municipal Code as shown in Exhibit "A" attached hereto.

BE IT FURTHER RESOLVED in the matter of Amendment No. A-047-2026(D), 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 to add new Chapter 9.58 to Title 9 of the Municipal Code to establish regulations and procedures implementing the Starter Home Revitalization Act (SHRA), as reflected in Government Code Sections 66499.41, 65852.28, and 65913.4.5.
3. Pursuant to Government Code Sections 66499.41, 65852.28, and 65913.4.5, the proposed Amendment is not subject to review under the California Environmental Quality Act ("CEQA") as the adoption of this local ordinance is not considered a project under Division 13 of the Public Resources Code.
4. Pursuant to legal notice, a public hearing was held on August 20, 2026, 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 August 20, 2026.

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 Code Amendment is a text amendment intended to implement recent changes in State law requiring ministerial review of proposed starter home projects and related subdivision maps and early building permit issuance.

In July 2024, Senate Bill (SB) 684, also known as the Starter Home Revitalization Act (SHRA), became effective. The SHRA is intended to facilitate the development of small lot subdivisions and the construction of missing-middle housing to expand

access to homeownership units by requiring local agencies to ministerially approve qualifying subdivision maps and residential development projects with ten (10) or fewer lots and units, and to conditionally permit construction of approved developments prior to approval of a final subdivision map. Initially, the SHRA only applied to certain multiple-family zoned parcels, but this law was expanded by SB 1123 in 2024 to include vacant single-family parcels. In September of 2025, AB 130 was signed into law, and it further amended the SHRA to allow for a remainder parcel to be created as a part of a SHRA development. The legislation allows for local ordinances to be adopted to establish procedures governing the development of these units, including provisions to regulate subsequent JADU/ADU and SB 9 development, and to establish procedures for ministerial review consistent with these new State laws.

FINDINGS AND REASONS:

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

The proposed Amendment would establish regulations and procedures implementing the Starter Home Revitalization Act (SHRA), as reflected in Government Code Sections 66499.41, 65852.28, and 65913.4.5. The intent of the SHRA is to facilitate the development of small lot subdivisions and the construction of missing-middle housing to expand access to homeownership units, 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 small lot subdivisions under the SHRA 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.

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in California, that aid in the Legislature's efforts to address the housing crisis across the State. The proposed Amendment ensures the City has adopted ordinances to implement and to comply with the latest State laws, supporting the State's goals of facilitating the development of housing units, which would aid the City in meeting its RHNA housing production goals. The adoption of an SHRA Ordinance would 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 SHRA small lot subdivisions 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. The proposed Amendment ensures the City is able to comply with the latest State laws, supporting the State's goals of facilitating the development of housing units, 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 would establish clear expectations for applicants, decision makers, and residents regarding SHRA development. The proposed new Code provisions will foster the preservation, maintenance, and enhancement of housing and neighborhoods citywide, consistent with State law. 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 SHRA small lot subdivision units 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. 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 would achieve this objective by adopting new regulations and procedures to implement the SHRA.

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 State has identified SHRA Small Lot Subdivisions 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. The proposed Amendment establishes processes and requirements to ensure the City can effectively implement the SHRA, supporting the State's goals of facilitating the small lot subdivisions and "Missing Middle" housing, 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 would 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 by ensuring the City has a mechanism to effectively implement the SHRA.

The proposed SHRA Small Lot Subdivision Ordinance provisions would 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-047-2026(D) 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-047-2026(D) and adopt an Ordinance adding Chapter 9.58 (Starter Home Projects) to the Garden Grove Municipal Code as set forth in Exhibit "A" attached hereto.

EXHIBIT "A"

New Chapter 9.58 (Starter Home Projects)

Chapter 9.58 Starter Home Projects.

§ 9.58.010 Purpose, Applicability; Interpretation; Definitions.

- A. Purpose. The purpose of this chapter is to implement the provisions of the Starter Home Revitalization Act (the "SHRA"), as reflected in Government Code Sections 66499.41, 65852.28, and 65913.4.5. The SHRA is intended to facilitate the development of small-lot subdivisions and the construction of missing-middle housing to expand access to homeownership units by requiring local agencies to ministerially approve qualifying subdivision maps and residential development projects with ten or fewer lots and units and to conditionally permit construction of approved developments prior to approval of a final subdivision map.
- B. Applicability. Except as otherwise provided by state law, the provisions set forth in this chapter apply to the subdivision of land and development of residential units that satisfy the qualifications and requirements set forth in the SHRA when an applicant voluntarily invokes these provisions.
- C. Interpretation. The provisions of this chapter shall be interpreted to be consistent with the provisions of Government Code Sections 666499.41, 65852.28, and 65913.4.5 and shall be applied in a manner consistent with state law. The City shall not apply any requirement or development standard provided for in this chapter to the extent prohibited by any provision of state law.
- D. Definitions.
 - 1. The terms "ADU" and "JADU" have the same meaning as set forth in Chapter 9.54.
 - 2. The term "remainder parcel" means a remainder parcel, as defined under Government Code Section 66424.6, that meets the requirements set forth in Government Code Section 66499.41.
 - 3. The term "starter home project" means a proposal to create two or more new lots or new residential condominiums through the filing of a tentative map pursuant Government Code Section 66499.41, for a housing development project containing no more than ten primary dwelling units in accordance with Government Code Section 65852.28.
 - 4. The term "SHRA" refers to the Starter Home Revitalization Act, as reflected in Government Code Sections 66499.41, 65852.28, and 65913.4.5.

5. The term “vacant” shall have the same meaning as defined in Government Code Section 66499.41.

§ 9.58.020 Permit Application and Review Procedures.

- A. Application. An applicant for a starter home project shall submit an application on a form prepared by the City, along with all supplemental forms, information, and materials prescribed by such form and/or otherwise required by the City for housing development projects. If no separate application form or fee has been established for a starter home project, the applicant shall, at a minimum, be subject to the application requirements and fees that apply to applications for a tentative map and a site plan. No application shall be accepted unless it is accompanied by payment for all applicable fees.
- B. Review. Consistent with state law, the Department Director will consider and approve or disapprove a complete application for a starter home project ministerially, without discretionary review or public hearing, within the time limits established by state law.
 1. The Department Director shall determine in writing whether a submitted or resubmitted application is complete and transmit the determination to the applicant within 30 calendar days in accordance with Government Code Section 65943.
 2. The Department Director shall either approve or disapprove a proposed starter home project within 60 days of receiving a complete application, or the application shall be deemed approved. If the Department Director disapproves an application, the Department Director shall concurrently return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant
- C. Approval Expiration. Approval of a starter home project and associated tentative map by the Department Director shall be valid for a period of two years. During this period, either the final map shall be recorded or construction of the starter home project shall commence and continuously proceed pursuant to a valid building permit.
- D. Disapproval. The Department Director may disapprove an application for a starter home project that meets the eligibility requirements set forth in Section 9.58.030 and/or the SHRA only if the Department Director makes a written finding, based on a preponderance of the evidence, that the project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Government Code Section 65589.5, upon public health and safety and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

§ 9.58.030 Project Eligibility. A starter home project shall only qualify for approval if the following eligibility requirements are satisfied.

- A. Maximum number of parcels and units. The number of parcels and number of units proposed do not exceed the limits established pursuant to paragraph (1) of subdivision (a) of Government Code Section 66499.41. Unless otherwise required to be permitted by state law, ADUs and/or JADUs are not permitted as part of a starter home project.
- B. Location and characteristics of existing lot. The lot proposed to be subdivided meets all of the requirements set forth in paragraph (2) of subdivision (a) of Government Code Section 66499.41.
- C. Minimum size of new parcels. The proposed new parcels meet the minimum parcel size requirements set forth in paragraph (3) of subdivision (a) of Government Code Section 66499.41. Smaller minimum parcel sizes are not permitted.
- D. Ownership type of housing units. The housing units on the lot proposed to be subdivided are one of the ownership types set forth in paragraph (4) of subdivision (a) of Government Code Section 66499.41.
- E. Density. The project site meets the density and/or floor area requirements and limits set forth in paragraph (5) of subdivision (a) of Government Code Section 66499.41. If affordable units are required to be provided, the property owner or owners shall enter into a regulatory agreement with the City pursuant to Section 9.60.050.
- F. Average total unit size. The average total area of floorspace for the proposed housing units is consistent with the provisions of paragraph (6) of subdivision (a) of Government Code Section 66499.41.
- G. Anti-Displacement. The development of the proposed starter home project does not require the demolition or alteration of any of the types of housing identified in paragraph (8) of subdivision (a) of Government Code Section 66499.41.
- H. Sensitive sites. The lot proposed to be subdivided is not located on a type of site identified in paragraph (9) of subdivision (a) of Government Code Section 66499.41.
- I. Subdivision Requirements. The proposed subdivision complies with all applicable objective requirements of the Subdivision Map Act, Section 9.40, and generally applicable standards, regulations, and policies of the City pertaining to subdivisions, except as otherwise expressly provided in the SHRA.

- J. Development and design standards. Except as otherwise expressly provided in, or preempted by, the SHRA, the proposed starter home project conforms to applicable objective zoning, subdivision, and design standards, as follows:
 - 1. A starter home project shall conform with the multifamily residential development standards set forth in Section 9.12.040 and, where not addressed in Section 9.12.040, all other objective zoning, subdivision, and design standards applicable to development of property within the zone in which the project site is located, subject to the following exceptions:
 - a. An applicant may propose the waiver or reduction of a development standard that would physically preclude the development of a project described in paragraph (2) of subdivision (a) of Government Code Section 65852.28.
 - b. A starter home project proposed on a lot zoned for single-family development shall be subject to the maximum height permitted in the zone.
 - 2. Except as otherwise expressly provided in, or preempted by, the SHRA, a starter home project shall conform to all applicable objective standards and criteria contained in standard plans and specifications, policies, and/or standard conditions duly promulgated and/or adopted by the City, the Garden Grove Sanitary District, and the Orange County Fire Authority.
- K. All proposed parcels will be served by a public water system and a municipal sewer system.
- L. The proposed subdivision will not result in any existing dwelling unit being alienable separate from the title to any other existing dwelling unit on the lot. Examples of non-compliant subdivisions include, but are not limited to: (1) subdividing a lot to create separate ownership titles for existing dwelling units, allowing them to be sold independently; (2) dividing a lot with multiple detached units into separate parcels, each with its own title, permitting individual sales; and (3) converting existing rental units into condominiums, resulting in separate ownership titles for each unit.

§ 9.58.040 General Requirements and Restrictions. A starter home project shall be subject to all applicable requirements and restrictions generally applied by the City as conditions of approval for housing development projects, including all standard conditions promulgated by the Department Director pursuant to Section 9.60.020, and other requirements and restrictions authorized by the SHRA and/or other state law, including, but not limited to the following:

- A. ADUs and JADUs Prohibited. Pursuant to the authority set forth in the SHRA, notwithstanding Chapter 9.54, no ADUs or JADUs shall be permitted on parcels

created pursuant to the SHRA and this chapter. The Department Director shall require the recordation of a deed restriction on each new parcel in the starter home project to document this restriction.

- B. Urban Lot Splits Prohibited. Pursuant to the authority set forth in the SHRA, notwithstanding Government Code Section 66411.7 and Chapter 9.56, an urban lot split of a parcel created pursuant to the SHRA and this chapter shall be prohibited. The Department Director shall require the recordation of a deed restriction on each new parcel in the starter home project to document this restriction.
- C. Sale, Lease, and Financing Restrictions. Except as otherwise permitted pursuant to subdivision (e) of Government Code Section 66499.41, no person shall sell, lease, or separately finance any parcel created pursuant to the SHRA until a dwelling unit has been constructed on the parcel and approved for occupancy. This restriction shall be identified on the final map and/or documented in a deed restriction recorded against each new parcel in the starter home project.
- D. Covenants, Conditions, and Restrictions. If a starter home project includes a common ownership lot or otherwise constitutes a common interest development, and a homeowner's association will be established pursuant to the requirements of Davis-Stirling Common Interest Development Act (Part 5 (commencing with Section 4000) of Division 4 of the Civil Code), covenants, conditions, and restrictions (CC&Rs) shall be submitted for review and approval by the Department Director prior to recordation of the final map. The CC&Rs shall contain provisions acceptable to the Department Director that address or require the following: (i) ongoing funding, operation, and maintenance of all common areas and infrastructure; (ii) incorporation of applicable standard or project-specific conditions of approval pertaining to the use, operation, and maintenance of the site and units; (iii) graffiti abatement; (iv) required City approval prior to substantially amending or terminating the CC&Rs; (v) authorization to permit the City to enforce those provisions of the CC&Rs benefitting the City or the public; and (vi) other generally applicable provisions applied by the City to residential subdivision projects generally.
- E. Private Maintenance Agreements. Pursuant to the authority set forth in the SHRA, if a homeowner's association is not required, but shared operation and/or maintenance of drive aisles, access ways, parking areas, utilities, common recreation areas, or other private or public infrastructure by the owners of the new parcels in a starter home project is proposed or necessary, a private maintenance agreement, or other mechanism to ensure the ongoing funding, operation, and maintenance of such facilities or infrastructure acceptable to the Department Director shall be recorded prior to final inspection or issuance of an approval for occupancy of any new dwelling unit.

- F. Public Improvements and Dedications. Pursuant to Chapter 9.40, the City may require the installation of public improvements and right-of-way dedications consistent with City standard specifications.
- G. Fees. Starter home projects shall be subject to Traffic Mitigation Fees, In-Lieu Park Fees, Drainage Facilities Fees, Water Assessment Fees, and other applicable mitigation fees identified in Chapter 9.44 of the Garden Grove Municipal Code, along with all other applicable fees duly adopted by the City.
- H. Replacement Housing and Tenant Protections. If one or more housing units on the existing lot will be demolished as part a starter home project, or have been demolished in the five-year period preceding the application date for a starter home project, the applicant shall comply with all applicable requirements set forth in section 9.60.060 and Article 2 of Chapter 12 of Division 1 of Title 7 of the Government Code.

§ 9.58.050 Projects Deemed Approved. If the City fails to approve or disapprove the completed applications for a starter home project within sixty (60) days, and the project is deemed approved by operation of law, all applicable objective standards and requirements set forth in this chapter apply as conditions of approval. These standards shall apply to the same extent as if the project were approved ministerially pursuant to this chapter.

§ 9.58.060 Early Building Permit Issuance. Pursuant to the SHRA, the City shall issue a building permit for one or more residential units that are part of a housing development project consisting of 10 or fewer units on a lot proposed to be subdivided as part of a subdivision, based upon the tentative or parcel map and its conditions of approval, provided the following criteria are met and the issuance is consistent with Government Code Section 65913.4.5.

- A. Approved Project. The applicant shall have received a tentative map approval for the subdivision.
- B. Complete Building Permit Application. A building permit application shall have been deemed complete by the City pursuant to Government Code Section 95913.3(b).
- C. Covenant and Agreement. The applicant shall have submitted proof to the City of a recorded covenant and agreement enforceable by the City, in a form approved by the City Attorney, stating that the property owner or owners and the property owner's or owners' successors and assigns agree that the building permit is issued on the condition that a certificate of occupancy or equivalent final approval for the building will not be issued unless the final map has been recorded. Prior to recordation of the covenant and agreement, the City may require the applicant to obtain, at applicant's costs, and submit to the City a current title report from a reputable title company identifying all current owners of the subject property and proof satisfactory to the City that any individual signing the covenant and agreement on behalf of an entity that is a

property owner has authority to execute the covenant and agreement on behalf of, and to bind, the entity.

- D. Guarantee. The applicant shall have guaranteed all dedications, improvements, and sewer requirements identified in the approved tentative map or its conditions of approval to the satisfaction of the City Manager or designee, including, without limitation, execution of a subdivision improvement agreement with the City.
- E. Security. To ensure faithful performance of the requirements identified in the approved tentative map or its conditions of approval, the applicant shall have provided security to the City in an amount equal to three hundred percent (300%) of the estimated cost of the improvements or acts to be performed, as determined by the City. Except as otherwise provided in paragraph (3) of subdivision (a) of Government Code Section 65913.4.5, the security shall be provided in the form of a bond or bonds executed on City forms by a surety authorized to do business in the State of California and approved by the City Attorney.
- F. Denial. Notwithstanding the provision of this section, the City may deny the issuance of a building permit prior to recordation of a final map if the Building Official or other authorized City official makes a written finding, based on a preponderance of the evidence, that construction of the proposed structure or structures before recordation of the final map would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Government Code Section 65589.5, upon public health and safety and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

**PROPOSED AMENDED AND RESTATED CHAPTER 9.56
(WITH REDLINES)**

(Deletions shown in ~~strikethrough~~, additions shown in ***bold-italics***)

Chapter 9.56 SB 9 ~~TWO-UNIT~~ RESIDENTIAL DEVELOPMENTS AND URBAN LOT SPLITS

§ 9.56.010 Purpose, Applicability, Definitions, Interpretation.

- A. Purpose. The purpose of this chapter is to appropriately regulate qualifying ~~SB 9 two-unit residential developments and urban lot splits within single-family residential zones in accordance with California Government Code Sections 65852.21 and 66411.7~~ ***implement Government Code Sections 66411.7 and 65852.21, which require the City to permit urban lot splits and the development of up to two primary residential units on certain lots located in single-family residential zones, and to appropriately regulate such developments to the extent allowed by state law.***
- B. Applicability. ~~The~~ ***Except as otherwise provided by state law, the*** standards and limitations set forth in this chapter shall apply to urban lot splits and the development and use of SB 9 ~~two-unit residential developments within a single-family residential zones in the City, notwithstanding any other conflicting provisions of this code. In the event of a conflict between the provisions of this chapter and any other provision of this Code, the provisions of this chapter shall prevail.~~
- C. Definitions. As used in this chapter, the following terms shall have the following meanings:
1. The terms ADU and JADU shall have the meanings ascribed to these terms in Chapter 9.54.
 2. ~~The term "Director" means the City of Garden Grove Director of Community and Economic Development, or his or her designee.~~
 - 23.** The term "individual property owner" means a natural person holding fee title individually or jointly in the person's own name or a beneficiary of a trust that holds fee title. "Individual property owner" does not include any corporation or corporate person of any kind (partnership, limited partnership, limited liability company, C corporation, S corporation, etc.) except for a community land trust (as defined by Revenue and Taxation Code Section 402.1(a)(11)(C)(ii)) or a qualified nonprofit corporation (as defined by Revenue and Taxation Code Section 214.15).

- 34.** The term "new primary dwelling unit" means either a new, additional dwelling unit that is created or an existing dwelling unit that is expanded, but does not include an ADU or a JADU.
- 45.** The term "single-family residential zone" shall have the same meaning as in ~~California~~ Government Code Section 65852.21. A single-family residential zone includes the R-1 (Single-Family Residential) zoning district and any property within a planned unit development district or a specific plan area where a single-family dwelling is a permitted use, but a duplex, triplex, or multiple-family dwelling is not a permitted or conditionally permitted use.
- 56.** The term "SB 9 ~~two-unit~~ residential development" shall mean a housing development containing no more than two primary **dwelling** residential units within a single-family residential zone that qualifies for ministerial review pursuant to ~~California~~ Government Code Section 65852.21 and ~~this chapter~~. A housing development contains two **new primary dwelling** residential units if the development proposes no more than two new **primary dwelling** units or if it proposes to add one new **primary dwelling** unit to one existing primary **dwelling** unit.
- 67.** The term "urban lot split" shall have the same meaning as stated in ~~California~~ Government Code Section 66411.7.

- D. Interpretation. The provisions of this chapter shall be interpreted to be consistent with the provisions of ~~California~~ Government Code Sections 65852.21 and 66411.7 and shall be applied in a manner consistent with state law. The City shall not apply any requirement or development standard provided for in this chapter to the extent prohibited by any provision of state law.

§ 9.56.020 Permit Application and Review Procedures.

- A. Application. An applicant for an SB 9 ~~two-unit~~ residential development or an urban lot split shall submit an application on a form prepared by the City, along with all **supplemental forms**, information, and materials prescribed by such form **and/or otherwise required by the City for housing development projects**. No application shall be accepted unless it is completed as prescribed and is accompanied by payment for all applicable fees.
- B. Review. Consistent with state law, the **Department** Director will consider and approve or disapprove a complete application for an SB 9 ~~two-unit~~ residential development or an urban lot split ministerially, without discretionary review or public hearing, **within the following time limits established by state law**.
- 1. The Department Director shall determine in writing whether a submitted or resubmitted application is complete and transmit**

the determination to the applicant within 30 calendar days in accordance with Government Code Section 65943.

2. The Department Director shall either approve or disapprove a proposed SB 9 residential development and/or urban lot split within 60 days of receiving a complete application, or the application shall be deemed approved. If the Department Director disapproves an application, the Department Director shall concurrently return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

- ~~C. Nonconforming Conditions. An SB-9 two-unit residential development may only be approved if all nonconforming zoning conditions are corrected. The correction of legal nonconforming zoning conditions is not a condition for ministerial approval of a parcel map for an urban lot split.~~
- ~~D. Effectiveness of Approval. The ministerial approval of an SB-9 two-unit residential development or a parcel map for an urban lot split does not take effect until the city has confirmed that all required documents have been recorded.~~
- ~~E. Hold Harmless. Approval of an SB-9 two-unit residential development or a parcel map for an urban lot split shall be conditioned on the applicant agreeing to defend, indemnify and hold harmless the City, its officers, agents, employees and/or consultants from all claims and damages (including attorney's fees) related to the approval and its subject matter.~~
- CF.** Specific, Adverse Impacts. Notwithstanding anything else in this **chapter** section, the **Department** Director may deny an application for an SB-9 two-unit residential development or a parcel map for an urban lot split if the building official makes a written finding, based on a preponderance of the evidence, that the project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of California Government Code Section 65589.5, on either public health and safety ~~or on the physical environment~~ and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

§ 9.56.030 Qualifying Requirements.

A proposed urban lot split or SB-9 two-unit residential development must meet all of the following requirements in order to qualify for ministerial review pursuant to the provisions of this chapter. It shall be the responsibility of the applicant to demonstrate to the reasonable satisfaction of the **Department** Director that each of these requirements is satisfied. The applicant and each owner of the property shall provide a sworn statement, in a form approved by the **Department** Director, attesting to all facts necessary to establish that each requirement is met. The city may conduct its

own inquires and investigation to ascertain the veracity of the sworn statements, including, but not limited to, interviewing prior owners and occupants of the subject property, interviewing owners and occupants of nearby properties, and reviewing tax records, and may require additional evidence necessary to support the sworn statements, as determined by the **Department** Director in his or her reasonable discretion.

- A. The subject property shall be located within a single-family residential zone.
- B. The proposed development shall not be located on any site identified in subparagraphs B to K, inclusive of paragraph (6) of subdivision (a) of California Government Code Section 65913.4, **as that section read on September 16, 2021**, unless the development satisfies the requirements specified therein. Such sites include, but are not limited to, prime farmland, wetlands, high or very high fire hazard severity zones, special flood hazard areas, regulatory floodways, and lands identified for conservation or habitat preservation as specifically defined in Government Code Section 65913.4.
- C. The proposed **SB 9 residential** development **or urban lot split, as applicable**, shall not be located **on or in, or require the demolition or alteration of a structure located on or in, a historic district, historic property, or historical landmark property identified in paragraph 5 of subdivision (a) of Government Code Section 65852.21 or paragraph 3 of subdivision (a) of Government Code Section 66411.7** ~~within a historic district or on property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the California Public Resources Code, or within a site that is designated or listed as a city landmark or historic property pursuant to a city ordinance.~~
- D. The proposed development shall not require the demolition or alteration of housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
- E. The proposed development shall not require the demolition or alteration of housing that is subject to any form of rent or price control.
- F. The proposed development shall not require the demolition or alteration of housing that has been occupied by a tenant within the last three years **period preceding the application submittal date**.
- G. ~~If any existing or previously demolished housing unit on the lot has been occupied by a tenant in the last three years, the proposed development shall not involve the demolition of more than 25% of the existing exterior structural walls of any housing unit on the lot.~~

- ~~G.H.~~ The subject property ~~***In the case of an urban lot split, the lot proposed to be subdivided***~~ shall be owned solely by one or more individual ~~property~~ owners.
- ~~H.I.~~ In the case of an urban lot split, the lot proposed to be subdivided shall not have been established through a prior urban lot split.
- ~~I.J.~~ In the case of an urban lot split, the lot proposed to be subdivided ("subject lot") is not adjacent to any lot that was established through an urban lot split by the owner of the subject lot or by any person acting in concert with the owner of the subject lot.
- ~~K.~~ No unpermitted construction or illegal nonconforming zoning conditions shall exist on the property.

§ 9.56.040 Permitted Locations.

A lot on which an urban lot split or SB 9 ~~two-unit~~ residential development is proposed must be located within a single-family residential zone. A lot located within a multiple-family or mixed-use zone shall not be eligible to be subdivided through an urban lot split or developed with an SB 9 ~~two-unit~~ residential development pursuant to this chapter.

§ 9.56.050 Number of Dwelling Units Permitted on a Lot.

- A. Notwithstanding any other provisions of this Code, state law requires the City to permit a lot located within a single-family residential zone to contain ***up to*** two primary dwelling units, provided ~~***each***~~ ~~both units are~~ ***is*** developed and maintained in compliance with the standards and requirements set forth in this chapter.
- B. Provided the lot is not subdivided or created through an urban lot split, development of ***one or*** two primary dwelling units on a lot through an SB 9 ~~two-unit~~ residential development in conformance with this chapter does not preclude the development or maintenance of one or more ADUs and/or JADUs on the lot to the extent permitted by Chapter 9.54 and state law.
- C. No more than two dwelling units of any kind may be constructed or maintained on a lot that results from an urban lot split. For purposes of this subdivision, the two-unit limitation applies to any combination of primary dwelling units, ADUs, and JADUs.

§ 9.56.060 Separate Conveyance.

- A. Primary dwelling units located on the same lot may not be owned or conveyed separately from one another. All fee interest in a lot and all dwellings must be held equally and undivided by all ~~individual~~ owners of the lot.

- B. Separate conveyance of the two lots resulting from an urban lot split is permitted. If dwellings or other structures (such as garages) on different lots are adjacent or attached to each other, the urban lot split boundary may separate them for conveyance purposes if the structures meet building code safety standards and are sufficient to allow separate conveyance. If any attached structures span or will span the new lot line, or if the two lots share a driveway pursuant to ~~Section 9.56.100(Q)(2) of this chapter~~, appropriate covenants, easements or similar documentation allocating legal and financial rights and responsibilities between the owners of the two lots ("CC&Rs") for construction, reconstruction, use, maintenance, and improvement of the attached structures and any related shared drive aisles, parking areas, or other portions of the lot must be recorded before the city will approve a final parcel map for the urban lot split. Notwithstanding the provision of such CC&Rs, however, where attached structures and/or related shared facilities span a lot line resulting from an urban lot split, all owners of both lots shall be jointly and severally responsible for the use and maintenance of such structures and/or shared facilities in compliance with all provisions of this Code.
- C. Condominium airspace divisions and common interest developments are not permitted on a lot created through an urban lot split or containing an SB 9 ~~two-unit~~ residential development.

§ 9.56.070 Residential Use Only.

No non-residential use is permitted on any lot created through an urban lot split or containing an SB 9 ~~two-unit~~ residential development.

§ 9.56.080 No Short-Term Rentals Permitted.

The rental of any dwelling unit on a lot created through an urban lot split or containing an SB 9 ~~two-unit~~ residential development shall be for a term longer than 30 consecutive days.

§ 9.56.090 ~~Replacement of Protected Units. Housing Crisis Act Replacement Housing Obligations.~~

Urban lot splits and SB 9 residential developments are also subject to, and shall comply with, the provisions set forth in Section 9.60.060 of this Code and Article 2 of Chapter 12 of Division 1 of Title 7 of the Government Code pertaining to the demolition of residential rental units and protection of existing tenants. If the proposed development will result in the demolition of protected ~~units~~ housing, as defined in **Section 9.60.060 and** California Government Code Section 66300.5, **including a previously demolished residential dwelling unit that was rented by lower or very low income households within the five-year period preceding the application submittal date,** the applicant shall replace each demolished protected unit and comply with all applicable requirements imposed pursuant to **Section 9.60.060 and** subsection **(b)** ~~(d)~~ of Government Code Section 66300.6.

§ 9.56.100 Development Standards and Design Criteria.

- A. Development Standards. A qualifying SB 9 two-unit residential development and any development on a lot created through an urban lot split shall be subject to the standards and criteria set forth in this section. In addition, except **Except** as modified or provided by this **sub**section or state law, an SB 9 two-unit residential development and any development on a lot created through an urban lot split shall conform to all objective **zoning, subdivision, and design** development standards **that apply uniformly to development within the underlying single-family residential zone in which the lot is located** applicable to the lot as set forth in this title and/or in an applicable specific plan or planned unit development ordinance or resolution, along with all applicable objective standards and criteria contained in standard plans and specifications, policies, and/or standard conditions duly promulgated and/or adopted by the city, the Garden Grove Sanitary District, and the Orange County Fire Authority.

1. Off-Street Parking. In accordance with state law, a minimum of one off-street parking space must be provided for each new primary dwelling unit unless one of the following applies, in which case off-street parking is not required:

a. The lot is located within one-half mile walking distance of either: (i) a high-quality transit corridor as defined in subdivision (b) of Section 21155 of the California Public Resources Code; or (ii) a major transit stop as defined in Section 21064.3 of the California Public Resources Code.

b. The lot is located within one block of a car-share vehicle location.

Required parking for new primary dwelling units may be provided within an enclosed garage or as open spaces on the lot, but not as tandem parking. Open spaces may be located within the side or rear setbacks, and in the front setback for driveways that are not shared by more than one housing unit. Off-street parking spaces for an existing primary dwelling shall continue to be provided in accordance with the standards for the underlying zone.

2. Setbacks. In accordance with state law, the setback requirements of the underlying single-family residential zone may be modified as follows:

a. No increased setback is required for an existing legally established structure or for a new primary dwelling unit

that is constructed in the same dimensions as an existing legally established structure.

b. Minimum side and rear setbacks of four feet are permitted for new primary dwelling units.

31. Waiver of Development Standards.

a. In accordance with state law, any objective zoning, subdivision, or design standard that would have the effect of physically precluding the construction of up to two primary residential units on a lot or that would physically preclude each new unit from being 800 square feet in floor area shall be modified or waived to the extent necessary to allow the development of **one or** two primary **dwelling** residential units on a lot pursuant to this chapter that are each 800 square feet in floor area **or less**. The city prioritizes some objective development standards over others, as provided in below. In applying the exceptions required by this subsection, a proposed project shall be designed such that a development standard given a lower priority is modified or waived before a development standard given a higher priority. If a proposed project can be designed such that each lot can accommodate **up to** two 800 square foot primary dwelling units by modifying or waiving a development standard with a lower priority, then an application that proposes a design requiring the modification or waiver of a development standard with a higher priority will be denied.

b. Priority of Development Standards. The City prioritizes the following development standards in the following descending order of priority, with the first development standard listed having the highest priority:

i. Height; Stories.

ii. Front Setback.

iii. Maximum front setback hardscape coverage.

iv. Open space.

v. Minimum **dwelling** unit **area**.

vi. Side or rear setback (a minimum of four feet must be maintained).

vii. Lot coverage.

- c. This subsection shall not be interpreted to permit the construction of new garages or accessory structures, or the maintenance of existing accessory structures not providing required parking, where the development or maintenance of two 800 square foot dwelling units on the lot would not be physically precluded in the absence of such proposed or existing structures.
 - d. Building standards, standards required by federal, state or local law or for sanitation or safety reasons, the off-site parking requirements in subsection A.1 of this section, and the lot size, access, and frontage requirements set forth in Section 9.56.110 will not be waived or modified unless otherwise required by state law.
- 5. As part of its application, the applicant shall provide a written explanation that: (a) specifically describes every development standard the applicant seeks to modify and waive, and to what extent; (b) demonstrates why waiver or modification of each development standard is needed to prevent physically precluding the construction of up to two primary residential units on the lot and/or each new unit from being at least 800 square feet in floor area; and (c) demonstrates that the requested modifications and/or waivers are consistent with the priority set forth in this subsection.

~~B. Unit Size.~~

- ~~1. Minimum Size. Each new primary dwelling unit shall be at least the following minimum sizes based on the number of sleeping rooms provided:~~
 - ~~a. Studio/one bedroom: 500 square feet.~~
 - ~~b. More than one bedroom: 700 square feet.~~
- ~~2. Maximum Size.~~
 - ~~a. The total floor area of each new primary dwelling unit developed as part of an SB 9 two unit residential development or on a lot created through an urban lot split shall not exceed 800 square feet.~~
 - ~~b. A primary dwelling that was legally established on the lot prior to the submittal of a complete application for an SB 9 two unit development or an urban lot split and has a total floor area of 800 square feet shall be limited to its current lawful floor area and may not be expanded.~~

- ~~c. A primary dwelling that was legally established prior to the submittal of a complete application for an urban lot split or an SB 9 two-unit residential development and that is smaller than 800 square feet may be expanded to 800 square feet.~~
- ~~C. Unit Height; Stories: Each new primary dwelling unit shall be one story, constructed at ground level, and should not be more than 17 feet in height measured from ground level to the highest point on the roof.~~
- ~~D. Setbacks.~~
 - ~~1. New Primary Dwelling Units. The following minimum setbacks from the property lines shall be observed for each new primary dwelling unit and any garages and accessory structures that are attached to a new primary dwelling unit. Detached garages and accessory structures shall comply with the setbacks contained in subsection (D)(2). The required setbacks shall be maintained open and unobstructed from the ground to the sky, except for the permitted intrusions.~~
 - ~~a. Front setback: 20 feet.~~
 - ~~b. Interior side setback: five feet.~~
 - ~~c. Street side setback: 10 feet.~~
 - ~~d. Rear setback: 15 feet.~~
 - ~~2. Detached Garages and Accessory Structures. The following minimum setbacks from the property lines shall be observed for detached garages and accessory structures on a lot.~~
 - ~~a. Front setback: 20 feet.~~
 - ~~b. Interior side setback: five feet.~~
 - ~~c. Street side setback: 10 feet.~~
 - ~~d. Rear setback: five feet.~~
 - ~~3. Any construction occurring on a lot that abuts a street that has not been fully improved shall observe all building setbacks from the ultimate right-of-way of the street.~~
 - ~~4. Exceptions. The above minimum setback requirements do not apply or shall be modified in the following circumstances:~~
 - ~~a. No increased setback is required for an existing legally established structure or for a new primary dwelling unit that is~~

~~constructed in the same dimensions as an existing legally established structure, provided that the new primary dwelling unit shall not be greater than 800 square feet.~~

~~b. A required minimum setback may be reduced pursuant to subsection W of this section to the degree it would (i) physically preclude the development or maintenance of two dwelling units on a lot or (ii) physically preclude any new primary dwelling unit from being 800 square feet in floor area; but in no event may any structure be less than four feet from a side or rear property line.~~

~~c. Permitted Intrusions. The following permitted intrusion may project into any required setback a maximum of two feet: cornices, eaves, belt courses, sills, buttresses, planter boxes, masonry planters, guard railings, chimneys, and architectural projections with no floor area, including, but not limited to, windows and pilasters.~~

~~E. Building Separation. Except as otherwise allowed by state law, a minimum building separation of six feet shall be maintained between all detached structures on a lot, including all residential units, garages, and accessory structures.~~

~~F. Lot Coverage. The maximum lot coverage shall not exceed 50%. The lot coverage shall include all buildings and structures (primary and accessory), covered porches and patios, and covered parking areas.~~

~~G. Maximum Front Setback Coverage. No more than 50% of the front setback area may contain hardscape, excluding the allowed standard driveway in the front yard~~

~~H. Open Space. Each new primary dwelling unit shall provide, at a minimum, a continuous private recreation area of 225 square feet with minimum interior dimensions of 10 feet. The private recreation area shall be open and unobstructed from the ground to the sky. The private recreation area may be located within the interior side, street side, or rear setback areas.~~

~~I. Landscaping. All setback areas, and all areas not designated for walkways, parking, drive aisles, and private recreation areas, shall be fully landscaped and irrigated. Each development shall comply with the landscaping and irrigation requirements contained in Chapter 9.08 of Title 9.~~

~~J. Perimeter Block Walls. Each development shall provide a masonry perimeter wall with a minimum height of six feet, as measured from the highest point of the finished grade next to the wall, and shall comply with the following stipulations:~~

- ~~1. All perimeter walls shall comply with the requirements as contained in Section 9.08.040.110, Wall, Fences and Hedges.~~
- ~~2. New walls shall not exceed a height of seven feet as measured from the finished point of grade next to the wall. At no time shall the overall height of the wall, as measured from adjacent neighbor's finished grade, exceed eight feet in height.~~
- ~~3. Walls located within the front yard areas, or adjacent to driveways shall not exceed 36 inches in height.~~
- ~~4. Perimeter walls located along any side street shall maintain a minimum setback of three feet from the property line for landscaping purposes.~~
- ~~5. All walls shall be designed to ensure proper vision clearance for cars entering or leaving the driveway and parking areas. No wall or fence shall cause an exceedance of the applicable site distance standards set forth in City of Garden Grove Traffic Engineering Policy TE 13 or in any revised or updated standard or policy promulgated by the city.~~
- ~~6. The property owner shall work with the adjoining property owners in designing and constructing the perimeter block walls to avoid the use of double walls. If the property owner cannot obtain approval from the adjoining property owners, the property owner shall construct the new wall with a decorative cap to be placed between the new and the existing wall.~~
- ~~7. Street facing perimeter block walls shall be decorative and utilize stucco finish, slump stone or split face block and shall include trailing vines and other landscaping to deter graffiti.~~

~~K. Off-Street Parking.~~

- ~~1. Required Parking. One off-street parking space must be provided for each new primary dwelling unit unless one of the following applies:~~
 - ~~a. The lot is located within one-half mile walking distance of either: (i) a high-quality transit corridor as defined in subdivision (b) of Section 21155 of the California Public Resources Code; or (ii) a major transit stop as defined in Section 21064.3 of the California Public Resources Code.~~
 - ~~b. The lot is located within one block of a car-share vehicle location.~~
- ~~2. Off-street parking spaces for an existing primary dwelling shall continue to be provided in accordance with the standards for the underlying zone.~~

3. ~~Required parking for new primary dwelling units may be provided within an enclosed garage or as open spaces on the lot, but not as tandem parking. Open spaces may be located within the side or rear setbacks, and in the front setback for driveways that are not shared by more than one housing unit.~~
4. ~~All required parking spaces provided shall be a minimum of nine feet wide and 19 feet in depth and shall comply with the size requirements for full-size stalls set forth in Standard B-311 of the Standard Plans and Specifications adopted by the City. Parking spaces adjacent and parallel to walls shall be a minimum of 11 feet wide.~~
5. ~~Any proposed enclosed garage shall meet the following standards:~~
 - a. ~~Each enclosed garage shall maintain the following minimum interior parking clearance based on the number of cars it is designed to hold. 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.~~

Number of Cars	Minimum Interior Parking Area
1	10 feet x 20 feet
2	20 feet x 20 feet

- ~~b. The garage shall be equipped with an automatic roll-up garage door opener.~~
- ~~c. Each garage shall maintain the ability to park the required number of vehicles at all times.~~

~~L. Unit Design Standards:~~

1. ~~If there is an existing primary dwelling that was legally established on the lot prior to the filing of a complete application for a two-unit development or an urban lot split, any new additional primary dwelling unit must match the existing primary dwelling unit in exterior materials, color, and dominant roof pitch. The dominant roof slope is the slope shared by the largest portion of the roof.~~
2. ~~If two new primary dwelling units are developed on the lot, the dwellings must match each other in exterior materials, color, and dominant roof pitch. The dominant roof slope is the slope shared by the largest portion of the roof.~~
3. ~~All exterior lighting must be limited to down lights.~~

4. ~~Each new primary dwelling unit shall have a main entry that is clearly defined, and to the extent possible, be oriented directly toward the street(s) in order to provide consistency with the neighborhood. The main entry shall be covered, with a minimum depth of three feet. Each covered entry shall be in proportion with the building and shall incorporate architectural features that are used in the overall building design. All doors shall have standard door locks and dead bolts.~~
- M. ~~Storage Facilities. Each new primary dwelling unit shall provide a minimum 144 cubic feet of private secure storage space. Normal closets and cupboard space located within the unit shall not count toward meeting the requirement.~~
- N. ~~Laundry Facilities. Each new primary dwelling unit 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. If the laundry facilities are located within an enclosed garage, the laundry equipment shall not encroach into the interior garage parking area.~~
- O. ~~Water Heaters. Each new primary dwelling unit shall have a separate hot water. The location of the water heater shall be incorporated into the design of each 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.~~
- P. ~~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.~~

BQ. Access and Circulation.

1. Each development shall be designed to provide adequate on-site vehicular access, circulation, back-up, and turn-around areas that comply with all the applicable city standards **of the city and the Orange County Fire Authority.**
2. **The number of permitted driveways, the width of driveways, and site distance vision clearance from driveways shall comply with applicable Public Works standards.** Where the street frontage of a lot (or the combined street frontage of the two lots created through an urban lot split) is less than 81 feet, all units on the lot (or all units on

both lots created through an urban lot split) shall share the same drive approach and driveway.

3. Driveways **that are shared by more than one residential unit** shall maintain a minimum width of 20 feet, unless a **greater**-wider width is required for emergency access.
4. Adequate access to each residential unit on the lot for fire and emergency medical service personnel and vehicles must be provided. ~~The~~ **Approval of an application pursuant to this chapter shall be conditioned upon confirmation by the** Orange County Fire Authority ~~must confirm that all applicable fire and emergency access requirements are met before the city will approve an application.~~

CR. Refuse Storage Areas. All developments shall provide each unit with **sufficient space for** the appropriate number of containers for recyclables, organics, and non-recyclable solid waste (~~"trash containers"~~) as required by **this Code and** 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.~~

DS. Utilities.

1. Each primary dwelling unit on a lot must have its own direct utility connection to the utility/public service provider, **unless otherwise expressly permitted by the utility/public service provider.**
2. All necessary and/or required easements for the provision of electricity, gas, water, sewer, and other utility or public service to the lot and each primary dwelling unit must be obtained by the property owner/applicant. The city may condition approval of an application under this **chapter** ~~section~~ upon the applicant providing evidence that such easements have been agreed to and/or recorded.
3. Submitted plans shall show the location and dimension of all proposed above-ground and underground utility and public service facilities

serving the lot and each dwelling unit and the location and dimensions of all related easements.

EF. Building and Safety. All structures built on the lot must comply with all current local building standards.

FU. Drainage and Stormwater Management. Each lot shall drain to the street or to an approved storm drain facility. The design of parkway culverts and storm drain lateral pipe connections to city-maintained storm drains within the City right-of-way shall comply with applicable City standards. SB 9 ~~two-unit~~ residential developments and the development of lots created through an urban lot split are subject to Chapter 6.40 of this Code ("Stormwater Quality") and must comply with all applicable related rules, requirements, and standards, including, but not limited to, the preparation and implementation of a water quality management plan that meets applicable requirements.

GV. Address Identification. Each residential unit shall have a separate address and shall be provided with approved address identification that is visible from the street fronting the lot in accordance with Section R319 of the California Residential Code. Where the unit address on the building cannot be viewed from the street fronting the lot, a monument, pole, or other means consistent with City standards shall be used to identify the unit. Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response.

~~W. Exceptions to Objective Standards.~~

~~1. Any objective zoning, subdivision, or design standard that would have the effect of physically precluding the construction of up to two primary residential units on a lot or that would physically preclude each new unit from being 800 square feet in floor area shall be modified or waived to the extent necessary to allow the development of two primary residential units on a lot pursuant to this chapter that are each 800 square feet in floor area. The city prioritizes some objective development standards over others, as provided in subsection (W)(2) below. In applying the exceptions required by this subsection, a proposed project shall be designed such that a development standard given a lower priority is modified or waived before a development standard given a higher priority. If a proposed project can be designed such that each lot can accommodate two 800 square foot primary dwelling units by modifying or waiving a development standard with a lower priority, then an application that proposes a design requiring the modification or waiver of a development standard with a higher priority will be denied.~~

~~2. Priority of Development Standards. The City prioritizes the following development standards in the following descending order of priority, with the first development standard listed having the highest priority:~~

- ~~_____ a. _____ Height; Stories.~~
- ~~_____ b. _____ Front Setback.~~
- ~~_____ c. _____ Maximum front setback hardscape coverage (50%).~~
- ~~_____ d. _____ Open space (225 square feet).~~
- ~~_____ e. _____ Minimum unit size.~~
- ~~_____ f. _____ Side or rear setback (a minimum of four feet must be maintained).~~
- ~~_____ g. _____ Lot coverage (50%).~~
 - ~~h. _____ Building separation (minimum separation required by Building Code must be maintained).~~
- ~~3. _____ This subsection shall not be interpreted to permit the construction of new garages or accessory structures, or the maintenance of existing accessory structures not providing required parking, where the development or maintenance of two 800 square foot dwelling units on the lot would not be physically precluded in the absence of such proposed or existing structures.~~
- ~~4. _____ Building standards, standards required by federal, state or local law or for sanitation or safety reasons, the off site parking requirements in subsection K of this section, and the lot size, access, and frontage requirements set forth in Section 9.56.110 will not be waived or modified unless otherwise required by state law.~~
- ~~5. _____ As part of its application, the applicant shall provide a written explanation that: (a) specifically describes every development standard the applicant seeks to modify and waive, and to what extent; (b) demonstrates why waiver or modification of each development standard is needed to prevent physically precluding the construction of up to two primary residential units on the lot and/or each new unit from being at least 800 square feet in floor area; and (c) demonstrates that the requested modifications and/or waivers are consistent with the priority set forth in this subsection.~~

§ 9.56.110 Additional Requirements for Urban Lot Splits.

- A. An urban lot split must conform to all applicable objective requirements of the Subdivision Map Act, including implementing requirements in this Code, except as otherwise provided in this chapter. Notwithstanding the foregoing, no

dedication of rights-of-way or construction of offsite improvements is required solely for an urban lot split.

- B. Lot Size. The parcel map for an urban lot split must subdivide an existing lot to create no more than two new lots of approximately equal lot area, provided that one lot shall not be smaller than 40% of the lot area of the original lot proposed for subdivision. Both newly created lots must each be no smaller than 1,200 square feet.
- C. Easements.
 - 1. The owner must enter into an easement agreement with each utility/public-service provider to establish easements that are sufficient for the provision of public services and facilities to each of the resulting lots.
 - 2. Each easement must be shown on the tentative parcel map and the final parcel map.
 - 3. Copies of the unrecorded easement agreements must be submitted with the application. The easement agreements must be recorded against the property before the final parcel map may be approved.
- D. Lot Access.
 - 1. Each resulting lot must adjoin the public right-of-way.
 - 2. Each resulting lot must have frontage on the public right-of-way of at least 25 feet.
- E. Improvements Required. Each resulting lot must be developed in accordance with improvement plans processed concurrently with the parcel map application and approved by the City, showing the location and dimensions of all structures, drive aisles, parking areas, pedestrian pathways, and other improvements proposed to be constructed or to remain on each lot. Approval of a parcel map for an urban lot split shall be subject to the City's approval of such related improvement plans and all related entitlements or other approvals required by this Code. Any proposed development on one of the lots that is inconsistent with or not shown on the improvement plans approved concurrently with the urban lot split shall be subject to review and approval by the City in accordance with the applicable requirements of this Code.
- F. Required Affidavit. The applicant for a parcel map for an urban lot split must sign an affidavit provided by the City stating that the applicant intends to occupy one of the dwelling units on one of the resulting lots as the applicant's principal residence for a minimum of three years after the final parcel map for the urban lot split is approved.

§ 9.56.120 Compliance with Emergency Access and Service Requirements.

Development of a lot pursuant to this chapter must conform and comply with all applicable provisions of the fire code and applicable requirements promulgated by the Orange County Fire Authority intended to ensure sufficient emergency access is provided or maintained. Prior to submitting a complete application for an SB 9 ~~two-unit~~ residential development or an urban lot split, the applicant shall obtain and provide the City with written confirmation from the Orange County Fire Authority that the proposed development complies with all such requirements.

§ 9.56.130 Deed Restriction.

Prior to approval of a parcel map for an urban lot split and/or the issuance of a building permit for the development of an SB 9 ~~two-unit~~ residential development, the owner(s) of record of the property shall provide the **Department** Director a copy of a covenant agreement, declaration of restrictions, or similar deed restriction ("deed restriction") recorded against the property, which is in a form prepared by and/or acceptable to the **Department** Director, and that does each of the following:

- A. Expressly requires the rental of any dwelling unit on the property be for a term longer than 30 consecutive days.
- B. Expressly prohibits any non-residential use of the lot.
- C. Expressly prohibits primary dwelling units located on the same lot from being owned or conveyed separately from one another.
- D. Expressly requires all fee interest in each lot and all dwellings to be held equally and undivided by all individual owners of the lot.
- E. Expressly prohibits condominium airspace divisions and common interest developments on the property.
- F. States that the property was formed and/or developed pursuant to the provisions of this chapter and is therefore subject to the City regulations set forth in this chapter, ~~including all applicable limits on dwelling size and development.~~
- G. Expressly prohibits more than two dwelling units of any kind from being constructed or maintained on a lot that results from an urban lot split.
- H. States: (1) that the deed restriction is for the benefit of and is enforceable by the City; (2) that the deed restriction shall run with the land and shall bind future owners, their heirs, and successors and assigns; (3) that lack of compliance with the deed restriction shall be good cause for legal action against the owner(s) of the property; (4) that, if the City is required to bring legal action to enforce the deed restriction, then the City shall be entitled to its attorneys' fees and court costs; and (5) that the deed restriction may not

be modified or terminated without the prior written consent of the **Department** Director.

§ 9.56.140 Fees.

Development of lots pursuant to this section shall be subject to all applicable fees, including development impact fees, and assessments, duly adopted by the City.

§ 9.56.150 Objective Standard Conditions.

The **Department** Director is authorized to promulgate objective standard conditions implementing this section, which are consistent with this code and state law, that shall apply to the application and development of ~~two-unit~~ **SB 9 residential** developments and urban lot splits, and to publish such standard conditions on the City's internet website. Applicants must comply with all standard conditions duly promulgated by the **Department** Director and published on the City's internet website.

§ 9.56.160 Expiration of Approval.

The approval of an SB 9 ~~two-unit~~ residential development shall become null and void if construction is not commenced within one year of the approval and diligently advanced until completion of the project. In the event construction of the project is commenced, but not diligently advanced until completion, the rights granted pursuant to the approval shall expire if the building permits for the project expire.