



AGENDA

GARDEN GROVE PLANNING COMMISSION

September 1, 2022 - 7:00 PM

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE

COVID-19 Information: Masks are not required, however, the public is encouraged to wear face masks in City facilities. Please do not attend this meeting if you have had direct contact with someone who has tested positive for COVID-19, or if you are experiencing symptoms such as coughing, sneezing, fever, difficulty breathing or have other flu-like symptoms.

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

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

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

Public Comments: Members of the public who attend the meeting in-person and would like to address the Planning Commission are requested to complete a yellow speaker card indicating their name and address, and identifying the subject matter they wish to address. This card should be given to the Recording Secretary before the meeting begins. General comments are made during "Oral Communications" and are limited to three (3) minutes and to matters the Planning Commission has jurisdiction over. Persons wishing to address the Planning Commission regarding a Public Hearing matter will be called to the podium at the time the matter is being considered. Members of the public who wish to comment on matters before the Commission, in lieu of doing so in person, may submit comments by emailing public-comment@ggcity.org no later than 3:00 p.m. the day of the meeting. The comments will be provided to the Commission as part of the meeting record.

PLEASE SILENCE YOUR CELL PHONES DURING THE MEETING.

REGULAR MEETING AGENDA

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

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

- A. ORAL COMMUNICATIONS - PUBLIC
- B. APPROVAL OF MINUTES – August 4, 2022
- C. PUBLIC HEARING(S) (Authorization for the Chair to execute Resolution shall be included in the motion.)
 - C.1. SITE PLAN NO. SP-084-2020TE1
TENTATIVE PARCEL MAP NO. PM-2020-112TE1

APPLICANT: ANH MINH THAI

LOCATION: BETWEEN MACMURRAY AND MAGNOLIA STREETS,
NORTH OF CHAPMAN AVENUE AT 11841 MAGNOLIA
STREET

REQUEST: Approval of a one-year time extension for the entitlements approved under Site Plan No. SP-084-2020 and Tentative Parcel Map No. PM-2020-112 for the construction of two (2) new single-family residences and the subdivision of the existing property into two (2) equal parcels of 7,776 square feet each. The site is in the R-1 (Single-Family Residential) zone. The City of Garden Grove recognizes that this project was previously categorically exempt from the California Environmental Quality Act (CEQA).

STAFF RECOMMENDATION: Approval of Time Extensions for Site Plan No. SP-084-2020TE1 and Tentative Parcel Map No. PM-2020-112TE1.

- C.2. AMENDMENT NO. A-035-2022

APPLICANT: CITY OF GARDEN GROVE

LOCATION: CITYWIDE

REQUEST: A request by the City of Garden Grove to amend Title 9 (Land Use) of the Garden Grove Municipal Code to make focused zoning amendments to implement various policies and programs set forth in the General Plan Housing Element and Land Use Element and to ensure compliance with applicable State housing laws. Focused zoning text amendments to Chapters 9.04 (General Provisions), 9.08 (Single-Family Residential Development Standards), 9.12 (Multifamily Residential Development Standards), 9.16 (Commercial, Office Professional, Industrial, and Open Space Development Standards), 9.18 (Mixed Use Regulations and Development Standards), and 9.32 (Procedures and

Hearings) of Title 9 of the Municipal Code are proposed to update the definitions, development standards, and land use action procedures pertaining to single-family residential, multiple-family residential, mixed-use, landscaping standards, supportive housing, and single room occupancy housing. The addition of a new Chapter in Title 9 of the Municipal Code containing and consolidating special regulations pertaining specifically to housing development projects is also proposed. The proposed focused zoning amendments are intended to implement recent updates to the City's General Plan Housing Element and Land Use Element and to ensure the City of Garden Grove's Land Use Code is consistent with all applicable State housing laws, including, but not limited to, the Housing Accountability Act, the Housing Crisis Act, the State Density Bonus Law, and the Housing Element Law.

In conjunction with this request, the City of Garden Grove will consider a determination that no further review under the California Environmental Quality Act ("CEQA") is required pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162 because the proposed focused zoning amendments implement the General Plan update analyzed in the City of Garden Grove Focused General Plan Update and Zoning Amendments Environmental Impact Report, State Clearinghouse No. 2021060714 ("Garden Grove General Plan Update and Focused Zoning Amendments"), potential impacts of the focused zoning amendments fall within the scope of the General Plan Update EIR, and the focused zoning amendments will not result in any new significant impacts or a substantial increase in the severity of previously identified significant impacts. The Planning Commission will make a recommendation to the Garden Grove City Council.

STAFF RECOMMENDATION: Recommend approval of Amendment No. A-035-2022 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, August 4, 2022

CALL TO ORDER: 7:07 p.m.

ROLL CALL:

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

Absent: Arestegui, Lehman, Soeffner

PLEDGE OF ALLEGIANCE: Led by Vice Chair Lindsay.

ORAL COMMUNICATIONS – PUBLIC – None.

July 7, 2022 MINUTES:

Action: Received and filed.

Motion: Perez Second: Lindsay

Ayes: (4) Cunningham, Lindsay, Perez, Ramirez

Noes: (0) None

Absent: (3) Arestegui, Lehman, Soeffner

PUBLIC HEARING – SITE PLAN NO. SP-114-2022 FOR PROPERTY LOCATED ON THE NORTH SIDE OF WESTMINSTER AVENUE AND WEST OF TAFT STREET AT 10691 WESTMINSTER AVENUE.

Applicant: VT DESIGN SPECIALTIES, INC.

Date: August 4, 2022

Request: Site Plan approval to construct a new 3,670 square foot two-story commercial/medical office building on a vacant 13,259 square foot lot, along with associated site improvements. The site is in the C-1 (Neighborhood Commercial) zone. The project is exempt from the CEQA pursuant to Government Code Section 15303(c) – New Construction or

Conversion of Small Structures – of the State CEQA Guidelines.

Action: Resolution No. 6048-22 was approved.

Motion: Perez Second: Lindsay

Ayes: (4) Cunningham, Lindsay, Perez, Ramirez

Noes: (0) None

Absent: (3) Arestegui, Lehman, Soeffner

PUBLIC HEARING – SITE PLAN NO. SP-115-2022 FOR PROPERTY LOCATED ON THE EAST SIDE OF HARBOR BOULEVARD, SOUTH OF GARDEN GROVE BOULEVARD, AT 13200-13220 HARBOR BOULEVARD.

Applicant: JULIO GENER AIA

Date: August 4, 2022

Request: Site Plan approval to construct an approximately 4,000 square foot, two-unit restaurant pad building within the parking lot of an existing multi-tenant shopping center, Harbor Place Center. Both restaurants will maintain 500 square foot outdoor patio areas. One restaurant will be approximately 2,800 square feet with a drive-through lane, and one restaurant will be approximately 1,200 square feet. Associated improvements include the reconfiguration of the shopping center's parking lot to accommodate the new pad building as well as landscape improvements where the new pad building will be located. The site is in the HCSP-TZS (Harbor Corridor Specific Plan – Transition Zone South) zone. The project is exempt from the CEQA pursuant to Government Code Section 15303(c) – New Construction or Conversion of Small Structures – of the State CEQA Guidelines.

Action: Resolution No. 6049-22 was approved. One person spoke with concerns the area would be saturated with fast-food burger establishments and more traffic would flow onto Rainbow Street. One letter of opposition was submitted with concerns of increased traffic taking short-cuts through Flagstone Avenue and Rainbow Street.

Staff presented a 'yellow' sheet with modified Conditions of Approval Nos. 14 and 15 as noted below:

Public Works Engineering Division

14. Prior to issuance of the certificate for occupancy, the applicant shall dedicate right-of-way to the City "in fee" fronting the development from the existing center line of Harbor Boulevard to the ultimate right-of-way per ALTA Exhibit B. Applicant shall record said

easement in a format conforming to City policy guidelines under the approval authority of the City Engineer and City Attorney. The applicant shall submit to the Engineering Division an updated title report along with copies of the recorded instruments listed in the title report, as well as reference maps and exhibits used to prepare legal description. Dedication exhibits shall include closure calculations along with a detailed plat for review and approval of the street dedication exhibits by the City Engineer.

15. The applicant shall, at the applicant's expense, design, furnish and install the following traffic signal equipment at the intersection of Harbor Blvd and Commercial Center:
 - a. Econolite vision video detection system.
 - b. Complete intersection rewire.
 - c. Two (2) internally illuminated street name signs, which shall be named at a later date.
 - d. Six (6) station Campbell APS pedestrian push button system.

In lieu of constructing above improvements, the developer may elect to pay the City an in-lieu fee of \$62,000 at the time of issuance for grading permit.

Also, two new Conditions of Approval were added:

108. The façade along Harbor Boulevard shall be articulated with additional architectural detail and/or landscaping acceptable to the Planning Division.
109. Within six (6) months from commencement of business operations of the drive-thru restaurant, City Staff shall reevaluate whether the internal drive approach leading from Harbor Boulevard at the north of the new pad building should be modified or closed due to on-site queuing and circulation impacts, if any, onto Harbor Boulevard. If deemed necessary, Staff may determine that necessary modifications to the site plan require consideration by the Planning Commission.

Motion: Lindsay Second: Perez

Ayes: (4) Cunningham, Lindsay, Perez, Ramirez

Noes: (0) None

Absent: (3) Arestegui, Lehman, Soeffner

MATTERS FROM COMMISSIONERS: None.

MATTERS FROM STAFF:

FOCUSED ZONING AMENDMENTS UPDATE: The City's consultant, Laura Stetson of MIG (Moore Iacofano Goltsman, Inc.), presented an update on the proposed focused zoning code text amendments relating to Special Housing Regulations, Supportive Housing and Single-Room Occupancy (SRO), Single-family Residential Interior Standards, Single-family Use in R-2 and R-3 Zones, Small Lot Subdivisions, R-3 Density Standards, Objective Design Standards for R-3 and MU, Open space Requirements, and Landscaping Requirements.

Staff distributed a hand-out with refinements to the Garden Grove Focused Code Update for the Single-Family Residential Standards.

Following the Study Session, staff announced the May 18th meeting would be cancelled.

ADJOURNMENT: At 8:32 p.m. to the next Meeting of the Garden Grove Planning Commission on Thursday, September 1, 2022, at 7:00 p.m. in the Community Meeting Center, 11300 Stanford Avenue, Garden Grove.

Judith Moore
Recording Secretary

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.1.	SITE LOCATION: Between Mac Murray Street and Magnolia Street, north of Chapman Avenue, at 11841 Magnolia Street
HEARING DATE: September 1, 2022	GENERAL PLAN: LDR (Low Density Residential)
CASE NOS.: Site Plan No. SP-084-2020TE1, & Tentative Parcel Map No. PM-2020-112TE1 (Time Extension #1)	ZONE: R-1 (Single-Family Residential)
APPLICANT: Anh Minh Thai	APN: 132-467-06
PROPERTY OWNER(S): Same as applicant	CEQA DETERMINATION: N/A

REQUEST:

The applicant is requesting approval of a one-year time extension for the approved entitlements under Site Plan No. SP-084-2020, and Tentative Parcel Map No. PM-2020-112. The Site Plan approved the construction of two (2) new 3,134 square foot single-family homes. Additionally, the Tentative Parcel Map approved the subdivision of the 15,552 square foot parcel into two (2) equal parcels of 7,776 square feet each.

BACKGROUND:

The subject property is an approximately 15,552 square foot vacant through-lot with frontages on both Magnolia Street and Mac Murray Street, just north of Chapman Avenue, at 11841 Magnolia Street. The property has a General Plan Land Use Designation of LDR (Low Density Residential), and is zoned R-1 (Single-Family Residential). The property is adjacent to R-1 (Single-Family Residential) properties to the north and south, east across Magnolia Street, and west across Mac Murray Street.

On May 7, 2020, the Planning Commission approved Site Plan No. SP-084-2020, and Tentative Parcel Map No. PM-2020-112, with seven (7) yes votes, and zero (0) no votes. The approval allowed the subdivision of an existing 15,552 square foot vacant lot into two (2) parcels. Both lots will each have an equal lot size of 7,776 square feet. A new, two-story single-family home with five (5) bedrooms and four (4) bathrooms will be constructed on each new lot.

On May 26, 2022, prior to the expiration of the subject entitlements on May 28, 2022, the applicant filed an application and letter to the City, requesting a one-year time extension.

TIME EXTENSION:

Site Plan No. SP-084-2020 and Tentative Parcel Map No. PM-2020-112 went into effect on May 28, 2020, with an expiration date of May 28, 2022. Projects that include tentative maps have an expiration of two (2) years. The applicant filed an application to the City for a time extension request (Time Extension #1) prior to the entitlements expiring.

The applicant has made progress with the PM-2020-112. In January 2022, the City received a favorable letter from the Office of the County Surveyor for PM-2020-112. The final map, however, has yet to be executed. Grading plans have been submitted to the City for plan check review, and are progressing through the plan check process. Building plans have yet to be submitted. With no permits issued for either grading or building plans, the entitlements have not been exercised. Said permits cannot be issued without a final parcel map.

The applicant has indicated that extra time is necessary because of issues relating to the map review with the County. With the final map nearly prepared, and grading plans already submitted, the applicant is expecting to have the project exercised within the next year.

Title 9 of the Municipal Code allows for a one (1) year time extension for approved entitlements, provided that the Planning Commission finds that: (a) the request for the time extension was submitted prior to the permit expiration date, (b) there has been no change in the general plan designation or zoning of the site, and (c) there is no land use action or study currently underway that would have the potential to render the development nonconforming. The applicant submitted the time extension application prior to the expiration of the entitlements. In addition, the General Plan Land Use Designation and the zoning of the property have remained the same, and there are no pending land use actions or studies that would have the potential to render the approved development nonconforming. As such, the proposed subdivision and homes conform to the General Plan and zoning designations of the property. No changes are proposed to the previously approved project. The subject request is in compliance with Municipal Code standards for time extensions.

CEQA:

As a part of their approval in 2020, the Planning Commission determined that the project was categorically exempt from the California Environmental Quality Act, pursuant to CEQA Guidelines Section 15315 (Minor Land Divisions). No changes are proposed to the project that was previously approved, and no further environmental review is required.

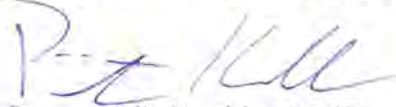
RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

1. Adopt Resolution No. 6050-22 approving a one-year time extension for Site Plan No. SP-084-2020, and Tentative Parcel Map No. PM-2020-112 (Time Extension #1).



LEE MARINO
Planning Services Manager



By: Priit Kaskla, AICP
Assistant Planner

- Attachment 1: Letter from the Applicant dated May 26, 2022
Attachment 2: Planning Commission Staff Report dated May 7, 2020
Attachment 3: Planning Commission Resolution of Approval No. 5987-20 dated May 7, 2020
Attachment 4: Exhibit "A" Final Conditions of Approval

RESOLUTION NO. 6050-22

A RESOLUTION BY THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING A ONE-YEAR TIME EXTENSION FOR SITE PLAN NO. SP-084-2020, AND TENTATIVE PARCEL MAP NO. PM-2020-112 (REFERRED TO AS SP-084-2020TE1, AND PM-2020-112TE1).

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on September 1, 2022, does hereby approve a one (1) year time extension for the entitlements approved under Site Plan No. SP-084-2020, and Tentative Parcel Map No. PM-2020-112, for land located between Mac Murray Street and Magnolia Street, north of Chapman Avenue, at 11841 Magnolia Street, Assessor's Parcel No. 132-467-06.

BE IT FURTHER RESOLVED in the matter of the time extension for Site Plan No. SP-084-2020TE1, and Tentative Parcel Map No. PM-2020-112TE1, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Anh Minh Thai.
2. The applicant is requesting approval of a one-year time extension for the approved entitlements under Site Plan No. SP-084-2020, and Tentative Parcel Map No. PM-2020-112. The Site Plan approved the construction of two (2) new 3,134 square foot homes. Additionally, the Tentative Parcel Map approved the subdivision of the 15,552 square foot parcel into two (2) equal parcels of 7,776 square feet each.
3. Pursuant to the California Environmental Quality Act ("CEQA"), the City of Garden Grove previously determined that the proposed project was categorically exempt from the CEQA pursuant to Section 15315 (Minor Land Divisions) of the CEQA Guidelines (14 Cal. Code Regs., Section 15315).
4. The property has a General Plan Land Use designation of Low Density Residential, and is currently zoned R-1 (Single-Family Residential). The subject property is currently an approximately 15,552 square foot vacant lot, located between Mac Murray Street and Magnolia Street, just north of Chapman Avenue.
5. Existing land use, zoning, and General Plan designation of property in 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 September 1, 2022, 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 of September 1, 2022; and

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.D.9, are as follows:

FACTS:

The subject property is an approximately 15,552 square foot vacant through-lot with frontages on both Magnolia Street and Mac Murray Street, just north of Chapman Avenue, at 11841 Magnolia Street. The property has a General Plan Land Use Designation of LDR (Low Density Residential), and is zoned R-1 (Single-Family Residential). The property is adjacent to R-1 (Single-Family Residential) properties to the north and south, east across Magnolia Street, and west across Mac Murray Street.

On May 7, 2020, the Planning Commission approved Site Plan No. SP-084-2020, and Tentative Parcel Map No. PM-2020-112, with seven (7) yes votes, and zero (0) no votes. The approval allowed the subdivision of an existing 15,552 square foot vacant lot into two (2) parcels. Both lots will each have an equal lot size of 7,776 square feet. A new, two-story single-family home with five (5) bedrooms and four (4) bathrooms will be constructed on each new lot.

The approved entitlements went into effect on May 28, 2020, with an expiration date of May 28, 2022. In accordance with the Municipal Code, and because the approved entitlements were not yet exercised, the applicant is now requesting a one-year time extension for the previously approved entitlements. No changes are proposed to the previously approved project.

FINDINGS AND REASONS:

Time extension:

1. A request for a time extension, including the reasons therefore, has been submitted prior to the permit expiration date, or the hearing body finds that due to special circumstances demonstrated by the property owner or the applicant, a late-filed request should be considered.

The applicant submitted a timely request to extend the Site Plan and Tentative Parcel Map approvals of the subject project for one (1) year, prior to the entitlement expiration date of May 28, 2022. The applicant has indicated that additional time will be necessary to finalize the parcel map with Orange County, prior to permit issuance. The project was unexpectedly delayed due to issues with the County review of the map. The applicant expects to have all permits issued within the next year.

2. There has been no change in the General Plan designation or Zoning of the site that would render the development or use nonconforming.

The subject site's General Plan Land Use Designation, Low Density Residential, and the zone, R-1 (Single-Family Residential), have not changed since the original approval in May of 2020. Therefore, the development will not be rendered nonconforming.

3. There are no land use actions or studies currently underway that would have the potential to render the development or use nonconforming.

There are no known studies or actions that would affect the site, or proposed development that would possibly render the development nonconforming.

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 findings set forth in the staff report.

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Time Extensions for the approved Site Plan, and Conditional Use Permit do possess characteristics that would indicate justification of the request in accordance with Municipal Code Sections 9.32.030.D.9 (Time Extension).
2. In order to fulfill the purpose and intent of the Municipal Code, and, thereby, promote the health, safety, and general welfare, the originally approved conditions of approval for Site Plan No. SP-084-2020, and Tentative Parcel Map No. PM-2020-112 shall remain in effect.



Dated May 26, 2022

**City of Garden Grove
11222 Acacia Parkway
Garden Grove, Calif. 92840**

Subject: Request for extension of time for Parcel Map No. 2020-112

We have filed the Parcel Map for plan check last year. But then by mistake the city engineering department did not route to the private consultant for couple of month. Then the consultant tried to expedite the plan check. At the same time we submitted the plans to the county of Orange for plan check. because of the corona virus, county took extra time also. At the same time, County asked me to do more survey to establish the boundary. We tried to find more monuments to satisfy the county. But we did not find any extra monuments as per county plan check. We resubmitted the map to the county. We explained to the county that we did not find any monument and the boundary we established will not change. But the county was overloaded with the maps. They took extra time also. Then we got busy also. So that is why we are requesting the planning department to extend the time. We also have filed the plans for recheck.

Thanks

Inder Jit Chauhan
INDER JIT CHAUHAN

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.5.	SITE LOCATION: Through lot with street frontages on both Mac Murray Street and Magnolia Street, just north of Chapman Avenue, at 11841 Magnolia Street
HEARING DATE: May 7, 2020	GENERAL PLAN: Low Density Residential
CASE NO.: Site Plan No. SP-084-2020 and Tentative Parcel Map No. PM-2020-112	ZONE: R-1 (Single-Family Residential)
APPLICANT: Vien N. & Anh M. Thai	CEQA DETERMINATION: Exempt Section 15315 – Minor Land Divisions; Section 15303 – New Construction or Conversion of Small Structures
PROPERTY OWNER(S): Same as applicant	APN: 132-467-06

REQUEST:

The applicant is requesting Site Plan and Tentative Parcel Map approval to subdivide an existing 15,552 square foot lot, currently vacant, into two (2) parcels. Both Lot 1 and Lot 2 will each have an equal lot size of 7,776 square feet. A new, two-story single-family home will be constructed on each new lot.

BACKGROUND:

The property is a 15,552 square foot through lot with street frontages on both Mac Murray Street and Magnolia Street, just north of Chapman Avenue, at 11841 Magnolia Street. The property has a General Plan Land Use Designation of Low Density Residential and is zoned R-1 (Single-Family Residential).

The property is located in a residential area improved with single-family residences. The property was previously improved with a 1,157 square foot single-family home with a detached accessory structure, constructed in 1909. In May 2019, a demolition permit was issued to remove all existing site improvements. The existing home was not listed as a historical building. The property owner proposes to subdivide the property into two (2) lots in order to construct a single-family home on each lot.

PROJECT STATISTICS:

	Provided	Code Requirement
Net Lot Size Lot 1 Lot 2	7,776 S.F. 7,776 S.F.	7,200 S.F.
Lot Width Lot 1 Lot 2	80'-0" 80'-0"	60'-0"
Lot Coverage Lot 1 Lot 2	3,185 S.F. (40.9%) 3,185 S.F. (40.9 %)	50% Maximum
Setbacks (Lot 1 & 2) Front Rear Sides	20'-0" 19'-6 1/2" 6'-0" & 24'-0"	20'-0" (20% Lot Depth) 19'-5 1/4" 5'-0"
Parking Per Lot (Lot 1 & 2) Enclosed Garage Open Parking Total Parking Spaces	3 <u>3</u> 6	3 <u>3</u> 6
Building Height (Lot 1 & 2)	25'-11 1/2"	35'-0" Maximum

Building Type Summary

Parcel Number	Number of Bedrooms/Baths	Unit Size*
Lot 1	5 Bedrooms, 4 Baths	3,134 S.F.
Lot 2	5 Bedrooms, 4 Baths	3,134 S.F.

*Total living area; garages are not included.

DISCUSSION:

SITE PLAN:

Circulation, Parking, and Unit Design

The project will consist of subdividing a 15,552 square foot lot into two (2) parcels in order to construct a new a single-family home on each lot. Lot 1 will front onto Magnolia Street to the east, and Lot 2 will front onto Mac Murray Street to the west. Both lots will have access from a thirty foot (30'-0") wide drive approach.

The required number of parking spaces for each new single-family home is based on the proposed number of bedrooms. The Municipal Code requires a three-car

garage, and three open parking spaces for a home with five (5) bedrooms. Each new home adheres to these parking requirements of the Municipal Code.

Both parcels will have a lot size of 7,776 square feet. A new two-story, 3,134 square foot single-family home will be constructed on each lot. The single-family homes will each consist of a living room, a family room, a dining room, a kitchen, a breakfast nook, a laundry room, five (5) bedrooms, and four (4) bathrooms. A covered front entry, a loggia in the rear, and a second-floor deck will also be provided for both buildings. An attached three-car garage will be provided for each unit with the required open parking spaces along the respective driveways.

Building Design

The single-family homes are designed in a contemporary Mediterranean style. Each unit's front building elevation incorporates projecting and receding building masses, along with varied rooflines, articulating each building's facade. The buildings' architectural detailing include the use of an entry porch, varied window shapes, multi-pane windows, and decorative trim around the windows and doors to enhance the building. The exterior building materials for each unit will consist of a stucco finish, with rustic brick veneer accents, and concrete roof tile.

The applicant has designed the units to comply with the second-story privacy provision requirements of the R-1 zone by providing windows that will minimize visual intrusion into the adjacent neighbors' private recreation areas. In particular, the second-story windows on the north and south elevations for both units have been designed as clerestory windows. Additionally, the second-story decks are located at the front of the house, orientated toward the respective streets, not toward the neighboring properties. Pursuant to the proposed Conditions of Approval, the Planning Division will review and approve the final design and placement of all second-story windows to ensure privacy compliance.

Street Dedication

As a part of this development, the property owner is required to dedicate a portion of Magnolia Street, for future street-widening purposes. The project requires a dedication of twenty feet (20'-0") of right-of-way along Magnolia Street fronting the property, for an ultimate right-of-way width of fifty feet (50'-0") from the centerline of Magnolia Street. The property owner(s) shall be responsible for the maintenance and upkeep of the existing landscaping in this dedicated portion of the subject property. This dedication has already been factored into the lot sizes, and has no effect on the project meeting the requirements of the Municipal Code.

TENTATIVE PARCEL MAP:

In accordance with the State Subdivision Map Act, the applicant is requesting approval of Tentative Parcel Map No. PM-2020-112 to subdivide the existing property into two (2) lots for the purpose of constructing a single-family home on each lot. The proposed Tentative Parcel Map is in conformance with the City's

General Plan, the City's Subdivision Ordinance, the R-1 zone requirements, and the State's Subdivision Map Act. The parcels comply with the minimum lot size of 7,200 square feet, and minimum lot width of sixty feet (60'-0") in the R-1 zone.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

1. Approve Site Plan No. SP-084-2020 and Tentative Parcel Map No. PM-2020-112, subject to the recommended Conditions of Approval.

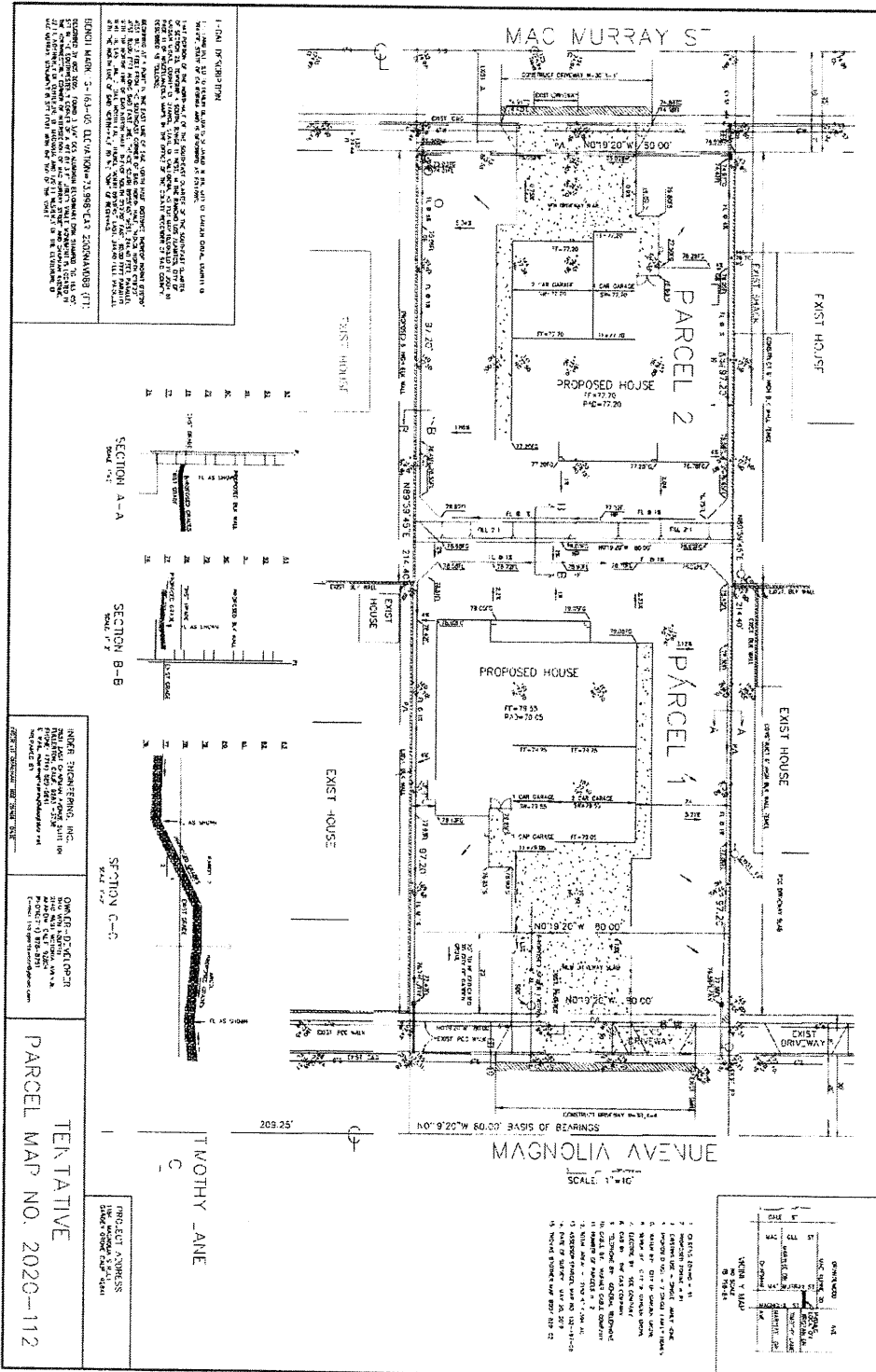


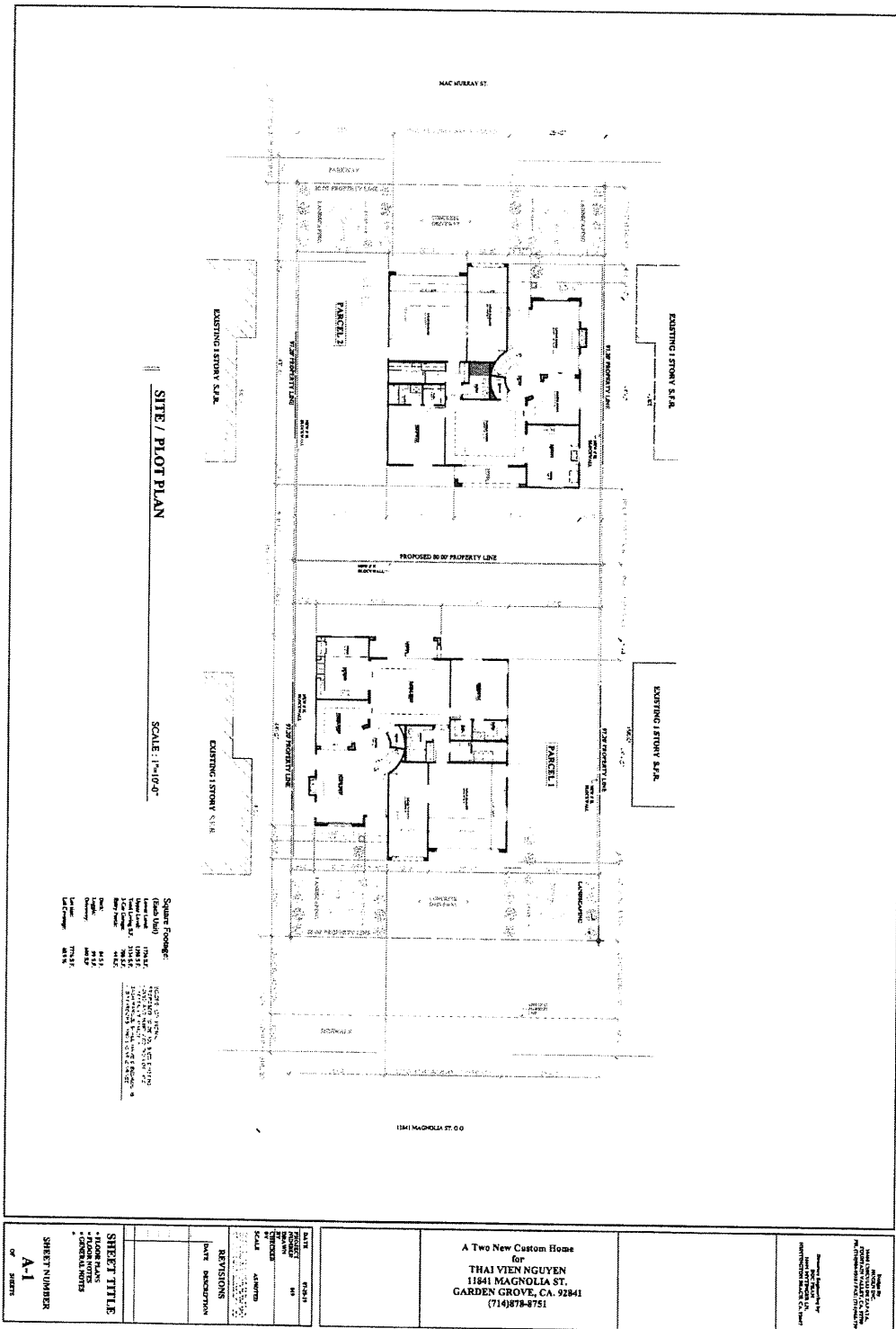
LEE MARINO
Planning Services Manager



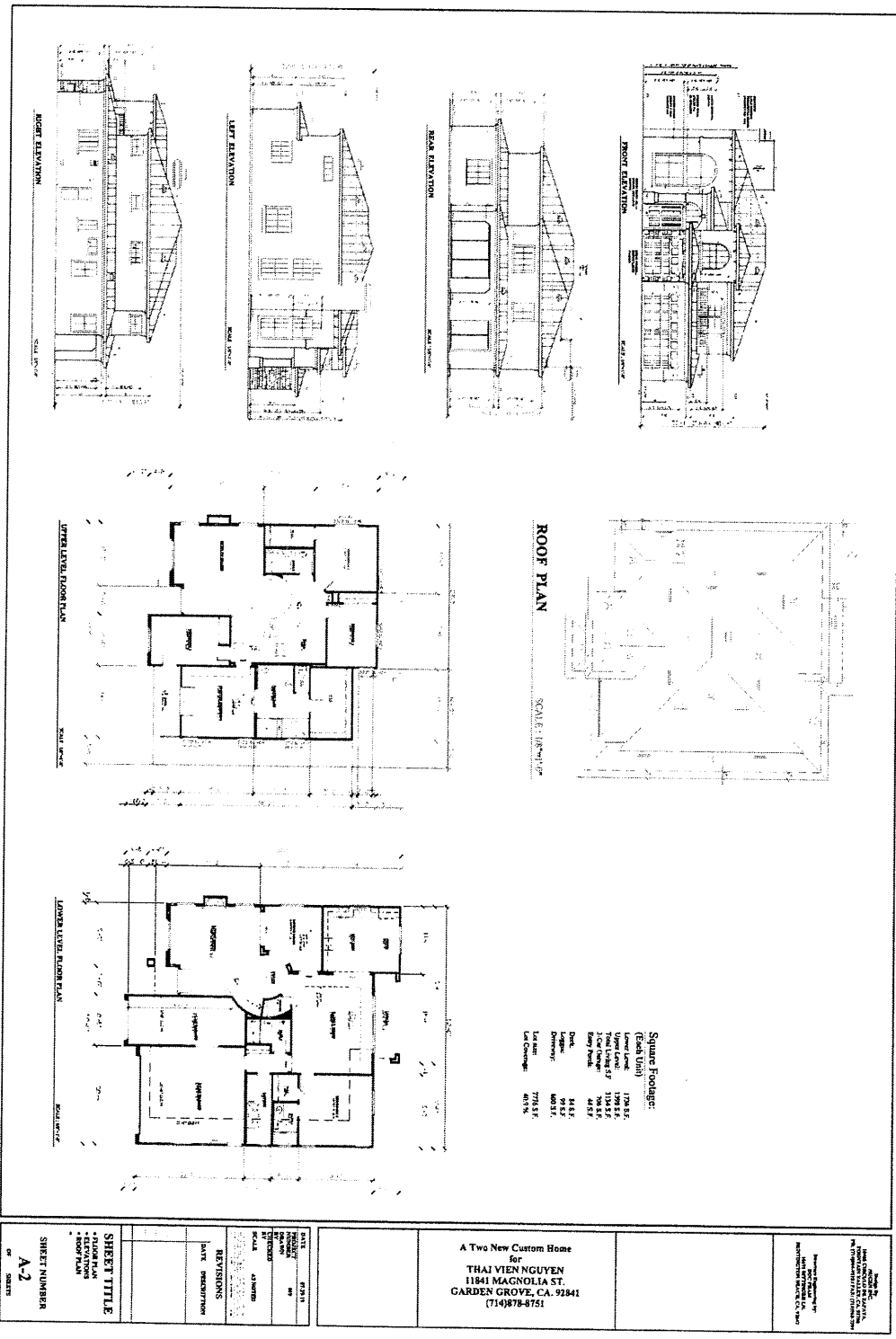
By: Preet Kaskla
Assistant Planner







Scale Footage:
1/8" = 1'-0"
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168 1/4" = 2013'-0"
168 1/2" = 2016'-0"
168 3/4" = 2019'-0"
169" = 2022'-0"
169 1/4" = 2025'-0"



RESOLUTION NO. 5987-20

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-084-2020 AND TENTATIVE PARCEL MAP NO. PM-2020-112.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in a regular session assembled on May 7, 2020, hereby approve Site Plan No. SP-084-2020 and Tentative Parcel Map No. PM-2020-112, for a through lot with street frontages on both Mac Murray Street and Magnolia Street, just north of Chapman Avenue, at 11841 Magnolia Street, Assessor's Parcel No. 132-467-06.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-084-2020 and Tentative Parcel Map No. PM-2020-112, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Vien N. and Anh M. Thai.
2. The applicant is requesting Site Plan and Tentative Parcel Map approval to subdivide an existing 15,552 square foot lot, currently vacant, into two (2) parcels. Both Lot 1 and Lot 2 will each have an equal lot size of 7,776 square feet. A new, two-story single-family home will be constructed on each new lot.
3. Pursuant to the California Environmental Quality Act ("CEQA"), the City of Garden Grove has determined that this project was categorically exempt from CEQA pursuant to Section 15315 (Minor Land Divisions) of the CEQA Guidelines (14 Cal. Code Regs., Section 15315) and Section 15303 (New Construction or Conversion of Small Structures).
4. The property has a General Plan designation of Low Density Residential and is zoned R-1 (Single-Family Residential). The site is currently vacant with a single-family home that will be demolished to accommodate the proposed subdivision.
5. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.
6. Report submitted by the City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on May 7, 2020, 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 May 7, 2020; and

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 9.04.030 are as follows:

FACTS:

The property is a 15,552 square foot through lot with street frontages on both Mac Murray Street and Magnolia Street, just north of Chapman Avenue, at 11841 Magnolia Street. The property has a General Plan Land Use Designation of Low Density Residential and is zoned R-1 (Single-Family Residential). The property is located in a residential area improved with single-family residences. The property was previously improved with a 1,157 square foot single-family home, with a detached accessory structure, that were demolished in 2019.

Both parcels will have a lot size of 7,776 square feet. A new two-story, 3,134 square foot single-family home will be constructed on each lot. The single-family homes will each consist of a living room, a family room, a dining room, a kitchen, a breakfast nook, a laundry room, five (5) bedrooms, and four (4) bathrooms. A covered front entry, a loggia in the rear, and a second-floor deck will also be provided for both buildings. An attached three-car garage will be provided for each unit with the required open parking spaces along the respective driveways.

The project has been designed to comply with the development standards of the R-1 zone, including setbacks, parking, lot coverage, building height, and the minimum lot size requirements.

FINDINGS AND REASONS:

SITE PLAN

1. The Site Plan complies with the spirit and intent of the provisions, conditions, and requirements of the Municipal Code and other applicable ordinances.

The property has a General Plan Land Use Designation of Low Density Residential and is zoned R-1 (Single-Family Residential). The Low Density Residential designation is intended to create, maintain, and enhance residential areas characterized by detached, single-family homes on a single parcel. The R-1 (Single-Family Residential) zone is intended to provide for the establishment and promotion of single-family detached residences on individual lots and compatible associated activities.

A new two-story, single-family home will be constructed on each lot, subject to the approval of the Site Plan. The proposed project is compatible with the character of the surrounding single-family neighborhood. The project is

designed to comply with the General Plan Land Use Designation, the development standards of the R-1 zone, and all other applicable ordinances. This includes, but is not limited to, compliance with: setbacks, parking, lot coverage, building height, and the minimum lot size requirements of the zone. Lastly, the construction of the homes will further assist the City in meeting all of its housing goals.

2. The proposed development does not adversely affect essential on-site facilities such as off-street parking, loading and unloading areas, traffic circulation, and points of vehicular and pedestrian access

Lot 1 will front onto Magnolia Street to the east, and Lot 2 will front onto Mac Murray Street to the west. Both lots will be accessed from their own thirty foot (30'-0") wide drive approach. Each new residential home is designed to provide the required enclosed garage and open parking spaces for the R-1 zone. Both new residential units will have a three-car enclosed garage, with three open parking spaces.

The City's Traffic Engineering Section has reviewed the proposed project, and all appropriate conditions of approval have been incorporated to minimize any adverse impacts to surrounding streets.

3. The development, as proposed, will not adversely affect essential public facilities such as streets and alleys, utilities, and drainage channels.

The streets in the area are adequate to accommodate the development, once the developer provides the necessary improvements for the project. Required improvements include new driveway approaches, new sidewalks, and a street dedication fronting Magnolia Street.

Existing utilities and drainage channels in the area are adequate to accommodate the development. The proposed development will provide landscaping and proper grading of the site, thereby improving drainage in the area. New utility services will be provided underground to the maximum extent possible, and all above-ground equipment will be screened.

The Public Works Department has reviewed the project, and has incorporated all the appropriate conditions of approval to minimize any adverse impacts.

4. The development does have a reasonable degree of physical, functional, and visual compatibility with neighboring uses and desirable neighborhood characteristics.

The subject property is located in an area improved with existing single-family residences. The proposed project will be compatible with the surrounding neighborhood. Architecturally, the residential units have been designed with enhanced facades to be aesthetically complimentary with the neighboring properties. A variety of architectural detailing, materials, massing, and rooflines help create visual intrigue.

The project has been designed in accordance with the R-1 (Single-Family Residential) development standards. In particular, each lot will have a single-family home that complies with the development standards of the R-1 zone, including, but not limited to: minimum lot sizes, setbacks, parking, lot coverage, and maximum building height.

The City's Community and Economic Development Department has reviewed the proposed project, and all appropriate conditions of approval have been incorporated to ensure physical, functional, and visual compatibility with the surrounding neighborhood.

5. Through the planning and design of buildings and building replacement, the provision of open space landscaping and other site amenities will attain an attractive environment for the occupants of the property.

The project is designed to comply with the fifty-percent (50%) lot coverage requirement of the R-1 zone, ensuring each parcel maintains the required amount of usable open space. Additionally, the conditions of approval will ensure that the landscaping requirements of the Municipal Code, including the City's Landscape Water Efficiency Guidelines, will be complied with.

TENTATIVE PARCEL MAP

1. The proposed map is consistent with the General Plan.

The property has a General Plan land use designation of Low Density Residential. The proposed map is consistent with the provisions of the General Plan Low Density Residential land use designation. This designation is intended to create, maintain, and enhance residential areas characterized by detached, single-family homes on a single parcel. The proposed Tentative Parcel Map creates two new lots, with one detached single-family home on each lot. The proposal is consistent with the provisions of the General Plan as the number of lots, and the number of residential units on each lot does not exceed the maximum density of nine (9) units per acre allowed under the Low Density Residential General Plan land use designation.

2. The design and improvement of the proposed subdivision are consistent with the General Plan.

The design and improvement of the proposed map are consistent with the Low Density Residential General Plan land use designation. The creation of a two (2) lot subdivision for the purpose of constructing one single-family home on each lot is consistent with the General Plan. The project complies with the minimum lot size requirement of the R-1 zone. In addition, the configuration of the lots and design of the homes is compatible with the existing residential neighborhood. With the conditions of approval, the design and improvement of the subject site is consistent with the spirit and intent of the General Plan.

3. The site is physically suitable for the type of development and complies with the spirit and intent of the Municipal Code.

The site is adequate in size and shape to accommodate the proposed project. Each new parcel complies with the minimum lot size of 7,200 square feet, the minimum lot width of sixty feet (60'-0"), and all of the other development standards of the R-1 zone. The placement and size of the proposed single-family homes complies with the development standards for the R-1 zone, including, but not limited to: setbacks, parking, lot coverage and open space provisions.

4. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, and the requirements of the California Environmental Quality Act have been satisfied.

The requirements of the California Environmental Quality Act have been satisfied. The project was determined to be exempt pursuant to Section 15303(a) (New Construction or Conversion of Small Structures) and Section 15315 (Minor Land Divisions) of the California Environmental Quality Act.

5. The site is physically suitable for the proposed density of the development.

The subject property was previously improved with a single family home that has been demolished to facilitate the proposed subdivision. None of the previous improvements remain on the site currently.

The site is adequate in size and shape to accommodate a two (2) lot subdivision that complies with the minimum lot size and width requirements of the R-1 zone. The proposed design of the residential lot includes the placement of one single-family home on each lot, which complies with the density requirement of the General Plan.

The placement of the new single-family home on each lot complies with the R-1 development standards. The project complies with the minimum parking, open space, setbacks, lot coverage and building height requirements of the R-1 zone.

6. The design of the subdivision and the proposed improvements are not likely to cause serious public health problems.

As long as the conditions of approval are adhered to for the life of the project, the design of the subdivision, and the proposed improvements, are not likely to cause serious public health problems. Various City divisions, including the Traffic Division, Water Division, Engineering Division, Police Department, and the Planning Division, and Orange County Fire Authority, have reviewed the proposed development, and have applied conditions of approval to minimize against any potential negative impacts that the project may have on the community. The conditions of approval for on- and off-site improvements will safeguard the public health.

7. The design of the project and the proposed improvements will not conflict with easements of record or easements established by court judgment acquired by the public at large for access through or use of property within the subdivision; or, if such easements exist, alternate easements for access or for use will be provided and these will be substantially equivalent to the ones previously acquired by the public.

The design of the subdivision and the proposed improvements will not conflict with easements of record, or easements established by court judgment acquired by the public at large for access through or use of property within the proposed subdivision. The project has been designed to avoid development over existing easements.

8. The design and improvement of the proposed subdivision are suitable for the uses proposed and the subdivision can be developed in compliance with the applicable zoning regulations.

The design of the proposed use, and the subdivision are developed in compliance with the applicable zoning requirements. The design of the subdivision is suitable for the low-density residential project, and complies with the spirit and intent of the General Plan, and the Subdivision Map Act. The project has also been designed to comply with the R-1 development standards, and complies with the minimum lot size, and minimum lot width requirement.

9. The design of the subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision.

To the extent feasible, the project has been designed in accordance with Government Code Section 66473.1, such as to allow for passive or natural heating opportunities in the subdivision design, to encourage the orientation of structures to take advantage of shade and prevailing breezes, to allow solar access for passive heating and opportunities for placement of shade trees and other vegetation for cooling.

10. The design, density, and configuration of the subdivision strike a balance between the affect of the subdivision on the housing needs of the region and public service needs. The character of the subdivision is compatible with the design of existing structures, and the lot sizes of the subdivision are substantially compatible with the lot sizes within the general area.

The project has been reviewed in relation to the housing needs and goals of the City, and is compatible with the existing residential projects in the vicinity. The property is located in an area with existing single-family residences. The property is currently unimproved, with a single-family home having been previously demolished. A new, two-story, single-family home, will be constructed on each lot. The subdivision will be compatible with the surrounding area since the lots are designed to comply with the minimum lot size. The project complies with the density requirements of the General Plan, and complies with all applicable R-1 development standards.

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 findings set forth in the staff report.

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Site Plan and Tentative Parcel Map possess characteristics that would justify the request in accordance with Municipal Code Section No. 9.32.030.3 (Site Plan) and Section 9.40.060 (Tentative Maps).
2. In order to fulfill the purpose and intent of the Municipal Code and thereby promote the health, safety, and general welfare, the attached Conditions of Approval (Exhibit "A") shall apply to Site Plan No. SP-084-2020 and Tentative Parcel Map No. PM-2020-112.

Adopted this 7th day of May 2020

ATTEST:

/s/ LEE MARINO
RECORDING SECRETARY

/s/ JEREMY LEHMAN
CHAIR

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

I, LEE MARINO, Secretary of the City of Garden Grove Planning Commission, do hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Garden Grove, California, at a meeting held on May 7, 2020, by the following vote:

AYES: COMMISSIONERS: (7) LE, LEHMAN, LINDSAY, NGUYEN, PEREZ,
RAMIREZ, SOEFFNER
NOES: COMMISSIONERS: (0) NONE

/s/ LEE MARINO
RECORDING SECRETARY

PLEASE NOTE: Any request for court review of this decision must be filed within 90 days of the date this decision was final (See Code of Civil Procedure Section 1094.6).

A decision becomes final if it is not timely appealed to the City Council. Appeal deadline is May 28, 2020.

EXHIBIT "A"

Site Plan No. SP-084-2020

Tentative Parcel Map No. PM-2020-112

11841 Magnolia Street

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. Proof of such recordation is required prior to issuance of building permits.
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, Vien N. and Anh M. Thai, the developer of the project, the 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. Any changes to the Conditions of Approval require approval by the Planning Commission.
3. Approval of this Site Plan and Tentative Parcel Map 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. Minor modifications to the Site Plan and/or these Conditions of Approval may be approved by the Community and Economic Development Director, in his or her discretion. Proposed modifications to the project and/or these Conditions of Approval determined by the Community and Economic 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.

Engineering Division

6. The applicant 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. The amount of

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said fees shall be calculated based on the City's current fee schedule at the time of permit issuance.

7. A separate street permit is required for work performed within the public right-of-way.
8. Grading plans prepared by a registered Civil Engineer are required. The grading plan shall be based on a current survey of the site, including a boundary survey, topography on adjacent properties up to thirty feet (30'-0") outside the boundary, and designed to preclude cross lot drainage. Minimum grades shall be 0.50% for concrete flow lines and 1.25% for asphalt. The grading plan shall also include water and sewer improvements. The grading plan shall include a coordinated utility plan showing all existing and proposed facilities.
9. Grading fees shall be calculated based on the current fee schedule at the time of permit issuance.
10. All vehicular access drives to the site shall be provided in locations approved by the City Traffic Engineer.
11. Prior to issuance of a grading permit, the applicant shall design overhead street lighting within the frontage of the development in a manner meeting the approval of the City's Lighting Administrator. Location of lighting poles shall be shown on all the improvement plans.
12. A geotechnical study prepared by a registered geotechnical engineer is required. The report shall analyze the liquefaction potential of the site, and make recommendations. The report shall analyze sub-surface issues related to the past uses of the site, including sub-surface tanks and basement and septic facilities. Any soil or groundwater contamination shall be remediated prior to the issuance of a building permit, in a manner meeting the approval of the City Engineer, in concert with the Orange County Health Department. The report shall make recommendations for pavement design for the interior streets and parking spaces. The report shall also test and analyze soil conditions for LID (Low Impact Development) principles and implementations, including: potential infiltration alternatives, soil compaction, saturation, permeability, and groundwater levels.
13. The grading plan shall depict an accessibility route for the ADA pathway in conformance with the requirements of the Department of Justice standards, latest edition.
14. In accordance with the Orange County Storm Water Program manual, the applicant, and/or its contractors, shall provide dumpsters onsite during construction, unless an Encroachment Permit is obtained for placement in the street.

15. Prior to the issuance of any grading or building permits, the applicant shall submit to the City for review and approval a Water Quality Management Plan that:
 - a. Addresses Site Design BMPs based upon the geotechnical report recommendations and findings such as infiltration minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas
 - b. Incorporates the applicable Routine Source Control BMPs as defined in the DAMP
 - c. Incorporates structural and Treatment Control BMPs as defined in the DAMP
 - d. Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs
 - e. Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs
 - f. Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs
16. Prior to grading or building permit closeout, and/or the issuance of a certificate of use, or a certificate of occupancy, the applicant shall:
 - a. Demonstrate that all structural best management practices (BMPs) described in the Project WQMP have been constructed and installed in conformance with approved plans and specifications
 - b. Demonstrate that the applicant is prepared to implement all non-structural BMPs described in the Project WQMP
 - c. Demonstrate that an adequate number of copies of the approved Project WQMP are available onsite
 - d. Submit for review and approval by the City an Operations and Maintenance (O&M) Plan for all structural BMPs
17. All trash container areas shall meet the following requirements per City of Garden Grove Standard B-502:
 - a. Paved with an impervious surface, designed not to allow run-on from adjoining areas, designed to divert drainage from adjoining roofs and

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- pavements diverted around the area, screened or walled to prevent off-site transport of trash;
- b. Provide solid roof or awning to prevent direct precipitation;
 - c. Connection of trash area drains to the municipal storm drain system is prohibited;
 - d. Potential conflicts with fire code and garbage hauling activities should be considered in implementing this source control;
 - e. See CASQA Storm Water Handbook Section 3.2.9 and BMP Fact Sheet SD-32 for additional information.
 - f. The trash shall be located to allow pick-up and maneuvering, including turnarounds, in the area of enclosures.
18. The applicant and their contractor shall be responsible for protecting all existing horizontal and vertical survey controls, monuments, ties (centerline and corner), and benchmarks located within the limits of the project. If any of the above require removal, relocation, or resetting, the Contractor shall, prior to any construction work, and under the supervision of a California licensed Land Surveyor, establish sufficient temporary ties and benchmarks to enable the points to be reset after completion of construction. Any ties, monuments, and benchmarks disturbed during construction shall be reset per Orange County Surveyor Standards after construction. Applicant and their contractor shall also reset the tie monuments where curb, or curb ramps are removed and replaced, or new ramps are installed. The Applicant and their contractor shall be liable for, at their expense, any resurvey required due to their negligence in protecting existing ties, monuments, benchmarks, or any such horizontal and vertical controls.
19. TIES TO HORIZONTAL CONTROL:
- a. Prior to recordation of a final parcel map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor, in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code, and Orange County Subdivision Manual, Sub-Article 18. The surveyor/engineer shall submit record information to the City in an Auto Cad DWG format.

20. DIGITAL MAP SUBMISSION:

- a. Prior to recordation of a final parcel map, the surveyor/engineer preparing the map shall submit to the County Surveyor a digital graphics file of said map in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code, and Orange County Subdivision Manual, Sub-Article 18. The surveyor/engineer shall submit record information to the City in an Auto Cad DWG format.
21. Prior to issuance of a grading permit, the applicant shall submit to the Engineering Division an updated title report, along with copies of the recorded instruments listed in the title report, reference maps used to prepare legal description, and the plat for review and approval of the parcel map.
 22. Any new or required block walls and/or retaining walls shall be shown on the grading plans. Cross sections shall show vertical and horizontal relations of improvements and property line. Block walls shall be designed in accordance to City standards, or designed by a professional registered engineer. In addition, the following shall apply:
 - a. The color and material of all proposed block walls, columns, and wrought iron fencing shall be approved by the Planning Services Division Prior to installation.
 23. The applicant shall identify a temporary parking site(s) for the construction crew, and construction trailer office staff, prior to the issuance of a grading permit. No construction parking is allowed on local streets.
 24. Prior to the issuance of a grading permit, the applicant shall submit and obtain approval of a worksite traffic control plan for all the proposed improvements within public right of way, satisfactory to the City Traffic Engineer.
 25. Heavy construction truck traffic and hauling trips should occur outside peak travel periods. Peak travel periods are considered to be from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.
 26. In accordance to City of Garden Grove Municipal Code (Chapter 9.48.030), the applicant is required to underground any existing utility pole on the property. All existing improvements and utilities shall be shown as part of the grading submittal package in the topography section.
 27. Any required lane closures should occur outside of peak travel periods.
 28. Construction vehicles should be parked off traveled roadways in a designated parking area(s).

29. Prior to the issuance of a grading permit, the applicant shall provide a hydrological analysis with scaled map, and hydraulic calculations to size storm drains per the Orange County RDMD standards. Parkway culverts shall be designed per Orange County standard plan 1309, Type B or City of Garden Grove Standard Plan B-209. BMP's shall be sized per the requirements of the latest Technical Guidance Documents.
30. The applicant shall dedicate twenty feet (20'-0") of right-of-way on Magnolia Street fronting the property for the ultimate right of way width of fifty feet (50'-0") from the centerline of Magnolia Street.
31. The applicant shall remove the existing substandard driveway approach, curb, sidewalk and landscaping along Magnolia Street and Mac Murray Street, and construct street frontage improvements as identified below. All landscape, sidewalk and lighting improvements installed within the public rights-of-way shall be maintained by the applicant in a manner meeting the approval of the City Engineer, Street Division, and the Planning Services Division.

Magnolia Street

- a. Remove the existing substandard driveway on Magnolia Street and construct new curb, gutter and sidewalk.
- b. The new driveway approaches to the site on Magnolia Street shall be constructed in accordance with City of Garden Grove Standard Plan B-120 (option #2).
- c. Construct an eight inch (0'-8") curb and gutter replacing the existing driveway approach along the property frontage at thirty feet (30'-0") from centerline in accordance with City Standard Plan B-113 (Type C-8).
- d. The applicant shall coordinate with the Street Division, and Planning Service Division before placing any type of tree within the public right-of-way, and proposed landscape area.
- e. Remove the existing driveway and replace it with a ten foot (10'-0") sidewalk adjacent to the street curb on Magnolia Street in accordance with City Standard B-106.
- f. The applicant shall coordinate the location of all new water meters, backflow preventers, and backflow devices to be placed in the sidewalk/landscape area on Magnolia Street with the Planning Services Division, and Water Division.

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- g. Any proposed new landscaping in public right of way shall be approved by the Planning Services Division, and maintained by the owner.

Mac Murray Street

- h. Remove the existing substandard driveway on Mac Murray Street, and construct a new curb, gutter, landscaping, and sidewalk.
- i. The new driveway approaches to the site on Mac Murray Street shall be constructed in accordance with City of Garden Grove Standard Plan B-122.
- j. Construct six inch (0'-6") curb and gutter, replacing the existing driveway approach along the property frontage at twenty feet (20'-0") from centerline in accordance with City Standard Plan B-114 (Type D-6).
- k. The applicant shall coordinate with the Street Division, and Planning Service Division before placing any type of tree within the public right-of-way, and proposed landscape area.
- l. Remove the existing driveway, and replace it with a seven foot (7'-0") parkway area.
- m. Remove and replace the pavement of the street from the centerline of Mac Murray Street to the edge of the proposed gutter along the property frontage per City Standard Plan B-104, and the direction of the City Engineer.
- n. The applicant shall coordinate the location of all new water meters, backflow preventers, and backflow devices to be placed in the sidewalk/landscape area on Mac Murray Street with the Planning Services Division, and Water Division.
- o. Any proposed new landscaping in public right of way shall be approved by the Planning Services Division, and maintained by the owner.

Public Works Environmental

- 32. The applicant shall comply with all applicable Construction Waste Management Plan (CWMP) requirements.

Water Services Division

- 33. New water service installations two inches (0'-2") and smaller shall be installed by the City of Garden Grove, at the applicant's expense. Installation shall be

scheduled upon payment of applicable fees, unless otherwise noted. Fire services, and water services three inches (0'-3") and larger shall be installed by the applicant's contractor, per City Standards.

34. Water meters shall be located within the City right-of-way. Fire services and 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.
35. It shall be the responsibility of applicant to abandon any existing private water well(s), per Orange County Health Department requirements. Abandonment(s) shall be inspected by an Orange County Health Department inspector, after permits have been obtained.
36. Any new or existing water valve located within a new concrete driveway or sidewalk construction shall be reconstructed, per City Standard B-753.
37. The City shall determine if existing water services(s) is/are usable, and meet(s) current City Standards. Any existing meter and service located within new driveway(s) shall be relocated at owner's expense.
38. If required, fire service shall have an above-ground backflow device, with a double-check valve assembly, per City standard B-773. The device shall be tested immediately after installation, and once a year thereafter by a certified backflow device tester, and the results are 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 the Planning Services Division. Contact Water Engineering for additional requirements for plan submittal at (714) 741-5346.
39. Water meters and boxes shall be installed by the City upon payment of applicable fees, and after a new water system (including water services) passes all bacteriological, and pressure tests.
40. No permanent structures, trees, or deep-rooted plants shall be placed over sewer or water main.
41. The location and number of fire hydrants shall be as required by the Water Services Division and Orange County Fire Authority.
42. The applicant shall install a new sewer lateral, with clean-out, at the right-of-way line. The lateral in the public right-of-way shall be a minimum four inch (0'-4") diameter, extra strength VCP, with wedgelock joints.

43. The applicant shall abandon any existing unused sewer lateral(s) at the public 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.
44. All perpendicular crossings of the sewer, including laterals, shall maintain a vertical separation of a minimum of twelve inches (1'-0") below the water main, outer diameter to outer diameter. All exceptions to the above require a variance from the State Water Resources Control Board.
45. If the water main is exposed during installation of a sewer lateral, a twenty foot (20'-0") section of the water main shall be replaced with twenty feet (20'-0") of PVC C-900 DR-14 class 305 water pipe, size in kind, and centered at the crossing.

Building and Safety Division

46. The project shall comply with the requirements of the 2019 California Building Code, the California Green Building Code, and all California Model Codes.
47. The applicant shall prepare a soils/geotechnical report that includes an evaluation of the effects of liquefaction, and recommended mitigation measures.
48. Each new unit shall provide solar energy systems, as required by the 2019 California Building and Residential Codes.
49. Each new unit shall provide a fire sprinkler system, in accordance with the California Fire Code.
50. Each new unit shall be electric vehicle charging system ready.

Orange County Fire Authority

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

Community and Economic Development Department

52. The applicant shall submit detailed plans, showing the proposed location of utilities and mechanical equipment to the Community and Economic Development Department for review and approval prior to submitting plans into the Building and Safety Division Plan Check process. The project shall also be subject to the following:

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53. All on-site and off-site utilities pertaining to the improvements proposed under this Site Plan and Tentative Parcel Map, shall be installed or relocated underground.
54. All above-ground utility equipment (e.g. electrical, gas, telephone, cable TV) shall not be located in the street setback, and shall be screened to the satisfaction of the Community and Economic Development Director.
55. No roof-mounted mechanical equipment including, but not limited to dish antennas, shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community and Economic Development Department prior to the issuance of building permits. Screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
56. No exterior piping, plumbing, or mechanical ductwork shall be permitted on any exterior façade and/or be visible from any public right-of-way or adjoining property. Roof rain gutters are permitted. The rain gutters shall follow the natural architecture lines of the building.
57. Hours and days of construction and grading shall be as set forth in the City of Garden Grove Municipal Code Section 8.47.010 referred to as the county Noise Ordinance as adopted, except that:
 - a. Monday through Friday – not before 7:00 a.m., and not after 5:00 p.m.
 - b. Saturday – not before 8:00 a.m., and not after 5:00 p.m. All construction activity on Saturday shall be limited to interior construction only.
 - c. Sunday and Federal Holidays – no construction shall occur.
58. The property owner shall comply with the adopted City Noise Ordinance.
59. All landscaping shall be consistent with the landscape requirements of the Landscape Water Efficiency Guidelines (Appendix A), per Title 9 of the Municipal Code. The applicant shall submit a separate and complete Water Efficient Landscape Plan for each property. The water efficient landscape submittals shall include landscape plans, irrigation plans, soils report, grading plans, and all other applicable documentation. The landscape plans shall include type, size, location, and quantity of all plant material. The landscape plans are also subject to the following:
 - a. A complete, permanent, automatic remote control irrigation system shall be provided for all landscaping areas shown on the plans. The sprinklers shall be of low flow/precipitation sprinkler heads for water conservation.

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- b. The plans shall provide a mixture of a minimum of ten percent (10%) of the trees at 48-inch box, ten percent (10%) of the trees at 36-inch box, fifteen percent (15%) of the trees at 24-inch box and sixty percent (60%) of the trees at 15-gallon, the remaining five percent (5%) may be of any size. These trees shall be incorporated into the landscaped frontages of all streets. Where clinging vines are considered for covering walls, drought tolerant vines shall be used.
- c. No trees shall be planted closer than five feet (5'-0") from any public right-of-way. 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 individual private lots, whether for screening the houses from the neighboring lots, or for aesthetic or selling/marketing purposes, shall have an irrigation system installed in order maintain the trees.
- d. The landscape treatments along Magnolia Street, Mac Murray Street, and the area designated as public rights-of-way, shall incorporate a mixture of ground cover, flowerbeds, and shrubs. The height of the plant material, and any fences located within the front setback areas shall not exceed three feet (3'-0") in height, in order to ensure visibility to the site from the public rights-of-way.
- e. Landscape treatments and irrigation shall be installed within the front, side, and rear setback areas of both properties. The landscaping shall incorporate a mixture of ground cover, flowerbeds, shrubs, and trees. The Community and Economic Development Department shall review the type and location of all proposed trees.
- f. The applicant shall be responsible for all installation and permanent maintenance of all landscaping on the properties. Said responsibility shall extend to the parkway landscaping, sidewalk, curb, and pavement of the site. All planting areas are to be kept free of weeds, debris, and graffiti.
- g. All above-ground utilities (e.g., water backflow devices, electrical transformers, irrigation equipment, etc.) shall be shown on the landscaping plans in order to ensure proper screening.
- h. The landscape plans shall incorporate and maintain, for the life of the project, means and methods to address water run-off, also identified as Low Impact Development (LID) provisions which address water run-off. This is to also to be inclusive of any application of Water Quality Management Plans (WQMP), Drainage Area Management Plans (DAMP), and any other water conservation measures applicable to this type of development.

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- i. The applicant shall be responsible for installing and maintaining all landscaped areas.
60. Construction activities shall adhere to SCAQMD Rule 403 (Fugitive Dust), which includes dust minimization measures, the use of electricity from power poles rather than diesel or gasoline powered generators, the use of methanol, natural gas, propane, or butane vehicles instead of gasoline or diesel powered equipment, where feasible, the use of solar or low-emission water heaters, and the use of low-sodium parking lot lights, to ensure compliance with Title 24.
 61. 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.
 62. The development is subject to the following stipulations:
 - a. Each property shall maintain the ability to park the required number of vehicles within the required garages at all times. The enclosed garages shall not be converted to any other use.
 - b. There shall be no business activities, day care, or garage sales conducted within or from the enclosed garages.
 - c. Each unit shall have phone jacks and cable-TV outlets in all rooms, with the exception of the laundry area, hallways, and bathrooms.
 - d. Garages shall not be rented or leased separately from the dwelling units and shall not be made unavailable to the occupants of the units.
 - e. Residents shall not park or store vehicles anywhere on the site except within the garage of their dwelling unit. However, the parking spaces in front of the garage doors may be utilized by the residents and guests for temporary parking.
 - f. Trash containers shall be stored within designated storage areas only and not within the garage parking area. 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. The applicant shall provide each individual unit with a trash storage area to accommodate three trash containers. The area for each container shall be a minimum of thirty-eight (3'-2") inches by thirty-eight (3'-2") inches. The trash areas shall be paved and accessed by gates and a walkway for ease of taking trash containers to and from the street.
 - g. Each residence shall be utilized as one (1) dwelling unit. No portion of any residence shall be utilized or rented as a separate dwelling unit.

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This condition shall not be interpreted to prohibit an accessory dwelling unit, or junior accessory dwelling unit, constructed and permitted in accordance with applicable law.

- h. Any addition to the residence, including the construction of any accessory structures, shall comply with the R-1 zone development standards. Room additions and accessory structures shall maintain consistency with the architecture of the house, including building material, design, and roof pitch.
- i. Fences and walls located within the front yard areas, or adjacent to driveways shall not exceed thirty-six inches (3'-0") in height. Wood fencing located adjacent to any street, parking area, or driveway is prohibited. The developer shall work with the Community and Economic Development Department in order to ensure proper vision clearance for cars entering or leaving the driveway and parking areas. The existing fences located along the front setback areas of both lots shall be removed.
- j. The facades of the units shall be designed with sound attenuation features including the use of dual paned windows. These features shall be approved by the Community and Economic Development Department prior to the issuance of building permits.
- k. Mechanical equipment, including air conditioning units, Jacuzzi spa equipment, sump pump, etc., shall not be located closer than three feet (3'-0") to any property line. The equipment shall only be located in an enclosed rear or side yard, and only if the above distance stipulation is met. If units will not have an air conditioning condensing unit installed, a place shall be designated for the location of such on the property that allows for a ground mounted unit, minimizes noise intrusion to adjacent units, and allows for ease of installation per the distance separation requirements noted immediately above. No wall or window mounted or roof type of air conditioning system is permitted.
- l. All lighting structures/fixtures 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 a ground lighting system. Lighting in the common areas shall be directed, positioned, or shielded in such a manner so as not to unreasonably illuminate the window area of nearby residents.
- m. At no time shall any structure, fireplace, architectural feature, or otherwise, be closer than three feet to any property line. Any roof eaves or similar roof overhangs intruding into the three foot setback

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requirement, shall comply with the U.B.C. concerning method of construction.

- n. The second floor windows shall, to the extent feasible, be oriented away from the existing single-family homes and/or incorporate view-obscuring measures such as the use of high windows, window alignment, and obscure glass window glazing.
63. As part of the submittal drawings for plan check, the Developer shall submit detailed drawings showing the exterior of all buildings, architectural details, and window and door treatments. The plans shall indicate landscape materials, wall materials, and building materials proposed for the project. Trim shall be provided around all windows and doors. A detail of the trim shall be provided in the construction drawings. The garage doors shall be automatic roll-up type doors. The materials and colors shall be complimentary between the two units.
64. Final Parcel Map No. PM-2020-112 shall be approved by the City recorded by the applicant prior to issuance of building permits for the proposed single-family homes.
65. A seven foot (7'-0") high block wall shall be maintained along the perimeter property lines of each parcel at all times, excluding the front setback area, as measured from the on-site finished grade. All existing block walls shall be modified, as necessary, to comply with the minimum block wall height requirement. The type, texture, and color of the block wall shall be approved by the Planning Services Division, and shall match any existing block wall that will remain.
66. The applicant/property owner shall submit signed letters acknowledging receipt of the decision approving Site Plan No. SP-084-2020 and Tentative Parcel Map No. PM-2020-112, and his/her agreement with all conditions of approval.
67. 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 Site Plan No. SP-084-2020 and Tentative Parcel Map No. PM-2020-112. 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

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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.

68. In accordance with Garden Grove Municipal Code Sections 9.32.160 and 9.40.070.A, respectively, the rights granted pursuant to Site Plan No. SP-084-2020 and Tentative Parcel Map No. PM-2020-112 shall be valid for a period of two years from the effective date of this approval. Unless a time extension is granted pursuant to Section 9.32.030.D.9 of the Municipal Code, the rights conferred by Site Plan No. SP-084-2020 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 Site Plan No. SP-084-2020 shall expire if the building permits for the project expire.
69. The Conditions of Approval set forth herein include certain development impact fees and other exactions. Pursuant to Government Code §66020(d), these Conditions of Approval constitute written notice of the amount of such fees. The applicant is hereby notified that the 90-day protest period, commencing from the effective date of approval of Site Plan No. SP-084-2020 and Tentative Parcel Map No. PM-2020-112, has begun.

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.2.	SITE LOCATION: Citywide
HEARING DATE: September 1, 2022	GENERAL PLAN: N/A
CASE NO.: Amendment No. A-035-2022	ZONE: N/A
APPLICANT: City of Garden Grove	APN: N/A
OWNER: N/A	CEQA DETERMINATION: FGPUZA EIR

REQUEST:

A request by the City of Garden Grove to amend Title 9 (Land Use) of the Garden Grove Municipal Code to make focused zoning amendments to implement various policies and programs set forth in the General Plan Housing Element and Land Use Element and to ensure compliance with applicable State housing laws. The City is proposing focused zoning text amendments to Chapters 9.04 (General Provisions), 9.08 (Single-Family Residential Development Standards), 9.12 (Multifamily Residential Development Standards), 9.16 (Commercial, Office Professional, Industrial, and Open Space Development Standards), 9.18 (Mixed Use Regulations and Development Standards), and 9.32 (Procedures and Hearings) of Title 9 of the Municipal Code to update the definitions, development standards, and land use action procedures pertaining to single-family residential development, multiple-family residential development, mixed use development, landscaping standards, transitional and supportive housing, and single room occupancy housing. The City is also proposing to add a new Chapter in Title 9 of the Municipal Code containing and consolidating special regulations pertaining specifically to housing development projects. The proposed focused zoning amendments are intended to implement recent updates to the City's General Plan Housing Element and Land Use Element and to ensure the City of Garden Grove's Land Use Code is consistent with all applicable State housing laws.

BACKGROUND:

In recent years, several new and amended State housing laws have been adopted in order to ease local government constraints on housing development – and affordable housing in particular. Some examples of these State laws include the following:

- The Housing Accountability Act (Gov't Code § 65589.5) prevents cities from applying development standards and findings that are not objective to proposed housing development projects, limits cities' authority to disapprove or impose certain conditions on proposed housing development projects, and imposes other temporal and procedural limits on cities' review of housing projects.

- The Housing Crisis Act of 2019 (also known as Senate Bill 330) established laws intended to streamline housing development approvals, require cities to maintain their existing affordable housing stock and protect displaced tenants of affordable housing units, limit cities' authority to rezone property to a lower residential density, and restrict cities from establishing new residential design standards that are not objective.
- The Density Bonus Law (Gov't Code § 65915-65918) requires cities to grant increased density, incentives and concessions, and waivers of development standards to residential developers in exchange for the production of affordable housing units.
- The No Net Loss Law (Gov't Code § 65863) requires that a city make specified findings before it allows development of a parcel at a lower residential density than identified in the city's housing element for that parcel or takes any other administrative, quasi-judicial, or legislative action to reduce, require, or permit the reduction of the allowable residential density for such a parcel.
- The Housing Element Law (Gov't Code §§ 65580 - 65589.11), among other things, requires cities to identify and remove governmental constraints on the production of housing, to treat transitional and supportive housing similarly to other residential dwellings, and to provide for a variety of housing types, including single-room occupancy housing.
- Senate Bill 35 (Gov't Code § 65913.4) requires cities to ministerially review and approve qualifying affordable housing projects.
- Government Code §65651, *et. seq.* and §65660, *et. seq.* require cities to allow certain supportive housing projects and low-barrier navigation centers as uses by right.

In 2021, the City Council adopted a Focused General Plan Update and related Zoning Amendments (collectively, the "FGPUZA"), which included General Plan Amendment No. GPA-003-2021, consisting of updates to the General Plan Housing Element, Land Use Element, and the Safety Element, and adoption of a new General Plan Environmental Justice Element to comply with State law provisions, including complying with the 6th Cycle (2021-2029) of the Regional Housing Needs Assessment (RHNA) that requires the City to plan for 19,168 residential dwelling units for all income levels during the 2021-2029 planning period. Amendment No. A-035-2022 is a continuation of the efforts initiated by the previously adopted FGPUZA. It includes various focused text amendments throughout Title 9 (Land Use) of the Garden Grove Municipal Code to implement various policies and programs set forth in the General Plan Housing Element and Land Use Element and to ensure compliance with applicable State housing laws. The updated Housing and Land Use Elements contain the following policies and programs, among others, that will be implemented by the proposed FZA:

- Housing Element Policy H-2.3: "Regulatory Incentives. Provide density bonuses and other financial and regulatory incentives to facilitate the development of affordable housing."
- Housing Element Policy H-2.6: "Preserve Affordable Housing Supply. Preserve the City's supply of affordable rental housing units, including preserving all units at risk of converting from affordable housing to market-rate housing."
- Housing Element 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."
- Housing Element Policy H-3.2: "Provide adequate sites to encourage housing development that will meet the needs of all income groups."
- Housing Element Policy H-4.1: "Residential Development Standards. 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."
- Housing Element Policy H-4.3: "Housing Legislation. Monitor State and federal housing-related legislation, and update City plans, ordinances, and processes pursuant to such legislation to remove or reduce governmental constraints."
- Housing Element Policy H-5.4: "Special Housing Needs Accessibility. Broaden the accessibility and availability of housing to special needs residents such as the homeless, disabled, developmentally disabled, elderly, large households, families with children, and female-headed households."
- Housing Element Program 8: Residential Sites Inventory and Monitoring of No Net Loss
- Housing Element Program 13: Special Needs Housing.
- Housing Element Program 16: Objective Design Standards.
- Housing Element Program 17: Zoning Code Update.
- Housing Element Program 23: Reasonable Accommodation.
- Land Use Element Implementation Program LU-IMP-1D: "Periodically review Zoning Code provisions to ensure that standards and project review processes further the City's housing production and economic development objectives."

- Land Use Element Policy LU-3.2: "Support development of multi-family housing that provides a diversity of densities, types, and prices that meet the needs of all household income levels."
- Land Use Element Policy LU-3.3: "Encourage developers to build housing projects at maximum allowable densities."
- Land Use Element Implementation Program LU-IMP-3B: "Require that the design of multi-family housing in mixed-use areas and major corridors provide a buffer between the corridor and lower-density residential areas."
- Land Use Element Implementation Program LU-IMP-3C: "Require attractive side and rear facades and landscaping on multi-family housing and mixed-use structures to improve the streetscape and create a visual transition to lower-density residential areas."
- Land Use Element Implementation Program LU-IMP-3E: "Use programs and incentives outlined in the Housing Element to produce all types of desired multi-family housing."

To help cities and counties prepare, adopt, and implement plans and process improvements that facilitate housing approvals in accordance with State laws, the State established the SB 2 Planning Grants Program and the Local Early Action Planning (LEAP) Grant Program, which provide funding and technical assistance to all local governments in California.

The City of Garden Grove was awarded grant funding through the SB 2 and LEAP Planning Grant Programs. The City has leveraged these funds, in part, to support the completion and adoption of focused zoning code amendments.

Purpose of the Focused Zoning Amendments (FZA):

The primary purpose of the proposed focused zoning amendments (FZA) is to implement recent updates to the City's General Plan Housing Element and Land Use Element and to ensure the City of Garden Grove's Land Use Code is consistent with all applicable State housing laws, including, but not limited to, the Housing Accountability Act, the Housing Crisis Act, the State Density Bonus Law, and the Housing Element Law. In addition, the proposed FZA are intended to: clarify existing provisions in the Municipal Code applicable to housing developments and landscaping requirements; respond to challenges developers and the City have experienced with implementing some existing mixed-use development standards; establish objective design standards that inspire quality design; and provide clear expectations for applicants, decision makers, and residents.

On April 21, 2022, City Staff, along with its consultant, MIG, conducted an initial study session, open to the public, with the Planning Commission during which a general overview was provided on the proposed code updates and changes. On May 10, 2022, a similar study session, also open to the public, was conducted with the

City Council. Feedback received from the Planning Commission and City Council included recommendations to address the following:

- Requiring building step backs for the second story and above
- Requirements for varied façade materials
- Requirements for “four-sided architecture”, ensuring that all sides of a building incorporate high-quality building details and finishes
- Removing the existing bathroom limitation for single-family dwellings
- Requiring operational requirements for supportive/transitional housing
- Requiring anti-graffiti provisions (e.g., crawling vines) for public facing perimeter walls

All recommended items above were incorporated into the proposed zoning text amendments.

On August 4, 2022 and August 9, 2022, second study sessions, open to the public, were held with the Planning Commission and City Council, respectively, where an overview was provided on the proposed cope updates and changes. Prior to the study sessions, clean and redline versions of the draft proposed zoning text amendments were provided to the Planning Commission and City Council and were also made available to the public on the City’s website (ggcity.org/planning).

The proposed FZA are substantively the same as presented at the August 4, 2022 Planning Commission and August 9, 2022 City Council meetings. Minor non-substantive changes recommended by City Staff, include the following:

- In Exhibit “B”, Chapter 9.08 (Single-Family Residential Development Standards):
 - Page 1, Section 9.08.030.020.C.2 (Planned Unit Development), Staff updated the minimum site area for Planned Unit Developments from three acres to one acre for residential developments.
 - Pages 2 through 8, Section 9.08.030.060 (Density Bonuses and Other Incentives for Affordable Housing), Staff removed the existing density bonus provisions in Chapter 9.08 in conjunction with the adoption of updated density bonus regulations to be consolidated as a new section in proposed new Chapter 9.60.
- In Exhibit “C”, Chapter 9.12 (Multifamily Residential Development Standards):
 - Page 2, Section 9.12.030.020.C.2 (Planned Unit Development), Staff updated the minimum site area for Planned Unit Developments from three acres to one acre for residential developments.
 - Pages 2 through 8, Section 9.12.030.070 (Density Bonuses and Other Incentives for Affordable Housing), Staff removed the existing density bonus provisions in Chapter 9.12 in conjunction with the adoption of updated density bonus regulations to be consolidated as a new section in proposed new Chapter 9.60.
 - Page 11, Section 9.12.040.020 (Residential – General Development Standards), R-2 and R-3 Development Standards Table, Staff updated the stepback requirements to clarify that stepback standards for second

and third floor building areas are applicable to properties zoned R-2 and R-3.

- In Exhibit "E", Chapter 9.18 (Mixed Use Regulations and Development Standards):
 - Page 17, Table 9.18-4: Development Standards for the Civic Center Mixed Use Zones, under the CC-1 zone, Staff updated the Side Setback, which originally stated "Minimum 5 ft", to now reflect the same setback language for the Rear Setback, which states, "None required unless abutting a residentially zoned lot; minimum 5 ft when abutting a residentially zoned lot. See Section 9.18.100."

DISCUSSION:

AMENDMENT:

The proposed FZA will make text amendments to the following chapters of Title 9 of the Municipal Code to update the definitions, development standards, and land use action procedures pertaining to single-family residential, multiple-family residential, mixed use, landscaping standards, transitional and supportive housing, and single room occupancy housing:

- Chapter 9.04 (General Provisions)
- Chapter 9.08 (Single-Family Residential Development Standards)
- Chapter 9.12 (Multifamily Residential Development Standards)
- Chapter 9.16 (Commercial, Office Professional, Industrial, and Open Space Development Standards)
- Chapter 9.18 (Mixed Use Regulations and Development Standards)
- Chapter 9.32 (Procedures and Hearings)

The addition of a new chapter (Chapter 9.60) in Title 9 of the Municipal Code, titled "Special Housing Regulations", containing and consolidating special regulations pertaining specifically to housing development projects is also proposed.

Title 9 (Zoning) of the Municipal Code is available at the following web address: https://library.qcode.us/lib/garden_grove_ca/pub/municipal_code/item/title_9

The specific zoning text amendments proposed are attached to this Staff Report as Exhibits A-H. It should be noted that only those sections of Title 9 of the Municipal Code that are proposed to be amended are attached. All other sections of Title 9 of the Municipal Code, that are not attached, do not have proposed changes.

The following discussion will provide brief summaries and highlights of the proposed updates and changes in each of the above chapters.

Chapter 9.04 (General Provisions)

Under Municipal Code ("Code") Chapter 9.04 (General Provisions), the following Subsections are proposed to be amended:

- 9.04.030 (Authority)
- 9.04.060 (Definitions)

Updates and changes to the above Subsections of Chapter 9.04 (General Provisions) include, but are not limited to, the following:

- Clarifying that wherever in the Code it makes reference to "City Manager or Designee", that the "Designee" shall mean the "Department Director".
- Eliminating outdated references to the Environmental Review Board within the subsection describing the Planning Coordinating Committee.
- Adding new and replacement definitions for "Department Director", "Low-barrier navigation center", "Open Space, Active", "Open Space, Passive", "Playing courts", "Single room occupancy (SRO)", "Supportive housing", "Supportive housing for the homeless", and "Transitional housing" in conjunction with other proposed amendments.

Chapter 9.08 (Single-Family Residential Development Standards)

The intent of the proposed amendments to Chapter 9.08 is to codify existing policies for single-family residential improvements, not expressly written in the Municipal Code, aimed at addressing impacts on city infrastructure, and on-site and on-street parking, to provide clearer and more objective direction to developers and property owners, and to conform zoning regulations regarding transitional and supportive housing to existing State law.

Under Municipal Code Chapter 9.08 (Single-Family Residential Development Standards), the following Subsections are proposed to be amended:

- 9.08.020.030 (Uses Permitted, Table 1, City of Garden Grove Land Use Matrix)
- 9.08.030.060 (Density Bonuses and Other Incentives for Affordable Housing)
- 9.08.040.020 (Residential – General Development Standards)
- 9.08.040.030 (Special Requirements - R-1 Zone)
- 9.08.040.050 (Landscaping - General Provisions)
- 9.08.040.060 (Landscaping Requirements)

Updates and changes to the above Subsections of Chapter 9.08 (Single-Family Residential Development Standards) include, but are not limited to, the following:

- Per State law, specifying that transitional and supportive housing are permitted in residential zoning districts subject to the same approval requirements, development standards, and restrictions that apply to other residential dwellings of the same type in the same zone, which shall be determined by the City based upon the predominant characteristics of the use, and eliminating distinctions based on the number of persons.

- Removing the existing density bonus provisions in Chapter 9.08 in conjunction with the adoption of updated density bonus regulations to be consolidated as a new section in proposed new Chapter 9.60.
- Removing the restriction on the maximum number of bathrooms allowed for residential dwellings.
- Establishing objective single-family interior design standards pertaining to bathroom location and access, direct access between bedrooms and communal areas, sinks and wet bars, stairwell location and external staircase access.
- Establishing minimum interior dimensions and related objective requirements for enclosed garages.
- Establishing objective design standards for detached accessory structures to ensure they are designed and used as non-habitable structures (as required by the California Building Code) and objective minimum separation requirements between detached accessory structures and all other structures on-site.
- Updating the landscaping standards to provide clearer and more objective direction to developers and property owners and to provide more flexibility regarding acceptable types of landscaping, groundcover, and substitute landscaping to account for drought conditions.

Chapter 9.12 (Multifamily Residential Development Standards)

The intent of the proposed amendments to Chapter 9.12 is, in part, to ensure all development standards in the Municipal Code that are applicable to multifamily housing development projects in the R-2 (Limited Multiple Residential) and R-3 (Multiple-Family Residential) zones, are objective and in compliance with State housing laws.

Under Municipal Code Chapter 9.12 (Multifamily Residential Development Standards), the following Subsections are proposed to be amended:

- 9.12.020.030 (Uses Permitted, Table 1, City of Garden Grove Land Use Matrix)
- 9.12.030.060 (Density Bonuses and Other Incentives for Affordable Housing)
- 9.12.040.010 (Multifamily Residential - General Requirements)
- 9.12.040.020 (Residential - General Development Standards)
- 9.12.040.030 (Special Requirements - Single-Family Homes in R-2 and R-3 Zones)
- 9.12.040.040 (Special Requirements - Duplex and Triplex in R-2 and R-3 Zones)
- 9.12.040.050 (Special Requirements - Multiple-Family Residential)
- 9.12.040.060 (Special Requirements - Small Lot Subdivisions)
- 9.12.040.080 (Landscaping - General Provisions)
- 9.12.040.090 (Landscaping Requirements)

Updates and changes to the above Subsections of Chapter 9.12 (Multifamily Residential Development Standards) include, but are not limited to, the following:

- Per State law, specifying that transitional and supportive housing are permitted in residential zoning districts subject to the same approval requirements,

development standards, and restrictions that apply to other residential dwellings of the same type in the same zone, which shall be determined by the City based upon the predominant characteristics of the use, and eliminating distinctions based on the number of persons.

- To comply with State housing law, allowing "Supportive Housing for the Homeless" as a permitted use by right in the R-2 and R-3 zones, subject to statutory requirements described in new proposed Section 9.60.070.
- To comply with State housing law, allowing Single Room Occupancy (SRO) as a permitted use by right in the R-3 zone and establishing new SRO regulations and development standards (Section 9.12.050).
- Removing the existing density bonus provisions in Chapter 9.12 in conjunction with the adoption of updated density bonus regulations to be consolidated as a new section in proposed new Chapter 9.60.
- Establishing updated objective requirements for screening and location of mechanical equipment.
- Replacing confusing on- and off-site building separation requirements with clear, objective building setback and stepback requirements for first, second, and third floors.
- Removing the restriction on the maximum number of bathrooms allowed for residential dwellings.
- Updating the development and design standards for duplex and triplex developments in the R-2 and R-3 zones and Small Lot Subdivisions to ensure they are objective.
- Updating privacy provisions to better protect and mitigate views into private recreation areas on adjacent properties.
- Requiring anti-graffiti provisions (e.g., crawling vines) for public facing perimeter walls.
- Updating building separation requirements for on-site accessory buildings, parking areas, and driveways.
- Removing restrictive sliding scale R-3 zone density table, "Table of Development Density R-3 Zone", and establishing maximum residential densities consistent with General Plan maximum densities, which are 21 units per acre for the R-2 zone, and 32 units per acre for the R-3 zone.
- Establishing maximum building height requirements for multifamily residential buildings when adjacent to R-1 (Single-Family Residential) zoned property.
- Reducing the minimum private storage requirement.
- Updating private and common open space and recreation area requirements, for multifamily developments, to allow for greater flexibility in the location, size, and type of amenities provided, while maintaining (no change or reduction to) the current standard of 300 square feet of private/common open space required. Allowing rooftop decks and indoor spaces to count towards common recreation area requirement.
- Updating the landscaping standards to provide clearer and more objective direction to developers and property owners and to provide more flexibility regarding acceptable types of landscaping, groundcover, and substitute landscaping to account for drought conditions.

Chapter 9.16 (Commercial, Office Professional, Industrial, and Open Space Development Standards)

The intent of the proposed amendments to Chapter 9.16 is, in part, to comply with State law in regards to Low-Barrier Navigation Centers and to update existing landscaping standards.

Under Municipal Code Chapter 9.16 (Commercial, Office Professional, Industrial, and Open Space Development Standards), the following Subsections are proposed to be amended:

- 9.16.020.030 (Uses Permitted, Table 1, City of Garden Grove Land Use Matrix)
- 9.16.040.060 (Landscaping - General Provisions)
- 9.16.040.070 (Landscaping Requirements)
- 9.16.040.120 (Walls, Fences and Hedges)

Updates and changes to the above Subsections of Chapter 9.16 (Commercial, Office Professional, Industrial, and Open Space Development Standards) include, but are not limited to, the following:

- To comply with State housing law, allowing Low-Barrier Navigation Centers as a permitted use by right within the Emergency Shelter Overlay Zone.
- Updating the landscaping standards to provide clearer and more objective direction to developers and property owners and to provide more flexibility regarding acceptable types of landscaping, groundcover, and substitute landscaping to account for drought conditions.
- Requiring anti-graffiti provisions (e.g., crawling vines) for public facing perimeter walls.

Chapter 9.18 (Mixed Use Regulations and Development Standards)

The intent of the proposed amendments to Chapter 9.18 is, in part, to ensure all development standards in the Municipal Code that are applicable to multifamily housing development projects and certain new mixed use projects (with at least two-thirds residential) in the mixed use zones, are objective and in compliance with State housing law.

Under Municipal Code Chapter 9.18 (Mixed Use Regulations and Development Standards), the following Subsections are proposed to be amended:

- 9.18.010 (Mixed Use Zones – Purpose)
- 9.18.020.030 (Uses Restricted to Indoor, Table 9.18-1, Use Regulations for the Mixed Use Zones)
- 9.18.030.300 (Outdoor Dining at Eating Establishment/Restaurant)
- 9.18.030.360 (Work-Live Units)
- 9.18.090 (Development Standards Specific to Individual Mixed Use Zones)
- 9.18.100 (Development and Design Standards Applicable to All Mixed Use Zones)
- 9.18.110 (Development Standards for Specific Uses in Mixed Use Zones)
- 9.18.120 (Landscaping)

- 9.18.130 (Walls, Fences, and Hedges)
- 9.18.140 (Parking)

Updates and changes to the above Subsections of Chapter 9.18 (Mixed Use Regulations and Development Standards) include, but are not limited to, the following:

- Allowing stand-alone multiple-family residential development, with no pedestrian plaza required, in the NMU zone for sites that do not have access to arterial streets.
- Per State law, specifying that transitional and supportive housing are permitted in residential zoning districts subject to the same approval requirements, development standards, and restrictions that apply to other residential dwellings of the same type in the same zone, which shall be determined by the City based upon the predominant characteristics of the use. To comply with State housing law, allowing "Supportive and Transitional Housing" as a permitted use by right in certain mixed use zones.
- To comply with State housing law, allowing "Supportive Housing for the Homeless" as a permitted use by right in certain mixed use zones, subject to requirements of Section 9.60.070.
- To comply with State housing law, allowing "Low-Barrier Navigation Center" as a permitted use by right in certain mixed use zones, subject to requirements of Section 9.60.070.
- Allowing Single Room Occupancy (SRO) as a permitted use by right in the certain mixed use zones.
- Updating standards that pertain to enhancement of pedestrian areas in and along public right-of-ways (sidewalk areas and building frontages).
- Incorporating clear building design standards that require a minimum number of architectural components that may be selected from a provided list of exterior finishes. Requiring enhancements to all building elevations ("4-sided architecture") for new mixed use buildings with at least two-thirds residential.
- For residential components of integrated mixed use developments, establishing updated private and common open space and recreation standards, to allow for greater flexibility in the location, size, and type of amenities provided, while maintaining (no change or reduction to) the current standard of 300 square feet of private/common open space required. Allowing rooftop decks and indoor spaces to count towards common recreational area requirement.
- Updating the landscaping standards to provide clearer and more objective direction to developers and property owners and to provide more flexibility regarding acceptable types of landscaping, groundcover, and substitute landscaping to account for drought conditions.
- Requiring anti-graffiti provisions (e.g., crawling vines) for public facing perimeter walls.

Chapter 9.32 (Procedures and Hearings)

The intent of the proposed amendments to Chapter 9.32 is to update the procedural provisions for review of land use actions to comport with current State law, other Land Use Code provisions, other proposed Code amendments, and current practice and to codify a procedure for consideration of reasonable accommodation requests.

Under Municipal Code Chapter 9.32 (Procedures and Hearings), the following Subsections are proposed to be amended:

- 9.32.010 General Provisions
- 9.32.030 Land Use Actions

Updates and changes to the above Subsections of Chapter 9.32 (Procedures and Hearings) include, but are not limited to, the following:

- Expressly delegating authority to the Director of Community and Economic Development to interpret the meaning and applicability of Land Use Code provisions.
- Updating and simplifying project environmental review procedures and provisions to be consistent with State law.
- Making the City Council the final approval authority for all land use actions that also require approval of an action by the City Council (such as a zone change, Code amendment, or General Plan amendment).
- Consistent with the Housing Accountability Act, eliminating the requirement for subjective findings for approval of housing development projects.
- Updating cross-references to other Code provisions.
- Including "no net loss" provisions and findings for certain land use actions, in accordance with Government Code Sections 66300 and 65863.
- Adding an additional finding for approval of a variance required by State law.
- Updating the required findings for approval of a duplex or triplex to be consistent with the Housing Accountability Act.
- Pursuant to Program 23 of the Housing Element, adding specific procedures for review and consideration of requests for reasonable accommodation in the provision of housing consistent with state and federal fair housing laws.

Chapter 9.60 (Special Housing Regulations)

The purpose of this new Land Use Code Chapter is to implement specified provisions of State law pertaining to local regulation of housing development projects, including, but not limited to, the State Density Bonus Law, the Housing Accountability Act, the Housing Crisis Act of 2019, the No Net Loss Law, and the Housing Element Law.

New provisions under Municipal Code Chapter 9.60 (Special Housing Regulations) include, but are not limited to, the following:

- Provisions specifying the findings required for disapproval of housing development projects, including additional findings required for affordable

housing projects, consistent with the Housing Accountability Act (Gov't Code §65589.5).

- Separate procedures for the ministerial and discretionary review of housing development projects and related land use actions, which are consistent with the Housing Accountability Act and other State housing laws.
- Provisions expressly delegating authority to the Department Director to review and approve housing development projects that are subject to ministerial review by law and to conduct the initial determination of a housing development project's compliance and conformance with applicable, objective general plan, zoning, and subdivision standards and criteria and providing written notice to the applicant within 30 or 60 days, as required by the Housing Accountability Act (Gov't Code §65589.5(j)).
- Provisions specifying what the City and applicants must do to comply with the "no net loss" provisions of the Housing Crisis Act (Gov't code §66300) and the State No Net Loss Law (Gov't Code §65863). This section includes a requirement that applicants provide specified assistance to the City to comply with the "no net loss" requirements when the applicant is seeking to develop a site identified for housing in the City's Housing Element in a manner that would result in the remaining sites identified in the City's Housing Element not being adequate to accommodate the City's RHNA.
- A section that updates and consolidates in a single location in the Code the City's residential density bonus regulations pursuant to Government Code 65915.
- A new section establishing minimum requirements and procedures for the preparation, execution, and recording of affordable housing regulatory agreements (such as density bonus agreements) containing affordability covenants for housing units when such agreements are required by State law or another provision of the Code. This section delegates authority to the City Manager to approve, execute, and implement such agreements. This section also makes applicants responsible for reimbursing the City for professional fees and costs incurred by the City to prepare such regulatory agreements, as well as the City's annual monitoring costs for these agreements.
- A new section implementing the Housing Crisis Act provisions that require developers to replace demolished affordable housing units and to provide relocation assistance and other benefits to existing occupants of such units (Gov't Code §66300(d). These provisions are intended to provide clear guidance to applicants, City staff, and affected tenants to assist with compliance with these State mandated requirements. This section also makes applicants responsible for reimbursing the City for professional fees and costs incurred by the City to implement these State mandates.
- A section specifying the applicable legal requirements and review and approval procedures for transitional and supporting housing projects, including "Supportive Housing For the Homeless" and "Low-Barrier Navigation Centers," pursuant to State law.

Cost Assessment:

Policy H-4.2 of the Housing Element provides for the City to assess proposed ordinances and policies affecting housing development for effect on housing cost, recognizing that some increases in housing costs might be offset by decreases in other household costs.

The primary intent of many of the proposed Code amendments is to provide clearer, more objective, standards and guidance for developers, which is anticipated to result in more regulatory certainty and streamlined processing and review for housing development projects. This should lower overall development costs for housing projects.

Although developers will experience higher costs for implementing State housing law mandates, such as providing replacement housing and tenant relocation benefits per the Housing Crisis Act and entering into affordable housing regulatory agreements, such increased costs are a direct result of State law and private development decisions, not the proposed new City Land Use Code provisions implementing the State law.

The proposed Code amendments do include provisions requiring developers and applicants to provide assistance to the City in complying with State "no net loss" requirements (as authorized by State law) and to reimburse the City for certain additional third-party professional fees and costs and ongoing monitoring costs associated with affordable housing regulatory agreements and relocation plans for displaced tenants per the Housing Crisis Act mandates. Although housing development costs may be marginally higher as a result of developers having to bear these costs, these requirements will help enable the City to meet its RHNA obligations, to effectively monitor and ensure deed restricted affordable housing units continue to be provided at an affordable rent or housing cost, and to ensure that tenants of affordable protected units, that are displaced as part of a new housing development, are able to find new housing at a comparable cost.

California Environmental Quality Act:

In conjunction with this request, the City of Garden Grove will consider a determination that no further review under the California Environmental Quality Act ("CEQA") is required pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162 because the proposed focused zoning amendments implement the General Plan update analyzed in the City of Garden Grove Focused General Plan Update and Zoning Amendments Environmental Impact Report, State Clearinghouse No. 2021060714 ("Garden Grove General Plan Update and Focused Zoning Amendments"), potential impacts of the focused zoning amendments fall within the scope of the General Plan Update EIR, and the focused zoning amendments will not result in any new significant impacts or a substantial increase in the severity of previously identified significant impacts.

RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Adopt Resolution No. 6051-22, recommending approval of Amendment No. A-035-2022 to the City Council.



LEE MARINO
Planning Services Manager



By: Chris Chung
Urban Planner

RESOLUTION NO. 6051-22

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING THAT THE CITY COUNCIL APPROVE AMENDMENT NO. A-035-2022, CONSISTING OF FOCUSED ZONING TEXT AMENDMENTS TO TITLE 9 (LAND USE) OF THE GARDEN GROVE MUNICIPAL CODE TO IMPLEMENT VARIOUS POLICIES AND PROGRAMS SET FORTH IN THE GENERAL PLAN HOUSING ELEMENT AND LAND USE ELEMENT AND TO ENSURE COMPLIANCE WITH APPLICABLE STATE HOUSING LAWS.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on September 1, 2022, does hereby recommend that the City Council approve Amendment No. A-035-2022 and adopt an Ordinance implementing the amendments to Title 9 of the Garden Grove Municipal Code described in Exhibits A-G attached hereto, along with non-substantive revisions recommended by City Staff.

BE IT FURTHER RESOLVED in the matter of Amendment No. A-035-2022, 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 amend Title 9 (Land Use) of the Garden Grove Municipal Code to make focused zoning amendments to implement various policies and programs set forth in the General Plan Housing Element and Land Use Element and to ensure compliance with applicable State housing laws. Focused zoning text amendments to Chapters 9.04 (General Provisions), 9.08 (Single-Family Residential Development Standards), 9.12 (Multifamily Residential Development Standards), 9.16 (Commercial, Office Professional, Industrial, and Open Space Development Standards), 9.18 (Mixed Use Regulations and Development Standards), and 9.32 (Procedures and Hearings) of Title 9 of the Municipal Code are proposed to update the definitions, development standards, and land use action procedures pertaining to single-family residential development, multiple-family residential development, mixed use development, landscaping standards, transitional and supportive housing, and single room occupancy housing. The City is also proposing to add a new Chapter 9.60 to Title 9 of the Municipal Code containing and consolidating special regulations pertaining specifically to housing development projects. The proposed focused zoning amendments are intended to implement recent updates to the City's General Plan Housing Element and Land Use Element and to ensure the City of Garden Grove's Land Use Code is consistent with all applicable State housing laws, including, but not limited to, the Housing Accountability Act, the Housing Crisis Act, the State Density Bonus Law, the State No Net Loss Law, and the Housing Element Law.

3. The Planning Commission recommends the City Council make a determination that no further review under the California Environmental Quality Act ("CEQA") is required pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162 because the proposed focused zoning amendments implement the General Plan update analyzed in the City of Garden Grove Focused General Plan Update and Zoning Amendments Environmental Impact Report, State Clearinghouse No. 2021060714 ("Garden Grove General Plan Update and Focused Zoning Amendments"), potential impacts of the focused zoning amendments fall within the scope of the General Plan Update EIR, and the focused zoning amendments will not result in any new significant impacts or a substantial increase in the severity of previously identified significant impacts.
4. Pursuant to legal notice, a public hearing was held on September 1, 2022, 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 September 1, 2022.

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

FACTS:

State housing laws impose various requirements and limits pertaining to the City's regulation and review of housing development projects, including, but not limited to, the following:

- The Housing Accountability Act (Gov't Code § 65589.5) prevents cities from applying development standards and findings that are not objective to proposed housing development projects, limits cities' authority to disapprove or impose certain conditions on proposed housing development projects, and imposes other temporal and procedural limits on cities' review of housing projects.
- The Housing Crisis Act of 2019 (also known as Senate Bill 330) established laws intended to streamline housing development approvals, require cities to maintain their existing affordable housing stock and protect displaced tenants of affordable housing units, limit cities' authority to rezone property to a lower residential density, and restrict cities from establishing new residential design standards that are not objective.

- The Density Bonus Law (Gov't Code § 65915-65918) requires cities to grant increased density, incentives and concessions, and waivers of development standards to residential developers in exchange for the production of affordable housing units.
- The No Net Loss Law (Gov't Code § 65863) requires that a city make specified findings before it allows development of a parcel at a lower residential density than identified in the city's housing element for that parcel or takes any other administrative, quasi-judicial, or legislative action to reduce, require, or permit the reduction of the allowable residential density for such a parcel.
- The Housing Element Law (Gov't Code §§ 65580 - 65589.11), among other things, requires cities to identify and remove governmental constraints on the production of housing, to treat transitional and supportive housing similarly to other residential dwellings, and to provide for a variety of housing types, including single-room occupancy housing.
- Senate Bill 35 (Gov't Code § 65913.4) requires cities to ministerially review and approve qualifying affordable housing projects.
- Government Code §65651, *et. seq.* and §65660, *et. seq.* require cities to allow certain supportive housing projects and low-barrier navigation centers as uses by right.

In 2021, the Garden Grove City Council adopted a Focused General Plan Update and related Zoning Amendments (collectively, the "FGPUZA"), which included General Plan Amendment No. GPA-003-2021, consisting of updates to the General Plan Housing Element, Land Use Element, and the Safety Element, and adoption of a new General Plan Environmental Justice Element to comply with State law provisions, including complying with the 6th Cycle (2021-2029) of the Regional Housing Needs Assessment (RHNA) that requires the City to plan for 19,168 residential dwelling units for all income levels during the 2021-2029 planning period.

Amendment No. A-035-2022 is a continuation of the efforts initiated by the previously adopted FGPUZA. It includes various focused text amendments throughout Title 9 (Land Use) of the Garden Grove Municipal Code to implement various policies and programs set forth in the General Plan Housing Element and Land Use Element and to ensure compliance with applicable State housing laws.

The primary purpose of the proposed focused zoning amendments (FZA) is to implement recent updates to the City's General Plan Housing Element and Land Use Element and to ensure the City of Garden Grove's Land Use Code is consistent with all applicable State housing laws, including, but not limited to, the Housing

Accountability Act, the Housing Crisis Act, the State Density Bonus Law, the State No Net Loss Law, and the Housing Element Law. In addition, the proposed FZA are intended to: clarify existing provisions in the Municipal Code applicable to housing developments and landscaping requirements; respond to challenges developers and the City have experienced with implementing some existing mixed-use development standards; establish objective design standards that inspire quality design; and provide clear expectations for applicants, decision makers, and residents.

The proposed FZA will make text amendments to the following chapters of Title 9 of the Municipal Code to update the definitions, development standards, and land use action procedures pertaining to single-family residential development, multiple-family residential development, mixed use development, landscaping standards, transitional and supportive housing, and single room occupancy housing:

- Chapter 9.04 (General Provisions)
- Chapter 9.08 (Single-Family Residential Development Standards)Chapter 9.12 (Multifamily Residential Development Standards)
- Chapter 9.16 (Commercial, Office Professional, Industrial, and Open Space Development Standards)
- Chapter 9.18 (Mixed Use Regulations and Development Standards)
- Chapter 9.32 (Procedures and Hearings)

The addition of a new chapter (Chapter 9.60) in Title 9 of the Municipal Code, titled "Special Housing Regulations", containing and consolidating special regulations pertaining specifically to housing development projects is also proposed.

The proposed amendments to Chapter 9.04 will clarify internal references, eliminate outdated procedural provisions, and update definitions in conjunction with the proposed changes in other Chapters.

The primary intent of the proposed amendments to Chapter 9.08 is to codify existing policies for single family residential improvements, not expressly written in the Municipal Code, aimed at addressing impacts on city infrastructure and on-site and on-street parking, to provide clearer and more objective direction to developers and property owners, and to conform zoning regulations regarding transitional and supportive housing to existing State law.

The primary intent of the proposed amendments to Chapter 9.12 is to ensure all development standards in the Municipal Code that are applicable to multifamily housing development projects in the R-2 (Limited Multiple Residential) and R-3 (Multiple-Family Residential) zones, are objective and in compliance with State housing laws.

The primary intent of the proposed amendments to Chapter 9.16 is to comply with State law in regards to Low-Barrier Navigation Centers and to update existing landscaping standards.

The primary intent of the proposed amendments to Chapter 9.18 is to ensure all development standards in the Municipal Code that are applicable to multifamily housing development projects and certain new mixed use projects (with at least two-thirds residential) in the mixed use zones, are objective and in compliance with State housing law.

The intent of the proposed amendments to Chapter 9.32 is to update the procedural provisions for review of land use actions to comport with current State law, other Land Use Code provisions, other proposed Code amendments, and current practice and to codify a procedure for consideration of reasonable accommodation requests.

The purpose of the proposed new Land Use Code Chapter 9.60 is to implement specified provisions of State law pertaining to local regulation of housing development projects, including, but not limited to, the State Density Bonus Law, the Housing Accountability Act, the Housing Crisis Act of 2019, the No Net Loss Law, and the Housing Element Law.

The proposed Amendment will implement the following policies and programs set forth in the updated Housing and Land Use Elements:

- Housing Element Policy H-2.3: "Regulatory Incentives. Provide density bonuses and other financial and regulatory incentives to facilitate the development of affordable housing."
- Housing Element Policy H-2.6: "Preserve Affordable Housing Supply. Preserve the City's supply of affordable rental housing units, including preserving all units at risk of converting from affordable housing to market-rate housing."
- Housing Element 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."
- Housing Element Policy H-3.2: "Provide adequate sites to encourage housing development that will meet the needs of all income groups."
- Housing Element Policy H-4.1: "Residential Development Standards. 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."

- Housing Element Policy H-4.3: "Housing Legislation. Monitor State and federal housing-related legislation, and update City plans, ordinances, and processes pursuant to such legislation to remove or reduce governmental constraints."
- Housing Element Policy H-5.4: "Special Housing Needs Accessibility. Broaden the accessibility and availability of housing to special needs residents such as the homeless, disabled, developmentally disabled, elderly, large households, families with children, and female-headed households."
- Housing Element Program 8: Residential Sites Inventory and Monitoring of No Net Loss
- Housing Element Program 13: Special Needs Housing.
- Housing Element Program 16: Objective Design Standards.
- Housing Element Program 17: Zoning Code Update.
- Housing Element Program 23: Reasonable Accommodation.
- Land Use Element Implementation Program LU-IMP-1D: "Periodically review Zoning Code provisions to ensure that standards and project review processes further the City's housing production and economic development objectives."
- Land Use Element Policy LU-3.2: "Support development of multi-family housing that provides a diversity of densities, types, and prices that meet the needs of all household income levels."
- Land Use Element Policy LU-3.3: "Encourage developers to build housing projects at maximum allowable densities."
- Land Use Element Implementation Program LU-IMP-3B: "Require that the design of multi-family housing in mixed-use areas and major corridors provide a buffer between the corridor and lower-density residential areas."
- Land Use Element Implementation Program LU-IMP-3C: "Require attractive side and rear facades and landscaping on multi-family housing and mixed-use structures to improve the streetscape and create a visual transition to lower-density residential areas."
- Land Use Element Implementation Program LU-IMP-3E: "Use programs and incentives outlined in the Housing Element to produce all types of desired multi-family housing."

FINDINGS AND REASONS:

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

The City of Garden Grove is proposing to amend Title 9 (Land Use) of the Garden Grove Municipal Code to make focused zoning amendments to implement various policies and programs set forth in the General Plan Housing Element and Land Use Element and to ensure compliance with applicable State housing laws. Focused zoning text amendments to Chapters 9.04 (General Provisions), 9.08 (Single-Family Residential Development Standards), 9.12 (Multifamily Residential Development Standards), 9.16 (Commercial, Office Professional, Industrial, and Open Space Development Standards), 9.18 (Mixed Use Regulations and Development Standards), and 9.32 (Procedures and Hearings) of Title 9 of the Municipal Code are proposed to update the definitions, development standards, and land use action procedures pertaining to single-family residential, multiple-family residential, mixed use, landscaping standards, supportive housing, and single room occupancy housing. The addition of a new Chapter in Title 9 of the Municipal Code containing and consolidating special regulations pertaining specifically to housing development projects is also proposed. The proposed focused zoning amendments are intended to implement recent updates to the City's General Plan Housing Element and Land Use Element and to ensure the City of Garden Grove's Land Use Code is consistent with all applicable State housing laws, including, but not limited to, the Housing Accountability Act, the Housing Crisis Act, the State Density Bonus Law, the State No Net Loss Law, and the Housing Element 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 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. In order to achieve the State's required RHNA allocation for the City of 19,168 future residential units, associated focused amendments to the Land Use Element and focused zoning amendments were recently adopted to accommodate the increase in residential densities in the

city, and to maintain consistency with the goals, policies, and programs of the recent Housing Element Update. The primary purpose of the proposed Amendment is to implement the recent updates to the City's General Plan Housing Element and Land Use Element and to ensure the City of Garden Grove's Land Use Code is consistent with all applicable State housing laws, including, but not limited to, the Housing Accountability Act, the Housing Crisis Act, the State Density Bonus Law, the No Net Loss Law, and the Housing Element Law. In addition, the proposed FZA are intended to: clarify existing provisions in the Municipal Code applicable to housing developments and landscaping requirements; respond to challenges developers and the City have experienced with implementing some existing mixed-use development standards; establish objective design standards that inspire quality design; and provide clear expectations for applicants, decision makers, and residents. The proposed Amendment ensures the City's Land Use Code is adequately updated to meet State housing law requirements, supporting the State's goals, in part, to facilitate the production of housing, including affordable housing. The updated and new code provisions will help ensure the City of Garden Grove continues to be a well-planned community and the community's vision is achieved.

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 proposed Amendment, in part, will update Municipal Code Chapter 9.32 (Procedures and Hearings) to include "no net loss" provisions and findings for certain land use actions, in accordance with Government Code Sections 66300 and 65863, which ensures the City of Garden Grove's Housing Element sites inventory can accommodate its share of the RHNA (Regional Housing Needs Allocation) by income level, which includes affordable housing to lower- and moderate-income households, throughout the planning period. The Amendment is consistent with the objectives of Program 8 (Residential Sites Inventory and Monitoring of No Net Loss) in the Housing Element, which requires the City to establish "No Net Loss" provisions and establish a process for compliance. The addition of a new chapter (Chapter 9.60) in Title 9 of the Municipal Code, titled "Special Housing Regulations", containing and consolidating special regulations pertaining specifically to housing development projects, including projects for affordable housing, is also proposed, which, in part, specifies provisions, consistent with State housing law, for residential density bonus, affordable housing regulatory agreements, and dwelling unit protection regulations (Senate Bill 330).

Further supporting the intent and objective of Housing Element Policy LU-1.3, the proposed Amendment will update various sections of Chapter 9.08 (Single-Family Residential Development Standards), Chapter 9.12 (Multifamily Residential Development Standards), Chapter 9.16 (Commercial,

Office Professional, Industrial, and Open Space Development Standards), and Chapter 9.18 (Mixed Use Regulations and Development Standards) to allow various forms of affordable housing for lower-income households, which include transitional and supportive housing, "Supportive Housing for the Homeless", Single Room Occupancy (SRO), and Low-Barrier Navigation Centers, as permitted uses by right within specified zones, consistent with State housing laws. Facilitating the approval of affordable housing projects, the proposed Amendment also establishes new provisions under the new Municipal Code Chapter 9.60 (Special Housing Regulations), which include, in part, provisions specifying the findings required for disapproval of housing development projects, including additional findings required for affordable housing projects, consistent with the Housing Accountability Act (Gov't Code §65589.5).

LU-IMP-1D: Periodically review Zoning Code provisions to ensure that standards and project review processes further the City's housing production and economic development objectives. The primary purpose of the proposed focused zoning amendments (FZA) is to implement recent updates to the City's General Plan Housing Element and Land Use Element and to ensure the City of Garden Grove's Land Use Code is consistent with all applicable State housing laws, including, but not limited to, the Housing Accountability Act, the Housing Crisis Act, the State Density Bonus Law, and the Housing Element Law. In addition, the proposed FZA are intended to: clarify existing provisions in the Municipal Code applicable to housing developments and landscaping requirements; respond to challenges developers and the City have experienced with implementing some existing mixed-use development standards; establish objective design standards that inspire quality design; and provide clear expectations for applicants, decision makers, and residents. The proposed Code amendments are intended to provide clear and objective standards and guidance for developers, which is anticipated to result in more regulatory certainty and streamlined processing and review for housing development projects. Additionally, under Municipal Code Chapter 9.32 (Procedures and Hearings), the proposed Amendment will update procedural provisions for review of land use actions and establish different required findings for housing development projects within Chapter 9.60 (Special Housing Regulations), eliminating subjective criteria, and ensuring consistency and compliance with State housing laws.

Policy LU-3.2: Support development of multi-family housing that provides a diversity of densities, types, and prices that meet the needs of all household income levels. The proposed Amendment, in part, will establish objective design standards that inspire quality design, while also providing clear expectations for applicants, decision makers, and residents. The updates and new Code provisions strive to meet the State's goals, in part, to facilitate the production of housing, and affordable housing in particular. The Amendment

supports the provision of a variety of types of housing, densities, and for all income levels, which include, but are not limited to, affordable housing, transitional and supportive housing, "Supportive Housing for the Homeless", and Single Room Occupancy (SRO) housing.

Policy LU-3.3: Encourage developers to build housing projects at maximum allowable densities. The proposed Amendment, in part, will remove the existing restrictive sliding scale R-3 zone density table, "Table of Development Density R-3 Zone", within Municipal Code Section 9.12.040.050 (Special Requirements—Multiple-Family Residential), which currently does not allow a property to be developed at the maximum density allowed by the zoning or the General Plan Land Use Designation. The proposed Amendment will establish and encourage maximum residential densities consistent with General Plan maximum densities, which are 21 units per acre for the R-2 zone, and 32 units per acre for the R-3 zone, along with updated and new Code provisions that are objective and clear, and that will allow for greater flexibility in project design.

LU-IMP-3B: Require that the design of multi-family housing in mixed-use areas and on major corridors provide a buffer between the corridor and lower-density residential areas. The proposed Amendment, in part, will establish various code provisions that aim to protect and buffer multi-family housing from lower-density residential areas, such as those properties zoned R-1 (Single-Family Residential). Such updates and changes include: updated privacy provisions to better protect and mitigate views into private recreation areas on adjacent properties; requiring anti-graffiti provisions (e.g., crawling vines) for public facing perimeter walls; establishing maximum building height requirements for multifamily residential buildings when adjacent to R-1 (Single-Family Residential) zoned property; establishing updated requirements for screening and location of mechanical equipment; and establishing setback and stepback requirements for first, second, and third floor building areas for multi-family developments.

LU-IMP-3C: Require attractive side and rear facades and landscaping on multi-family housing and mixed-use structures to improve the streetscape and create a visual transition to lower-density residential areas. The proposed Amendment, in part, will establish various code provisions that foster attractive building facades and landscaping for multi-family housing and mixed-use structures that improve the streetscape. Such proposed changes include, but are not limited to: Incorporating clear building design standards that require a minimum number of architectural components that may be selected from a provided list of exterior finishes; requiring enhancements to all building elevations ("4-sided architecture") for new mixed use buildings with at least two-thirds residential; updating standards that pertain to enhancement of pedestrian areas in and along public

right-of-ways (sidewalk areas and building frontages); amending the landscaping standards for clarification purposes and to add flexibility in acceptable types of landscaping, groundcover, and substitute landscaping to account for drought conditions; establishing updated requirements for screening and location of mechanical equipment; and requiring anti-graffiti provisions (e.g., crawling vines) for public facing perimeter walls.

LU-IMP-3E: Use programs and incentives outlined in the Housing Element to produce all types of desired multi-family housing.

Housing Element:

Goal H-1: Preserve, maintain, and enhance housing and neighborhoods citywide. The proposed Amendment, in part, is intended to clarify existing provisions in the Municipal Code, applicable to housing developments and landscaping requirements; respond to challenges with existing mixed-use development standards; establish objective design standards that inspire quality design; and provide clear expectations for applicants, decision makers, and residents. Updated and new code provisions foster the preservation, maintenance, and enhancement of housing and neighborhoods citywide. 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. Said code provisions include, but are not limited to the following: Amending the landscaping standards for clarification purposes and to add flexibility in acceptable types of landscaping, groundcover, and substitute landscaping to account for drought conditions; updating privacy provisions to better protect and mitigate views into private recreation areas on adjacent properties; requiring anti-graffiti provisions (e.g., crawling vines) for public facing perimeter walls; establishing maximum building height requirements for multifamily residential buildings when adjacent to R-1 (Single-Family Residential) zoned property; updating standards that pertain to enhancement of pedestrian areas in and along public right-of-ways (sidewalk areas and building frontages); incorporating clear building design standards that require a minimum number of architectural components that may be selected from a provided list of exterior finishes; and requiring enhancements to all building elevations ("4-sided architecture") for new mixed use buildings with at least two-thirds residential.

Goal H-2: Housing supply to accommodate housing needs at all affordability levels. The proposed Amendment, in part, will update Municipal Code Chapter 9.32 (Procedures and Hearings) to include "no net loss" provisions and findings for certain land use actions, in accordance with Government

Code Sections 66300 and 65863, which ensures the City of Garden Grove's Housing Element sites inventory can accommodate its share of the RHNA (Regional Housing Needs Allocation) by income level, which includes affordable housing to lower- and moderate-income households, throughout the planning period. The Amendment is consistent with the goals and objectives of Program 8 (Residential Sites Inventory and Monitoring of No Net Loss) in the Housing Element, which requires the City to establish "No Net Loss" provisions and establish a process for compliance. The addition of a new chapter (Chapter 9.60) in Title 9 of the Municipal Code, titled "Special Housing Regulations", containing and consolidating special regulations pertaining specifically to housing development projects, including projects for affordable housing, is also proposed, which, in part, specifies provisions, consistent with State housing law, for residential density bonus, affordable housing regulatory agreements, and dwelling unit protection regulations (Senate Bill 330). 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, in part, will achieve this objective by updating various sections of Chapter 9.08 (Single-Family Residential Development Standards), Chapter 9.12 (Multifamily Residential Development Standards), Chapter 9.16 (Commercial, Office Professional, Industrial, and Open Space Development Standards), and Chapter 9.18 (Mixed Use Regulations and Development Standards) to allow various forms of affordable housing for lower-income households, which include transitional and supportive housing, "Supportive Housing for the Homeless", Single Room Occupancy (SRO), and Low-Barrier Navigation Centers, as permitted uses by right within specified zones, consistent with State housing laws. Facilitating the approval of affordable housing projects, the proposed Amendment also establishes new provisions under the new Municipal Code Chapter 9.60 (Special Housing Regulations), which include, in part, provisions specifying the findings required for disapproval of housing development projects, including additional findings required for affordable housing projects, consistent with the Housing Accountability Act (Gov't Code §65589.5).

Policy H-2.3: Provide density bonuses and other financial and regulatory incentives to facilitate the development of affordable housing. Pursuant to the proposed Amendment, the City's residential density bonus regulations will be updated to be consistent with the current State Density Bonus Law and consolidated into a single section in the Code. The Amendment also supports the provision of a variety of types of housing, densities, and for all income levels. The proposed Amendment is 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,

in part, will achieve this objective by updating various sections of Chapter 9.08 (Single-Family Residential Development Standards), Chapter 9.12 (Multifamily Residential Development Standards), Chapter 9.16 (Commercial, Office Professional, Industrial, and Open Space Development Standards), and Chapter 9.18 (Mixed Use Regulations and Development Standards) to allow various forms of affordable housing for lower-income households, which include transitional and supportive housing, "Supportive Housing for the Homeless", Single Room Occupancy (SRO), and Low-Barrier Navigation Centers, as permitted uses by right within specified zones, consistent with State housing laws. Facilitating the approval of affordable housing projects, the proposed Amendment also establishes new provisions under the new Municipal Code Chapter 9.60 (Special Housing Regulations), which include, in part, provisions specifying the findings required for disapproval of housing development projects, including additional findings required for affordable housing projects, consistent with the Housing Accountability Act (Gov't Code §65589.5).

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. The proposed Amendment is consistent with the goals and objectives of Program 16 (Objective Design and Development Standards) and Program 17 (Zoning Code Update) of the Housing Element. The proposed Amendment, in part, will establish objective design standards that inspire quality design, while also providing clear expectations for applicants, decision makers, and residents. The updates and new Code provisions strive to meet the State's goals, in part, to facilitate the production of housing, and affordable housing in particular. The Amendment supports the provision of a variety of types of housing, densities, and for all income levels, which include, but are not limited to, affordable housing, transitional and supportive housing, "Supportive Housing for the Homeless", and Single Room Occupancy (SRO) housing. Furthermore, the proposed Amendment, in part, will update Municipal Code Chapter 9.32 (Procedures and Hearings) to include "no net loss" provisions and findings for certain land use actions, in accordance with Government Code Sections 66300 and 65863, which ensures the City of Garden Grove's Housing Element sites inventory can accommodate its share

of the RHNA (Regional Housing Needs Allocation) by income level, which includes affordable housing to lower- and moderate-income households, throughout the planning period. The Amendment is consistent with the goals and objectives of Program 8 (Residential Sites Inventory and Monitoring of No Net Loss) in the Housing Element, which requires the City to establish "No Net Loss" provisions and establish a process for compliance. The addition of a new chapter (Chapter 9.60) in Title 9 of the Municipal Code, titled "Special Housing Regulations", containing and consolidating special regulations pertaining specifically to housing development projects, including projects for affordable housing, is also proposed, which, in part, specifies provisions, consistent with State housing law, for residential density bonus, affordable housing regulatory agreements, and dwelling unit protection regulations (Senate Bill 330).

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. In recent years, several State housing laws have been adopted in order to ease local government constraints on housing development, including affordable housing. The proposed FZA will implement and ensure the Land Use Code and the City's review of housing development projects is consistent and compliant with these State housing laws, including, but not limited to: the State Density Bonus Law (Government Code sections 65915, *et. seq.*); the Housing Accountability Act (Government Code section 65589.5); the Housing Crisis Act of 2019 (Government Code section 66300); the Not Net Loss Law (Government Code section 65863); and the Housing Element Law (Government Code sections 65580, *et. seq.*).

Policy H-5.4: Broaden the accessibility and availability of housing to special needs residents such as the homeless, disabled, developmentally disabled, elderly, large households, families with children, and female-headed households. The proposed Amendment is consistent with the objectives of Program 13 (Special Needs Housing), which, in part, requires the City to evaluate its standards, prioritize projects that include special needs housing, ensure code provisions for transitional and supportive housing are consistent with State law, and to ensure affordable housing for lower-income households, such as transitional and supportive housing, are subject to the same approval requirements, development standards, and restrictions that apply to other residential dwellings of the same type in the same zone, which shall be determined by the City based upon the predominant characteristics of the use. The proposed Amendment, in part, will include code updates and changes to ensure the City of Garden Grove's Land Use Code is consistent with all applicable State housing laws in regards to the provision of housing for special needs residents through transitional and supportive housing, "Supportive Housing for the Homeless", and Single Room Occupancy (SRO)

housing. Per State law, the Amendment will achieve the following objectives, which include but are not limited to: Specifying that transitional and supportive housing are permitted in residential zoning districts subject to the same approval requirements, development standards, and restrictions that apply to other residential dwellings of the same type in the same zone; allowing "Supportive Housing for the Homeless" as a permitted use by right in the R-2 and R-3 zones and certain mixed use zones, subject to certain requirements (Section 9.60.070); allowing Single Room Occupancy (SRO) as a permitted use by right in the R-3 zone and certain mixed use zones and establishing new SRO regulations and development standards (Section 9.12.050); and allowing Low-Barrier Navigation Centers as a permitted use by right within the Emergency Shelter Overlay Zone and certain mixed use zones. The proposed Amendment is also consistent with the objectives of Program 23 (Reasonable Accommodation) of the Housing Element, which, in part, requires the City to prepare a formalized process for Reasonable Accommodation requests. The proposed Amendment will update Chapter 9.32 (Procedures and Hearings) adding specific procedures for review and consideration of requests for reasonable accommodation in the provision of housing consistent with state and federal fair housing laws.

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

The proposed Amendment will promote the public interest, health, safety, and welfare by implementing recent updates to the City's General Plan Housing Element and Land Use Element and to ensure the City of Garden Grove's Land Use Code is consistent with all applicable State housing laws, including, but not limited to, the Housing Accountability Act, the Housing Crisis Act, the State Density Bonus Law, and the Housing Element Law. In addition, the proposed FZA are intended to: Clarify existing provisions in the Municipal Code, applicable to housing developments and landscaping requirements; respond to challenges with existing mixed-use development standards; establish objective design standards that inspire quality design; and provide clear expectations for applicants, decision makers, and residents. The proposed updated and new code provisions will foster and be consistent with various goals, policies, and objectives of the Housing Element and Land Use Element which, in part, aim to:

- Preserve, maintain, and enhance housing and neighborhoods citywide;
- Ensure the City of Garden Grove is a well-planned community with sufficient land uses and intensities to meets the needs of anticipated growth and achieve the community's vision;
- 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;

- Support development of multi-family housing that provides a diversity of densities, types, and prices that meet the needs of all household income levels;
- Require that the design of multi-family housing in mixed-use areas and on major corridors provide a buffer between the corridor and lower-density residential areas;
- Require attractive side and rear facades and landscaping on multi-family housing and mixed-use structures to improve the streetscape and create a visual transition to lower-density residential areas; and
- Broaden the accessibility and availability of housing to special needs residents such as the homeless, disabled, developmentally disabled, elderly, large households, families with children, and female-headed households.

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-035-2022 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-035-2022 and adopt an Ordinance implementing the amendments to Title 9 of the Garden Grove Municipal Code described in Exhibits A-G attached hereto, along with non-substantive revisions recommended by City Staff.

Exhibit A (Authority and Definitions)

Amend Section 9.04.030 – Authority as follows:

9.04.030 Authority

Review Authorities. The development review process involves the participation of the following:

A. Planning Commission.

1. The Planning Commission is created pursuant to the provisions of Title 7, Division 1, Chapter 3 of the State of California [Government Code](#) and of Section [2.24.020](#) of the Garden Grove Municipal Code.
2. The Planning Commission is governed by the regulations provided in Sections [2.24.030](#) through [2.24.100](#) of the Garden Grove Municipal Code, and performs the duties stated in those sections.
3. The powers of the Planning Commission are indicated in Section [9.32.030](#).

B. City Manager or Designee. The City Manager or designee shall perform the duties and functions provided in this code, in addition to the day to day and long range management of the City's land use staff. Wherever and provision of Title the vests authority or responsibility in the Department Director, the Department Director shall be deemed the City Manager's designee.

C. Zoning Administrator.

1. The Zoning Administrator and Deputy Zoning Administrator shall be appointed by the City Manager in accordance with Sections [2.08.090](#) and [2.08.100](#) of the municipal code.
2. The Zoning Administrator shall perform those functions established by state law and city ordinance, and shall conduct meetings in accordance with Section 2.24.130 of the municipal code.

D. Planning Coordinating Committee.

1. The Planning Coordinating Committee shall be composed of ~~two sections, the Technical Review Board and the Environmental Review Board.~~

~~a.—The Technical Review Board shall be composed of~~ representatives from departments who have responsibility for analyzing and commenting on the technical merits of a development project. The City Manager or designee shall determine the membership of the Technical Review Board.

~~b.—The Environmental Review Board shall consist of the planning services manager, the engineering services manager, and a third member appointed by the City Manager or designee. The Environmental Review Board shall conduct an environmental assessment of each project and determine the proper environmental process to follow, in accordance with the California Environmental Quality Act and with this title.~~

2. The Planning Coordinating Committee shall be responsible for reviewing proposed development projects for their technical merits and compliance with zoning, building, fire and other applicable state and local codes.

3. The Planning Coordinating Committee shall review all project-related issues and coordinate the recommendations and conditions of approval from the City departments.

E. City Council.

1. The powers of the City Council are indicated in Section [9.32.030](#).
2. The City Council shall be the final appeal body regarding any land use action.

Amend Section 9.04.060.C to include the following new and replacement definitions:

“Department Director” means the City’s Director of Economic and Community Development or other individual designated by the City Manager to supervise the City’s Community Development department, or his or her designee.

“Low-barrier navigation center” refers to a Housing First, low-barrier, service-enriched shelter focused on moving individuals experiencing homelessness into permanent housing and connecting them to services. A “low barrier navigation center” includes any facility that meets the definition and requirements set forth in Sections 65660 and 65662 of the Government Code or any similar facility owned by the City, regardless of whether it strictly meets the definition and requirements set forth in Sections 65660 and 65662 of the Government Code.

“Open Space, Active” is open space that is used for sports, exercise, or active play. It can include amenities such as playgrounds, exercise machines, or athletic fields.

“Open Space, Passive” is open space that is not specifically created for physical activities but can be used for relaxing and sitting. They are designed for use in unstructured or informal ways and can include amenities such as benches, picnic tables, or BBQ grills.

“Playing courts” means a paved or other hard-finished or gravel surface developed specifically for sports use, such as a tennis court, basketball court, or bocce ball court.

“Single room occupancy (SRO)” means a type of residential building containing five or more individual dwelling units, together with common kitchen, dining, and social areas, and where each individual unit is intended for occupancy by no more than two persons due to the size of each unit, which typically ranges from 150 to 400 square feet and contains no more than two rooms, and which complies fully with the use regulations and development standards set forth in Section 9.12.050 (Single Room Occupancy Use Regulations and Development Standards).

“Supportive housing” has the same meaning as defined in Section 65582 of the Government Code and is housing with no limit on length of stay, that is occupied by the “target population,” and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. The “target population” for purposes of supportive housing is defined in Section 65582 of the Government Code and refers to persons with low incomes having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated youth, families, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

“Supportive housing for the homeless” has the same meaning as defined in Section 50675.14 of the Health and Safety Code and is a form of affordable permanent supportive housing specifically serving homeless individuals or youths. The “target population” for purposes of supportive housing for the homeless is defined in Section 50675.14 of the Health and Safety Code and consists of persons,

including persons with disabilities, and families who are "homeless," as that term is defined by Section 11302 of Title 42 of the United States Code, who currently reside in a supportive housing project and were "homeless" when approved for tenancy in the supportive housing project in which they currently reside, or who are "homeless youth," as that term is defined by paragraph (2) of subdivision (e) of Section 12597 of the Government Code.

"Transitional housing" has the same meaning as defined in Section 65582 of the Government Code and means buildings configured as rental housing developments but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance.

Exhibit B (Single-Family Residential)

CHAPTER 9.08 SINGLE-FAMILY RESIDENTIAL DEVELOPMENT STANDARDS

Section 9.08.020.030 is hereby amended to read as follows:

Section 9.08.020.030, Table 1, City of Garden Grove Land Use Matrix

Zones Uses	R-1
Residential	
...	
Supportive Housing ¹ , Residential Group Living – 6 Persons or Less	P
Transitional Housing ¹ , Residential Group Living – 6 Persons or Less	P
...	

1. Transitional and supportive housing are permitted in residential zoning districts subject to the same approval requirements, development standards, and restrictions that apply to other residential dwellings of the same type in the same zone, which shall be determined by the City based upon the predominant characteristics of the use.

Section 9.08.030.020 is hereby amended to read as follows:

Section 9.08.030.020.C.2 Planned Unit Development

C. Limitations on the Planned Unit Development. The planned unit development is intended to be applied only to those areas that are large enough to allow for overall planning and design in sufficient detail to achieve greater values and amenities than those achieved by less flexible provisions regulating the successive development of individual lots by numerous different owners. Limitations on use are as follows:

1. Flexibility is provided where land may be designed and developed as a unit by taking advantage of site planning techniques that produce an environment that is compatible with existing or potential development of the surrounding neighborhood.
2. Planned unit development procedures shall apply only to those individual sites having a net area of five acres or more for commercial or industrial development and ~~three one~~ acres for residential developments. If the project is mixed use development with residential, commercial, office or industrial, then the five acre minimum site area shall apply.
3. The proposed development shall be in conformity with all elements of the General Plan, and any other ordinances of the City.
4. Conformity to related ordinances of the City is required where subdivision into individual lots or the dedication of any streets is involved. Any such procedures shall be processed concurrently with PUD ordinance procedures.
5. Any violation of any planned unit development regulation shall be a misdemeanor penalized pursuant to Section [1.04.010](#) and Chapter [9.32](#) of this code.

Section 9.08.030.060 is hereby amended to read as follows:

Section 9.08.030.060 ~~Density Bonuses and Other Incentives for Affordable Housing~~Reserved

A. ~~Purpose and Intent. The California Legislature has determined that the provision of affordable housing for moderate, lower and very low-income individuals and senior citizens, and childcare facilities are of primary importance in the state, and must be encouraged at the local level. The purpose of this section is to establish a methodology pursuant to state law providing incentives to developers proposing affordable housing to the community.~~

B. ~~Applicability. This section shall apply to all housing developments, as defined in this section, consisting of five or more units, unless the City Council makes a finding that the bonus and incentives are not needed to achieve affordability.~~

C. ~~Definitions. As used in this section, the following words and phrases shall have the following meanings:~~

1. ~~“Child care facility” means a child day care facility, other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school-age child care centers.~~

2. ~~“Concession or incentive” means:~~

a. ~~A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the State Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, and that result in, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions; or~~

b. ~~Approval of mixed use zoning in conjunction with a housing project if commercial, office, industrial, or other land uses will reduce the cost of a housing development and if the commercial, office, industrial, or other land uses are compatible with a housing project and the existing or planned development in the area, including the City's General Plan, where a proposed housing project will be located; or~~

c. ~~Other regulatory incentives or concessions proposed by the applicant or the City that result in identifiable, financially sufficient, and actual cost reductions.~~

d. ~~This subdivision shall not require the City to provide direct financial incentives or publicly owned land for the housing development, or to waive fees or dedication requirements.~~

3. ~~“Density bonus” means a density increase of at least 20% (unless the applicant elects a lower percentage) over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the General Plan for housing developments meeting the criteria of subsection D.1.a.i–iii, of at least five percent for housing developments meeting the criteria of subsection D.1.a.iv (unless the applicant elects a lower percentage), and of at least 15% for housing developments that entail a land donation meeting the criteria of subsection D.1.b (unless the applicant elects a lower percentage).~~

a. ~~The amount of the density bonus to which an applicant is entitled shall vary according to the amount by which the percentage of affordable housing units provided exceeds the percentage established in subsection D. For each one percent increase above 10% in the percentage of units affordable to low-income households, the density bonus shall be increased by 1.5% up to a maximum of 35%. For each one percent increase above five percent in the percentage of units affordable to very low-income households, the density bonus shall be increased by 2.5% up to a maximum of 35%. For each one percent increase above 10% of the percentage of units affordable to moderate income households, the density bonus shall be increased by one percent up to a maximum of 35%. When calculating the number of permitted density bonus units, any calculation resulting in fractional units shall be rounded to the next higher whole number. The density bonus units shall not be included in the maximum total when determining the number of target units required to qualify for a density bonus.~~

b. ~~Each housing development is entitled to only one density bonus, which may be selected based on the percentage for either very low-income target units, low-income target units, moderate income target units, or the project's status as a senior citizen housing development. Density bonuses from more than one category may not be combined.~~

c. ~~The following table summarizes the above information:~~

~~Density Bonus Summary Table~~

Target Group	Minimum % Target Units	Bonus Granted	Additional Bonus for Each 1% Increase in Target Units	% Target Units Required for Maximum 35% Bonus
Very Low Income	5%	20%	2.5%	11%
Low Income	10%	20%	1.5%	20%
Moderate Income (Condo or PUD Only)	10%	5%	1%	40%
Senior Citizen Housing Development	100%	20%	—	—

4. “Developer” means the legal or equitable owner, or authorized representative, of any lot or parcel within the City who intends to develop such lot in compliance with the provisions of this section.

5. “Housing development” means one or more groups of projects for residential units constructed in the planned development of the City. “Housing development” also includes a subdivision or a planned unit development or condominium project, as defined in Civil Code Section 1351, approved by the City and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use, or the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of Government Code Section 65863.4, where the result of the rehabilitation would be a net increase in available residential units. For the purpose of calculating a density bonus, the residential units do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located. The location of units, whether target units or non-restricted units, shall be in conformance with the specific plan, or other zoning regulations, as applicable. Nothing in this chapter shall be construed to require the granting of a density bonus for the construction of multifamily housing in single-family residential zoning districts.

6. “Target unit” means a dwelling unit within a housing development that will be reserved for sale or rent to, and is made available at an affordable rent or affordable ownership cost to, very low, low, or moderate income households, or is a unit in a senior citizen housing development.

7. “Very low income households, low income households, and moderate income households” means persons or families whose income does not exceed the qualifying limit in Section 50050 et seq., of the California Health and Safety Code.

8. “Senior housing” means either a person 62 years of age or older, or 55 years of age or older in a senior citizen housing development as defined in Section 51.3 of the California Civil Code.

D. Grant of Density Bonus.

1. Developer shall be entitled to a density bonus, provided the developer enters into a density bonus housing agreement with the City pursuant to subsection I in which the developer covenants to do one of the following:

a. To construct the housing development with at least one of the following:

i. At least 10% of the total units of the housing development reserved for lower income households; or

ii. At least five percent of the total units of the housing development reserved for very low income households; or

iii. A senior citizen housing development; or

iv. At least 10% of the total units of a newly constructed condominium project or planned development as target units affordable to moderate income households.

b. To donate land to the City as provided for in this subsection. Nothing in this subsection shall be construed to enlarge or diminish the authority of the City to require a developer to donate land as a condition of development. An applicant shall be eligible for the increased density bonus described in this subsection if all of the following conditions are met:

i. The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.

ii. ~~The development acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than 10% of the number of residential units of the proposed development.~~

iii. ~~The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate General Plan designation, is appropriately zoned for development as affordable housing, and is or will be served by adequate public facilities and infrastructure. The land shall have appropriate zoning and development standards to make the development of the affordable units feasible. No later than the date of approval of the final subdivision map, parcel map, or of the residential development, the transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, except that the City may subject the proposed development to subsequent design review to the extent authorized by subdivision (i) of Government Code Section 65583.2 if the design is not reviewed by the City prior to the time of transfer.~~

iv. ~~The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with paragraphs (1) and (2) of subdivision (c) of Government Code Section 65915, which shall be recorded on the property at the time of dedication.~~

v. ~~The land is transferred to the City or to a housing developer approved by the City. The City may require the applicant to identify and transfer the land to the developer.~~

vi. ~~The transferred land shall be within the boundary of the proposed development or, if the City agrees, within one-quarter mile of the boundary of the proposed development.~~

2. ~~When an applicant agrees to construct a housing development that conforms to the requirements of subsection D.1 and includes a child care facility that will be located on the premises of, as part of, or adjacent to, the project, unless it finds, based upon substantial evidence, that the community has adequate child care facilities, the City shall grant either:~~

a. ~~An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility; or~~

b. ~~An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility;~~

c. ~~As a condition of approval of a housing development, the applicant shall ensure that the following occur:~~

i. ~~The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable pursuant to subsection F.~~

ii. ~~of the children who attend the child care facility, the children of very low income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or families of moderate income pursuant to subsection D.~~

iii. ~~Developer shall also agree to continue affordability of all density bonus units for very low income households, low income households, and moderate income households for the timeframes established in subsection G.~~

E. ~~Required Concessions or Incentives.~~

1. ~~A developer may submit a proposal to the City for the specific concessions or incentives that the developer requests pursuant to this section, and may request a meeting with the City. The City shall grant the concession or incentive requested by the developer, unless the City makes a written finding, based on substantial evidence, of either of the following:~~

a. ~~The concessions or incentives are not required in order to provide affordable housing costs as defined in Section 50052.5 of the California Health and Safety Code or for rents for the targeted units to be set as specified in subsection D.3.~~

b. ~~The concession or incentive would have a specific adverse impact, as defined in Government Code Section 65589.5, subdivision (d), paragraph (2), upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households.~~

2. ~~The developer shall receive the following number of concessions or incentives:~~

- a. ~~One incentive or concession for projects that include at least 10% of the total units for low-income households, at least five percent for very low-income households, or at least 10% for persons and families of moderate income in a condominium or planned development.~~
- b. ~~Two incentives or concessions for projects that include at least 20% of the total units for low-income households, at least 10% for very low-income households, or at least 20% for persons and families of moderate income in a condominium or planned development.~~
- c. ~~Three incentives or concessions for projects that include at least 30% of the total units for low-income households, at least 15% for very low-income households, or at least 30% for persons and families of moderate income in a condominium or planned development.~~
- d. ~~The following table summarizes the above information:~~

~~Concessions/Incentives Summary Table~~

Target Group	Target Units		
Very Low Income	5%	10%	15%
Low Income	10%	20%	30%
Moderate Income (Condo or PUD Only)	10%	20%	30%
Maximum Incentive(s)/Concession(s)	1	2	3

~~Note: A concession or incentive may be requested only if an application is also made for a density bonus.~~

~~3. Notwithstanding any other site development standards or zoning code requirements set forth in this code, upon request of the developer, the City shall grant a reduction in the vehicular parking ratio, inclusive of handicapped and guest parking, to at least the following ratios:~~

- a. ~~Zero to one bedrooms: one onsite parking space.~~
- b. ~~Two to three bedrooms: two onsite parking spaces.~~
- c. ~~Four and more bedrooms: two and one-half parking spaces.~~

~~d. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this section, a development may provide "onsite" parking through tandem parking or uncovered parking, but not through on-street parking.~~

~~F. Waiver or Modification. Developers may seek a waiver or modification of development standards that have the effect of precluding the construction of a housing development meeting the criteria of subsection D.1.a at the densities or with the concessions or incentives permitted by the section. The developer shall show that the waiver or modification is necessary to make the housing units economically feasible.~~

~~G. Continued Affordability and Development Standards.~~

~~1. Lower income and very low income target units shall remain affordable to the designated group for a period of 30 years, or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Rental units targeted for lower income households shall be affordable at a rent that does not exceed 30% of 60% of the area median income as determined pursuant to Section 50079.5 of the California Health and Safety Code. Rental units targeted for very low-income households shall be affordable at a rent that does not exceed 30% of 50% of the area median income, as determined pursuant to Section 50105 of the California Health and Safety Code. For sale units targeted for lower or very low income households shall be affordable at a cost that such households can realistically qualify for such units according to standard lending practices, taking into account any subsidies or other financial assistance.~~

~~2. Moderate income target units shall remain affordable to the initial occupant, which must be persons and families of moderate income, as defined in Health and Safety Code Section 50093. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The City shall recapture its proportionate share of appreciation, which shall then be used within three years for any of the purposes described in subdivision (e) of Health and Safety Code Section 33334.2 that promote homeownership. For purposes of this subdivision, the City's proportionate share of appreciation shall be equal to the percentage by which the initial sale price to the moderate income household was less than the fair market value of the home at the time of initial sale.~~

~~3. Target units shall be constructed concurrently with non-restricted units or pursuant to a schedule included in the density bonus housing agreement.~~

~~4. Target units shall be built on site and shall be dispersed within the housing development. The number of bedrooms of the target units shall be equivalent to the bedroom mix of the non-target units of~~

the housing development, except that the developer may include a higher proportion of target units with more bedrooms. The design and appearance of the target units shall be compatible with the design of the total housing development. Housing developments shall comply with all applicable development standards, except those that may be modified as provided by this section.

H. ~~Application Requirements and Review.~~

1. ~~Preliminary Proposal.~~ A developer shall submit a preliminary proposal for development to determine the means for complying with this section. The preliminary proposal shall be submitted prior to any formal requests for any land use action. All density calculations resulting in fractional units shall be rounded up to the next whole number. The preliminary proposal shall be subject to the same fees and procedural requirements for a preliminary proposal review. Within 60 days of the receipt of a complete written preliminary proposal, the City shall notify the developer, in writing, of the procedures required to comply with this section.

2. ~~Formal Application.~~ An application proposing a housing development pursuant to this section shall be submitted with the first application for approval of a housing development and processed concurrently with all other applications required for the housing development. The application shall be submitted on a form prescribed by the City and shall include at least the following information:

a. ~~Site plan showing total number of units, number and location of target units, and number and location of proposed density bonus units.~~

b. ~~Level of affordability of target units and proposals for ensuring affordability.~~

c. ~~Description of any requested concession or incentive, waivers or modifications of development standards, or modified parking standards. For all concessions and incentives, except mixed-use development, the application shall include evidence that the requested incentives and concessions result in identifiable, financially sufficient, and actual cost reductions. For waivers or modifications of development standards, the application shall show that the waiver or modification is necessary to make the housing units economically feasible and that the development standards will have the effect of precluding the construction of a housing development meeting the criteria of subsection D.1.a at the densities or with the concessions or incentives permitted by this section.~~

d. ~~If a density bonus or concession is requested for a land donation, the application shall show the location of the land to be dedicated and provide evidence that each of the findings included in subsection D.1.b can be made.~~

e. ~~If a density bonus or concession is requested for a child care facility, the application shall show the location and square footage of the child care facilities and provide evidence that each of the findings included in subsection D.1.c can be made.~~

3. ~~In accordance with state law, neither the granting of a concession, incentive, waiver, or modification nor the granting of a density bonus shall be interpreted, in and of itself, to require a General Plan amendment, zoning change, variance, or other discretionary approval.~~

4. ~~An application for a density bonus, incentive, concession, waiver, modification, or revised parking standard pursuant to this section shall be considered by and acted upon by the approval body with authority to approve the housing development. Any decision regarding a density bonus, incentive, concession, waiver, modification, or revised parking standard may be appealed to the City Council.~~

5. ~~Before approving an application for a density bonus, concession or incentive, waiver, or modification, the approval body shall make the following findings:~~

a. ~~If the density bonus is based all or in part on donation of land, the findings included in subsection D.1.b.~~

b. ~~If the density bonus or concession or incentive is based all or in part on the inclusion of a child care facility, the findings included in subsection D.2.~~

c. ~~If the concession or incentive includes mixed use development, the finding included in subsection C.2.b.~~

d. ~~If a waiver or modification is requested, the developer has shown that the waiver or modification is necessary to make the housing units the economically feasible.~~

6. ~~If a request for a concession or incentive is developer has shown that the waiver or modification is necessary to make the housing units otherwise consistent with this section, the approval body may deny a concession or incentive if it makes a written finding, based upon substantial evidence, of either of the following:~~

- a. The concession or incentive is not required to provide for affordable rents or affordable ownership costs.
- b. The concession or incentive would have a specific adverse impact upon public health or safety or the physical environment or on any real property that is listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households. For the purpose of this subsection, "specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application was deemed complete.
7. If a request for a waiver or modification is otherwise consistent with this section, the approval body may deny the waiver or modification if it makes a written finding, based upon substantial evidence, of either of the following:
- a. The waiver or modification is not necessary to make the housing units economically feasible.
- b. The waiver or modification would have a specific adverse impact upon health, safety, or the physical environment, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households. For the purpose of this subsection, "specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identifiable, written public health or safety standards, policies, or conditions.
- c. The waiver or modification would have an adverse impact on any real property that is listed in the California Register of Historical Resources.
8. If a density bonus or concession is based on the provision of child care facilities, the approval body may deny the bonus or concession if it finds, based on substantial evidence, that the City already has adequate child care facilities.
- I. Density Bonus Housing Agreement.
1. Developers requesting a density bonus shall agree to enter into a density bonus housing agreement with the City. A density bonus housing agreement shall be made a condition of the discretionary planning permits for all housing developments pursuant to this section and shall be recorded as a restriction on any parcels on which the target units or density bonus units will be constructed.
2. The density bonus housing agreement shall be recorded prior to final or parcel map approval, or, where the housing development does not include a map, prior to issuance of a building permit for any structure in the housing development. The density bonus housing agreement shall run with the land and bind on all future owners and successors in interest.
3. The density bonus housing agreement shall include, but not be limited to, the following:
- a. The total number of units approved for the housing development, the number, location, and level of affordability of target units, and the number of density bonus units.
- b. Standards for determining affordable rent or affordable ownership cost for the target units.
- c. The location, unit size in square feet, and number of bedrooms of target units.
- d. Provisions to ensure affordability in accordance with subsection 1.3.g of this section.
- e. A schedule for completion and occupancy of target units in relation to construction of non-restricted units.
- f. A description of any concessions or incentives or waivers and modifications being provided by the City.
- g. A description of remedies for breach of the agreement by either party. The City may identify tenants or qualified purchasers as third party beneficiaries under the agreement.
- h. Procedures for qualifying tenants and prospective purchasers of target units.
- i. Any other provisions to ensure implementation and compliance with this section.
4. In the case of for sale housing developments, the density bonus housing agreement shall include the following conditions governing the sale and use of target units during the applicable use restriction period:
- a. Target units shall be owner-occupied by eligible very low, low, or moderate income households, or by qualified residents in the case of senior citizen housing developments.
- b. The purchaser of each target unit shall execute an instrument approved by the City and to be recorded against the parcel including such provisions as the City may require to ensure continued compliance with this section.

- ~~5. In the case of rental housing developments, the density bonus housing agreement shall provide for the following:~~
 - ~~a. Procedures for establishing affordable rent, filling vacancies, and maintaining target units for eligible tenants;~~
 - ~~b. Provisions requiring verification of household incomes;~~
 - ~~c. Provisions requiring maintenance of records to demonstrate compliance with this subsection.~~
- ~~6. Density bonus housing agreements for child care facilities and land dedication shall ensure continued compliance with all conditions included in subsections D.2 and 3.~~

Section 9.08.040.020 is hereby amended to read as follows:

9.08.040.020 Residential—General Development Standards

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

R-1 Development Standards Table

Placement	R-1
Setbacks	
Front (1, 2)	20 ft.
Side setback (interior)Street side	5 ft.
Rear setback (6)	10 ft. 20% of lot depth not to exceed 25 ft. (Main structures—See diagrams for R-1 required rear yards) 5 ft. (detached accessory structures)
Building height Main structure	Not to exceed35 ft.
Accessory structure	17 ft.
Lot coverage (3)	50%
Maximum front setback coverage (4)	50%
Lot area per dwelling (minimum)	15,000 sq. ft. 11,000 sq. ft. 9,000 sq. ft. 7,200 sq. ft. 6,000 sq. ft. 5,000 sq. ft.
Minimum lot area per lot per zoneR-1 (15,000 sq. ft.)	
R-1 (11,000 sq. ft.)	15,000 sq. ft.
R-1 (9,000 sq. ft.)	11,000 sq. ft.
R-1 (7,200 sq. ft.)	9,000 sq. ft.
R-1 (6,000 sq. ft.)	7,200 sq. ft.
R-1 (5,000 sq. ft.)	6,000 sq. ft. 5,000 sq. ft.
Lot width interior lots R-1 (15,000 sq. ft.)	
R-1 (11,000 sq. ft.)	100 ft.
R-1 (9,000 sq. ft.)	90 ft.
R-1 (7,200 sq. ft.)	75 ft. 60 ft.
R-1 (6,000 sq. ft.)	60 ft.

R-1 Development Standards Table

Placement	R-1
R-1 (5,000 sq. ft.)	55 ft.
Corner lots	
R-1 (15,000 sq. ft.)	100 ft.
R-1 (11,000 sq. ft.)	90 ft.
R-1 (9,000 sq. ft.)	75 ft.
R-1 (7,200 sq. ft.)	65 ft.
R-1 (6,000 sq. ft.)	65 ft.
R-1 (5,000 sq. ft.)	55 ft.

1. In no case shall the setback be less than 10 feet.
 2. Garages opening directly to the street may be permitted to have an 18-foot setback, but only for properties zoned for 5,000 and 6,000 squarefoot lots, and provided that the garage is equipped with a roll-up garage door. Garages may be permitted with 15-foot setbacks on properties zoned for 5,000 and 6,000 square foot lots if the garage door is perpendicular to the front property line.
 3. Lot coverage includes all building and structures (primary and accessory) and required uncovered parking areas, and excludes uncoveredswimming pools and permeable or semi-permeable recreational surface areas.
 4. Hardscape percentage includes driveways (except allowed standard driveway in the front yard).
 5. Applications for density bonuses may be made as provided for by state law.
 6. Also see Section 9.08.040.030.A.1 and 2.a.1.
- A. When two or more buildings are, by definition, considered main buildings, then the front setback requirements shall apply only to the buildings closest to the front lot line.
 - B. Any construction occurring on a lot, where said lot abuts a street that has not been fully improved, shall observe all building setbacks from the ultimate right-of-way of the street.
 - C. Patios, balconies, landings, porches, stairwells, bay windows and chimneys may not encroach into front or sidestreet setbacks.
 - D. Minimum Dwelling Unit Area. Every dwelling unit hereafter constructed shall have a minimum floor area, excluding garages, as specified below:

Number of bedrooms	0	1	2	3 or more
Single-family dwellings	—	750 sq. ft.	900 sq. ft.	1,050 sq. ft.

- E. Exceptions: No efficiency units shall be provided without processing of a planned unit development.
- F. For the purposes of open space provisions, swimming pools, spas, patios, and decks shall be counted as openspace, as well as playing courts provided with clear, permanent barriers that preclude their use as parking areas, excluding above grade decking greater than 30 inches above grade or that could be used as both a patio cover and attached deck.
- G. On corner lots, no attached garage shall be located less than 20 feet from the rear property line and shall be provided with a driveway apron that has a depth a minimum of 20 feet from any adjacent property line.

~~H. Maximum Number of Bathrooms Per Number of Bedrooms.~~

~~1. Every dwelling unit hereafter constructed shall provide no more bathrooms than as specified below:~~

Number of sleeping rooms	1	2	3	4	5 or more

Number of bathrooms	1	2	3	4	4
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~~2-1. At least 50% of the bathrooms provided within a residential unit shall be accessed solely from a public area such as a hallway, living room, family room, or a laundry room, and not directly from a sleeping room.~~

H. Bathrooms. All bathrooms shall be accessed from the interior of a dwelling unit unless the intended use is for providing facilities to serve an existing or proposed swimming pool and/or spa.

I. Interior Standards for Single-Family Residential Units.

1. Bedroom Access

a. Each bedroom must have its own access to a hallway or communal space, except for junior accessory dwelling units permitted subject to Chapter 9.54 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

b. No bedroom shall have sole access from another bedroom.

2. Sinks and Wet Bars

a. Sinks are only permitted in a kitchen, a bathroom(s), a laundry/utility room, and/or as part of a permitted wet bar.

b. Sinks in a laundry room shall only be a deep utility sink.

c. No more than one (1) wet bar shall be permitted within a dwelling unit. The wet bar shall be located within an open communal area of the dwelling, such as a living room, family room, or recreation room. For purposes of this Section, a wet bar shall mean an area intended for beverage service only, with a sink with running water but no appliances provided for the preparation of food. A wet bar may include a refrigerator with a storage capacity of no more than 2.6 cubic feet.

J. External Access

1. External staircases shall lead only into communal areas. Bedrooms shall not be accessed via an external staircase, except for junior accessory dwelling units permitted subject to Chapter 9.54 (Accessory Dwelling Units and Junior Accessory Dwelling Units).

2. Stairwells shall be centrally located within the interior of a dwelling unit.

3. Except for a master bedroom that leads to a patio or junior accessory dwelling units permitted subject to Chapter 9.54 (Accessory Dwelling Units and Junior Accessory Dwelling Units), no bedroom shall have a door that leads to an exterior area.

K. Required Parking Area of Enclosed Garages

1. 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.

a. 10 feet by 20 feet for a one car garage.

b. 20 feet by 20 feet for a two-car garage.

- c. 20 feet by 30 feet for a three-car garage.
- d. 20 feet by 40 feet for a four-car garage.
- 2. Each garage shall be equipped with an automatic garage door.
- 3. Each garage shall maintain the ability to park the required number of vehicles at all times.

9.08.040.030 Special Requirements- R-1 Zone

- A. All plans for new construction and/or attached or detached additions to properties zoned for, or improved with, single-family residences shall be reviewed for approval by the City Manager or designee. Approval by the City shall be based on the following criteria. Wherein any of these criteria have not been met, the addition shall be denied.
 - 1. All zoning requirements of the R-1 zone are complied with and no variances or waivers are requested.
 - 2. The architectural style and building materials are compatible with the existing dwelling unit. The roofing shall be the same style, material and design as the main structure.
 - 3. The total footprint coverage of the main structure, any accessory structure(s), driveways and uncovered parking does not exceed 50% of the total lot area.
 - 4. All areas designed and/or intended to be used as living or habitable area are integrated into a single, cohesive dwelling unit.
 - 5. The nature and character of the new construction or addition are consistent with the nature and character of the neighborhood.
- B. Single Story Attached Additions. In addition to the requirements of Section 9.08.040.030.A, single story additions, including covered and/or enclosed patio structures, may be permitted on the lot in accordance with all development standards, except that structures are permitted in the otherwise required rear yard setback area, provided the following conditions are met:
 - 1. Required rear yards shall be a minimum of 20% of the depth of the lot, to a depth not to exceed 25 feet;
 - 2. Single story attached additions may encroach into the required rear yards to a depth not to exceed 10 feet from the rear property line, provided that:
 - a. Only a single story is added at this depth,
 - b. One thousand square feet of usable open space is maintained in the required rear yard.
 - c. Exemptions: Manufactured aluminum and metal patio covers and non-habitable enclosures, including sunrooms, shall be exempt from the architectural requirements of Section 9.08.040.030.A, provided they are located to the rear or interior side of the main building.
- C. New Two-Story Structures and Two-Story Additions to Single-Family Residences. In addition to the requirements of Section 9.08.040.030.A the following development standards shall apply to all new two-story structures and two-story additions in the R-1 zone.
 - 1. All of the following privacy provisions shall be complied with:

- a. All new two-story windows shall be situated so that they are not directly opposite those windows of adjacent residential dwelling units;
 - b. Window locations shall take into account adjacent property's recreation areas and amenities such as pools, spas, etc.;
 - c. Where conflicts between proposed window locations occur, visual intrusion mitigation measures shall be provided, such as, the use of high windows, wing walls, view obscuring window treatments, window alignments, etc.
- D. Detached Accessory Structures. In addition to the requirements of Section 9.08.040.030.A, all detached accessory structures, constructed on a property used for single-family residential purposes shall comply with all of the following provisions, unless otherwise required by this title:
1. Maximum floor area for any detached accessory structure shall not exceed 800 square feet inside dimension;
 2. No more than three detached accessory structure may be permitted on a lot;
 3. Maximum height of a detached accessory structure shall not exceed one story and 17 feet;
 4. The combined floor area of all detached accessory structures on a lot shall not exceed 1,000 square feet;
 5. One thousand square feet of usable open space shall be maintained in the required rear yard as defined in Section 9.08.040.030.B.1;
 6. The width of any single accessory structure shall not exceed one-half of the width of the lot;
 7. No kitchens or other food preparation appliances or fixtures shall be provided;
 8. Plumbing may be permitted, but in no case shall more than a one-half bathroom (one water closet and one lavatory) be permitted.

Exemptions:

- a. One-story detached accessory structures used as tool sheds, playhouses and similar uses shall be exempt from the architectural requirements contained in Section 9.08.040.030.A, provided any such structure does not exceed 120 square feet of projected roof area and is located to the rear and interior side of the main building.
- b. Accessory dwelling units, including porch and/or patio areas and enclosed parking areas dedicated to the accessory dwelling unit that are within the maximum area for an accessory dwelling unit, shall be exempt from the provisions of this subsection.

9. Interior Standards for Detached Accessory Structures

- a. Detached accessory structures such as workshop spaces, detached garages, or other similar spaces shall not have wall insulation or heating/cooling equipment.
- b. Each wall within a detached accessory structure shall only have one outlet for every ten (10) feet.
- c. Only non-egress windows are allowed within a detached accessory structure.

10. No detached accessory building walls shall be closer than six (6) feet to any main building walls or other accessory building walls on the same lot or building site, and no detached accessory building eaves shall be closer than four (4) feet to any main building eaves or other accessory building eaves on the same lot or building site. When the distance between either the walls or the eaves of a detached accessory building and a main building or living unit are less than specified in this section, the buildings are deemed attached for the purpose of determining setbacks and both must meet the setbacks prescribed for a main building.

- E. Placement of Buildings. Placement of buildings on any lot in the R-1 (Single-Family Residential) zone shall conform to the following:
1. For any lot abutting an alley, no building shall be constructed closer than 15 feet to the centerline of the alley, but in no case closer than 10 feet from the property line.
 2. All new single-family residential units developed in the multiple-family residential (R-2 and R-3) zones or additions to existing single-family residential units in any zone shall conform to the residential standards as prescribed in the single-family development districts.
 3. Single-family residential properties, that do not have an existing two-car garage, may build a new two-car garage that encroaches no more than two feet into the required front yard setback and that meets the following criteria:
 - a. The new garage shall meet all zoning and building codes relative to size and configuration;
 - b. The garage shall be equipped with a roll-up type door.
- F. Height of Towers, Spires and Unique Structures in the R-1 (Single-Family Residential) Zone.
1. Usable floor space may be provided above allowable height for religious institutions, and public, private or parochial schools when employed as a unique structure, tower or spire, subject to a conditional use permit.
 2. Fire or parapet walls, skylights, flagpoles, chimneys, wireless masts and similar structures may be erected above the height limits prescribed if done so in conjunction with the filing of a conditional use permit.
- G. Landscaping in the R-1 (Single-Family Residential) Zone. Landscaping in the required front yard shall cover no less than 50% of that yard.
- H. Driveway Width. Minimum paved access-way width of 16 feet is required when off-street parking for open or garage spaces is located at the rear of a unit. When a new, conforming, garage is proposed to be constructed to the rear of an existing residence, and when the location of that residence interferes with providing the required 16-foot driveway width, the minimum accessway may be reduced to 12 feet with the approval of the City Manager or designee. (2882 § 5, 2017)

Sections 9.08.040.050 9.08.040.060 are hereby amended to read as follows:

9.08.040.050 Landscaping—General Provisions

- A. General landscaping requirements as defined herein shall be provided in all zones.
- B. Parcels zoned or used for single-family purposes shall provide landscaping in all areas not covered by buildings, structures, patios or driveways.

- C. For the purpose of this section, the front yard shall be ~~determined by a line drawn parallel to the front building plane defined as the front yard setback. This shall also include any accessory structure such as a garage, if the structure is attached.~~
- D. The following regulations are for maximum coverage of hardscape in the R-1 (Single-Family Residential) zone:
1. The maximum permitted percentage of hardscape coverage in the front yard setback, ~~as defined above~~, shall be 50%. Private sidewalks and walkways are excluded from this 50% so long as they do not exceed a width of five feet.
 2. ~~The front yard area shall be measured from the front building plane to the property lines. In areas where no sidewalks exist, t~~The measurement for the front yard setback shall be from the front building plane to the back of sidewalk or street dedication line. The public parkway ~~Any area between the curb and sidewalk that is in a street or sidewalk dedication must be fully landscaped, except for a standard driveway.~~
 3. ~~Sidewalks fronting the property should not be included in the calculations of the front yard; however, parkways or that area between the frontage, sidewalk and the street curb shall be specifically included in the calculated front yard.~~
- E. All developed properties shall be required to be in compliance with the provisions of this subsection when any building additions of one or more square feet are proposed.
- F. It is not the intent of this section to require identical landscape materials or landscape designs for all developments. Where existing mature landscaping is in good, healthful condition, every effort shall be made to retain and to incorporate said landscaping into the overall landscape theme.
- G. The hearing body may, through the site plan review procedure, modify the requirements with consideration to the size and species of trees used, and may require landscaping in excess of the minimum area specified for a proposed development in order to achieve a superior project.
- H. Adjacent uses shall be considered when designing landscaping to mitigate the negative impacts of parking areas, activities, storage, or structures by appropriate screening measures.
- I. Every effort shall be made to provide landscaping that is compatible with neighboring uses.
- J. All unpaved areas shall be planted with an effective combination of trees, grass berms, ground-cover, lawn, shrubbery and/or approved dry decorative landscape material.

9.08.040.060 Landscaping Requirements

All landscaping shall comply with the landscape water efficiency provisions where applicable. ~~When~~ conflicts between general landscape requirements and the landscape water efficiency requirements found in this section and the *Guidelines* exist, the landscape water efficiency requirements shall have priority.

A. Minimums. All required landscaped setback areas, including front, ~~rear~~-side, side street, and landscaped areas within parking lots, shall meet the requirements prescribed herein.

B. Percentage. Ten percent of all parking areas for nonresidential uses permitted in the R-1. (Single-Family Residential) zone, excluding required setbacks and building footprints, shall be landscaped.

C. Parking Lot Landscaping.

1. Size. For parking facilities, a variety of tree sizes is required for every 10 parking spaces. Trees must be a minimum of 15-gallons diameter with a one-inch caliper trunk, eight feet in height with a two-and-one-half-foot head or larger. These trees may be grouped or clustered and shall conform to the matrix of plant materials established by the City Manager or designee.

2. Street Frontage. One 24-inch box tree of a two-and-one-quarter-inch caliper trunk diameter, 10 feet in height, and a five-foot head is required for every 30- 20 feet of street frontage. (These trees may be grouped or clustered.) All trees shall be placed within a root barrier per city of Garden Grove street tree planting detail specifications.

3. Area. Minimum landscaped area that may be counted is 24 square feet.

D. Trees.

1. No trees shall be planted under any eave, overhang or balcony.

2. All trees in landscape planters 10 feet in width or less shall be provided with tree root barricades.

E. Tree Numbers.

1. Parking area—One per eight spaces

2. Street setbacks—One per 20 ~~-linear~~ feet

~~3.—Balance of site—One per 600 square feet (less parking area building).~~

F. Tree Size. Forty percent of the trees on a site shall consist of minimum size 24-inch box, and the remaining 60 percent shall be of minimum size 15 gallons.

Total site:				
48"	36"	24" box	15 gallons	Other
10%	10%	15% <u>40%</u>	60%	5%

G. Tree Staking.

1.—All trees shall be double staked in accordance with City standards.

HG. Planter Width. ~~1. Minimum width of finger planter is three feet, inside clear dimens~~ The mMinimum width of all planters ~~shall be is~~ three feet clear, interior dimensions, not inclusive of retaining curb or wall.

IH. Shrubbery.

~~1. Fifty percent (50%) of all required shrubs shall be a minimum size of five (5) gallons at time of planting.~~

JH. Groundcover.

1. ~~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 30 percent of the groundcover area shall have the mulch substitute.~~

2. ~~All areas required to be landscaped shall be covered with turf, non-deciduous groundcover or other types of plantings. Artificial turf may be used as a groundcover within the R-1 (Single-Family Residential) zone, provided the turf allows for penetration of irrigation and stormwater runoff.~~

~~2. All plant spacing shall be as indicated by the landscape architect according to the latest standards as adopted by the American Society of Landscape Architects, as described in subsection N (Substitute Landscaping), below.~~

~~3. Groundcover spacing. 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.~~

KI. Paved Areas. Only those portions that are required by municipal code or by site plan to be used directly for parking spaces, aisles, refuse storage areas, drives or walkways shall be paved. All other areas not needed for the above shall be landscaped. Patios may be paved.

LJ. Excess of Minimum Areas—Authority. The hearing body may require landscaping in excess of the minimum area specified for a proposed development, provided that the additional landscaping is necessary to:

1. Screen adjacent objectionable uses, parking areas, activities, storage or structures that could cause a negative impact on new development based on aesthetics, noise, odors, etc.; or
2. Provide landscaping that is compatible with neighboring uses; or
3. Screen the use from neighboring negative impacts such as traffic, outside storage, etc.

MK. Landscape Plans.

1. Each landscape plan shall be compatible with the shape and topography of the site and the architectural characteristics of the structure(s) on the site.
2. Each landscape plan shall be compatible with the character of adjacent landscaping, provided the quality of the adjacent landscaping meets the standard of these guidelines.
3. Each landscape plan shall illustrate a concern for design elements such as balance, scale, texture, form and unity.
4. Each landscape plan shall address the functional aspects of landscaping such as drainage, erosion prevention, wind barriers, provisions for shade and reduction of glare.
5. Each landscape plan shall demonstrate a concern for solar access, including exposure and shading of window areas and solar panels.
6. Landscaping shall be used to relieve solid, unbroken elevations and to soften continuous wall expanses.
7. The applicant must submit a planting inventory and plan of existing planting materials on a development site that are to be retained. Every effort shall be taken to ensure that mature existing landscaping is utilized as part of the development plan. A landscaping retention program shall be approved by action of the hearing body, at its discretion.

NL. Substitute Landscaping.

1. Materials such as crushed rock, decomposed granite, redwood chips, pebbles and stone may ~~not~~ be used in lieu of live plant materials for up to 30 percent of the required landscape coverage area. ~~, although their limited use may be approved by the hearing body through the site plan review process.~~ Artificial plants and synthetic groundcovers are prohibited, except where allowed within the R-1 (Single-Family Residential) zone, subject to the following standards:
 - a. Artificial turf ~~is shall be~~ permitted, provided it complies within the front and rear yards and shall comply with the following:
 - i. —Artificial turf shall have a minimum eight-year "No Fade" warranty.
 - ii. —Artificial turf shall be installed by a licensed professional and shall be installed pursuant to manufacturer's requirements, except if the artificial turf is installed by the homeowner. The homeowner shall be required to follow the manufacturer's specifications for installation.
 - iii. —Artificial turf shall be installed and maintained to effectively simulate the appearance of a well-maintained lawn. The turf shall be maintained in a green fadeless condition and shall be maintained free of weeds, debris, tears, holes, and impressions.
 - iv. —The use of indoor or outdoor plastic or nylon carpeting as a replacement of artificial turf or natural turf shall be prohibited. No rubber infill is permitted.
 - v. Artificial shrubs, flowers, trees, and vines in lieu of living plant material shall be prohibited.
 - vi. —Areas of living plant material (i.e., flower beds, tree wells, etc.) shall be included in the overall landscape design when installing artificial turf. Living plant

material shall include shrubs, vines, trees, and flowering groundcovers and shall constitute a minimum of 25 percent% of the landscape area.

vii. —Artificial turf shall be separated from flower beds by a concrete mow strip, bender board, or other barriers acceptable to the City ~~in order~~ to prevent intrusion of living plant material into the artificial turf.

viii. —Artificial turf in front yards shall be limited to 75 percent5% of required landscape area and shall not be installed in parkways.

OM. Screening.

1. Landscaping shall be required to screen storage areas, trash enclosures, public utilities, freeways, highways and other similar land uses or elements that do not contribute to the enhancement of the surrounding area. Where plants are required for screening, such screening shall consist of the use of evergreen shrubs and/or trees closely spaced. Berming is suggested as an effective screening measure for parking lots and where adjacent site areas are contiguous to street frontages. Such berming with planting shall not exceed 36 inches above the highest adjacent curb.
2. Perimeter landscaping adjacent to the property lines is required in parking areas. Planter area curbs shall be used in place of wheel stops.

PN. Separation.

1. All landscaping shall be separated from parking and vehicular circulation areas by a raised, continuous six-inch Portland cement concrete curb.
2. Other materials that accomplish the same purpose may be approved by the hearing body through the site plan review process.
- ~~3. All trees shall be staked in accordance with standards maintained by the City Manager or designee.~~

QQ. Arterial Site Entries.

1. Unless otherwise delineated, all developments having a contiguous property line to a primary or secondary arterial highway shall observe a 15-foot setback that shall be landscaped. All other non-arterial highways shall observe a 10-foot setback, unless otherwise delineated by the governing zone.
2. Landscaping at major entry points are considered the focal points for landscaping emphasis, and shall contain a variety of trees, flowers and shrubs with special concern for visibility and safety.
3. No landscaping material other than trees shall exceed a height of 36 inches above the highest adjacent curb at street entrances and parking lot accessway intersections.
4. ~~No berming~~ with or without landscaping materials, at street entrances and parking lot accessway intersections, shall exceed a total height of 36 inches above the highest adjacent curb.
5. All trees whether singularly placed or placed on clusters shall not inhibit standard visibility parameters.

6. Parking may be designed to overhang landscaped areas. Maximum permitted overhang is two feet where planter areas have a minimum dimension of five feet or more. Otherwise, concrete wheel stops shall be installed. Any broken or damaged wheel stops shall be replaced.

RP. Landscaping and Irrigation Plans Required. Landscape and irrigation plans shall be required for all projects requiring approval by the hearing body and to which the landscape water efficiency provisions apply, except for individual homeowners on single-family or multifamily residential lots that have a total project landscape area, including pools or other water features, but excluding hardscape that is less than 5,000 square feet. Such plans shall be submitted for discretionary approval to the hearing body. Said plans shall be prepared in accordance with requirements and standards established pursuant to this chapter and the *Guidelines* (specifically refer to sections on landscape design plan and irrigation design plan).

SQ. In addition to the above, the following are requirements that shall apply to the landscape design plan and are more fully explained in the *Guidelines* (Appendix 1, Title 9):

1. Any plants may be used in the landscape, providing the estimated applied water use recommended does not exceed the maximum applied water allowance, and that the plants meet the specifications set forth in this section.
2. Plants having similar water use shall be grouped together in distinct hydrozones.
3. Plants shall be selected appropriately based upon their adaptability to the climatic, geologic and topographical conditions of the site. Protection and preservation of native species and natural areas are encouraged. The planting of trees is encouraged wherever it is consistent with the other provisions of this section. To encourage the efficient use of water, the following are highly recommended for inclusion in the landscape design plan:
 - a. The Sunset Western Climate Zone System which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate;
 - b. The horticultural attributes of plants (i.e., mature plant size, invasive surface roots) to minimize damage to property or infrastructure (e.g., buildings, sidewalks, and power lines); and
 - c. The solar orientation of the site and how plant placement will maximize summer shade and winter solar gain.

IR. Irrigation Requirements.

1. All landscaped areas shall be provided with an approved irrigation system that meets the requirements of this section and the *Guidelines*. An irrigation design plan meeting the design criteria in the *Guidelines* shall be submitted as part of the landscape documentation package for those projects subject to the landscape water efficiency provisions in Section 9.08.040.055.A.
2. Irrigation shall be performed in conformance with city ordinances and with water conservation practices.

US. System Design. For the efficient use of water, an irrigation system shall meet all the requirements listed in the *Guidelines* under Section 2.5, Irrigation Design Plan, and the manufacturers recommendations. The irrigation system and its related components shall be planned and designed to allow for proper installation, management, and maintenance. An irrigation design

plan meeting the design criteria of the *Guidelines* shall be submitted as part of the landscape documentation package.

V.F. In addition to the above, the following are requirements that shall apply to the landscape design plan.

1. Irrigation Design Criteria.

a. Runoff and Overspray. Soil types and infiltration rate shall be considered when designing irrigation systems. All irrigation systems shall be designed to avoid runoff, low-head drainage, overspray or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes (walks, etc.), roadways or structures.

b. Special attention shall be given to avoid runoff on slopes and to avoid overspray on narrow and irregularly shaped areas, including turf, less than eight feet in width in any direction. Such narrow and irregularly shaped areas shall be irrigated with subsurface irrigation or a low volume overhead irrigation system.

c. Irrigation Efficiency.

i. For applicable landscape installations or rehabilitation projects subject to Section 9.08.040.055.A, the estimated applied water use allowed for the landscaped areas shall not exceed the MAWA calculated using an ET adjustment factor of 0.7, except for special landscaped areas where the MAWA is calculated using an ET adjustment factor of 1.0; or the design of the landscaped areas shall otherwise be shown to be equivalently water-efficient in a manner acceptable to the City; as provided in the *Guidelines*.

ii. Irrigation of all landscaped areas shall be conducted in a manner conforming to the rules and requirements, and shall be subject to penalties and incentives for water conservation and water waste prevention as determined and implemented by the water services division, or as mutually agreed by the water services division and the local agency.

iii. The project applicant shall understand and implement the requirements in the City of Garden Grove Water Conservation Ordinance.

d. Equipment. The *Guidelines* provide design criteria for irrigation equipment in Section 2.5 "Irrigation Design Plan."

2. Recycled Water.

a. At such time as recycled water is available, the installation of recycled water irrigation systems (dual distribution systems) shall be required to allow for the current and future use of recycled water.

b. Irrigation systems shall make use of recycled water unless a written exemption has been granted by the local water agency, stating that recycled water meeting all health standards is not available and will not be available in the foreseeable future.

c. The recycled water irrigation systems shall be designed and operated in accordance with all local and state codes.

3. Irrigation Design Plan Specifications. Irrigation systems shall be designed to be consistent with hydrozones. Hydrozone areas shall be designated by number, letter, or other designation

on both the Irrigation Design Plan and the Landscape Design Plan. The irrigation design plan shall be separate from, but use the same format as, the landscape design plan. The scale shall be the same as that used for the landscape design plan. The irrigation design plan at a minimum, shall contain:

- a. Location and size of separate water meters for the landscape;_
 - b. Location, type and size of all components of the irrigation system, including controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers and backflow prevention devices;
 - c. Static water pressure at the point of connection to the public water supply;
 - d. Flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (psi) for each station;
 - e. Irrigation schedule parameters necessary to program smart timers specified in the landscape design;
 - f. The following statement: "I have complied with the Landscape Water Efficiency Provisions and the design criteria in the *Guidelines* and applied them accordingly for the efficient use of water in the irrigation design plan"; and
 - g. The signature of a California-licensed landscape professional.
4. Maximum Applied Water Allowance. A project's maximum applied water allowance shall be calculated in a manner acceptable to the City, as provided in the *Guidelines*.
5. Irrigation Schedules. For the efficient use of water, all irrigation schedules shall be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health. Irrigation schedules shall meet the following criteria:
- a. Irrigation scheduling shall be regulated by automatic irrigation controllers.
 - b. Overhead irrigation shall be scheduled in accordance with the local water purveyors (City of Garden Grove, Water Services Division) Water Conservation Ordinance. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.
6. Certificate of Completion.
- a. Landscape project installation shall not proceed until the landscape documentation package has been approved by the City and any ministerial permits required are issued.
 - b. The project applicant shall notify the City at the beginning of the installation work and at intervals, as necessary, for the duration of the landscape project work to schedule all required inspections.
 - c. Certification of completion of the landscape project shall be obtained through a certificate of use and occupancy or a permit final. The requirements for the final inspection and permit closure include submittal of:
 - i. A landscape installation certificate of completion in the form included as Appendix D in the *Guidelines*, which shall include: (1) certification by a landscape professional that the landscape project has been installed per the approved landscape documentation package; and (2) the following statement: "The landscaping has been installed in substantial conformance with the design plans,

and complies with the City of Garden Grove Landscape Water Efficiency Provisions.”

- ii. Documentation of the irrigation scheduling parameters used to set the controller.
- iii. An irrigation audit report from a certified irrigation auditor, documentation of enrollment in regional or local water purveyors water conservation programs, and/or documentation that the MAWA and EAWU information for the landscape project has been submitted to the local water purveyor, may be required at the option of the City.

Exhibit C (Multifamily Residential)

CHAPTER MULTIFAMILY RESIDENTIAL DEVELOPMENT STANDARDS

Section 9.12.020.03 is hereby amended as follows:

Section 9.12.020.030, Table 1, City of Garden Grove Land Use Matrix

Table 1: City of Garden Grove Land Use Matrix

Uses	Zones	
	R-2	R-3
Residential		
Accessory Buildings and Structures	I*	I*
Agricultural Growing and Produce Stand	P	P
Boarding/Lodging	C	C
Child Day Care Center	C	C
Community Care Facility, Residential		
6 Persons or Less	P	P
7 Persons or More	—	C
Cottage Food Operation	P*	P*
Duplex or Triplex	P*	P*
Family Day Care Home (1—14 Children)	P*	P*
Home Occupations (Disabled)	P*	P*
Intermediate Care Facility	—	C
Limited Multiple Family Dwelling	P	P
Mail Address/Business Tax Certificate	P*	P*
Mobile Home Park	—	P*
Multiple Family Dwelling	P	P
Residential Care Facility for the Elderly (RCFE)		
6 Persons or Less	P	P
7 Persons or More	—	C
Single-Family Dwelling	P	P
<u>Single Room Occupancy (SRO)</u>	<u>P</u>	<u>P</u>
Skilled Nursing Facility	—	C
Small Lot Subdivision	P*	P*
Supportive Housing ¹	<u>P</u>	<u>P</u>
<u>Residential Apartments</u>	<u>P</u>	<u>P</u>
<u>Residential Group Living</u>		
<u>6 persons or Less</u>	<u>P</u>	<u>P</u>
<u>7 persons or More</u>	<u>C</u>	<u>C</u>
<u>Supportive Housing for the Homeless²</u>	<u>P</u>	<u>P</u>
Transitional Housing ¹	<u>P</u>	<u>P</u>

Residential Apartments	P	P
Residential Group Living		
6 persons or Less	P	P
7 persons or More	C	C

1. Transitional and supportive housing are permitted in residential zoning districts subject to the same approval requirements, development standards, and restrictions that apply to other residential dwellings of the same type in the same zone, which shall be determined by the City based upon the predominant characteristics of the use.
2. Subject to the requirements of subsection B. of Section 9.60.070.

Section 9.12.030.020 is hereby amended to read as follows:

Section 9.12.030.020.C.2 Planned Unit Development

C. Limitations on the Planned Unit Development. The planned unit development is intended to be applied only to those areas that are large enough to allow for overall planning and design in sufficient detail to achieve greater values and amenities than those achieved by less flexible provisions regulating the successive development of individual lots by numerous different owners. Limitations on use are as follows:

1. Flexibility is provided where land may be designed and developed as a unit by taking advantage of site planning techniques that produce an environment that is compatible with existing or potential development of the surrounding neighborhood.
2. Planned unit development procedures shall apply only to those individual sites having a net area of five acres or more for commercial or industrial development and ~~three~~ one acres for residential developments. If the project is mixed use development with residential, commercial, office or industrial, then the five acre minimum site area shall apply.
3. The proposed development shall be in conformity with all elements of the General Plan, and any other ordinances of the City.
4. Conformity to related ordinances of the City is required where subdivision into individual lots or the dedication of any streets is involved. Any such procedures shall be processed concurrently with PUD ordinance procedures.
5. Any violation of any planned unit development regulation shall be a misdemeanor penalized pursuant to Sections 1.04.010 and 9.32.020 of this code.

Section 9.12.030.070 is hereby amended to read as follows:

Section 9.12.030.070 ~~Density Bonuses and Other Incentives for Affordable Housing~~ Reserved

~~A.— Purpose and Intent. The California Legislature has determined that the provision of affordable housing for moderate, lower and very low-income individuals and senior citizens, and childcare facilities are of primary importance in the State, and must be encouraged at the local level. The purpose of this section is to establish a methodology pursuant to state law providing incentives to developers proposing affordable housing to the community.~~

~~B.— Applicability. This section shall apply to all housing developments, as defined in this section, consisting of five or more units, unless the City Council makes a finding that the bonus and incentives are not needed to achieve affordability.~~

~~C.— Definitions. As used in this section, the following words and phrases shall have the following meanings:~~

~~1.— “Child care facility” means a child day care facility, other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school age child care centers.~~

~~2.— “Concession or incentive” means:~~

~~a.— A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the State Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13~~

of the Health and Safety Code, and that result in, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions; or

b. Approval of mixed use zoning in conjunction with a housing project if commercial, office, industrial, or other land uses will reduce the cost of a housing development and if the commercial, office, industrial, or other land uses are compatible with a housing project and the existing or planned development in the area, including the City's General Plan, where a proposed housing project will be located; or

c. Other regulatory incentives or concessions proposed by the applicant or the City that result in identifiable, financially sufficient, and actual cost reductions.

d. This subdivision shall not require the City to provide direct financial incentives or publicly owned land for the housing development, or to waive fees or dedication requirements.

3. "Density bonus" means a density increase of at least 20% (unless the applicant elects a lower percentage) over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the General Plan for housing developments meeting the criteria in subsection D.1.a.i–iii, of at least five percent for housing developments meeting the criteria of subsection D.1.a.iv (unless the applicant elects a lower percentage), and of at least 15% for housing developments that entail a land donation meeting the criteria of subsection D.1.b (unless the applicant elects a lower percentage).

a. The amount of the density bonus to which an applicant is entitled shall vary according to the amount by which the percentage of affordable housing units provided exceeds the percentage established in subsection D. For each one percent increase above 10% in the percentage of units affordable to low income households, the density bonus shall be increased by 1.5 percent up to a maximum of 35%. For each one percent increase above five percent in the percentage of units affordable to very low income households, the density bonus shall be increased by 2.5 percent up to a maximum of 35%. For each one percent increase above 10% of the percentage of units affordable to moderate income households, the density bonus shall be increased by one percent up to a maximum of 35%. When calculating the number of permitted density bonus units, any calculation resulting in fractional units shall be rounded to the next higher whole number. The density bonus units shall not be included in the maximum total when determining the number of target units required to qualify for a density bonus.

b. Each housing development is entitled to only one density bonus, which may be selected based on the percentage for either very low income target units, low income target units, moderate income target units, or the project's status as a senior citizen housing development. Density bonuses from more than one category may not be combined.

c. The following table summarizes the above information:

Density Bonus Summary Table

Target Group	Min. % Target Units	Bonus Granted	Additional Bonus for Each 1% Increase in Target Units	% Target Units Required for Max. 35% Bonus
Very Low Income	5%	20%	2.5%	11%
Low Income	10%	20%	1.5%	20%
Moderate Income (Condo or PUD Only)	10%	5%	1%	40%
Senior Citizen Housing Development	100%	20%	—	—

4. "Developer" means the legal or equitable owner, or authorized representative, of any lot or parcel within the City who intends to develop such lot in compliance with the provisions of this section.

5. "Housing development" means one or more groups of projects for residential units constructed in the planned development of the City. "Housing development" also includes a subdivision or a planned unit development or condominium project, as defined in Civil Code Section 1351, approved by the City and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use, or the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of Government Code Section 65863.4, where

the result of the rehabilitation would be a net increase in available residential units. For the purpose of calculating a density bonus, the residential units do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located. The location of units, whether target units or non-restricted units, shall be in conformance with the specific plan, or other zoning regulations, as applicable. Nothing in this chapter shall be construed to require the granting of a density bonus for the construction of multifamily housing in single-family residential zoning districts.

6. —“Target unit” means a dwelling unit within a housing development that will be reserved for sale or rent to, and is made available at an affordable rent or affordable ownership cost to, very low, low, or moderate income households, or is a unit in a senior citizen housing development.

7. —“Very low income households, low income households, and moderate income households” means persons or families whose income does not exceed the qualifying limit in Section 50050 et seq., of the California Health and Safety Code.

8. —“Senior housing” means either a person 62 years of age or older, or 55 years of age or older in a senior citizen housing development as defined in Section 51.3 of the California Civil Code.

D. — Grant of Density Bonus.

1. — Developer shall be entitled to a density bonus, provided the developer enters into a density bonus housing agreement with the City pursuant to subsection I in which the developer covenants to do one of the following:

a. — To construct the housing development with at least one of the following:

i. — At least 10% of the total units of the housing development reserved for lower income households; or

ii. — At least five percent of the total units of the housing development reserved for very low income households; or

iii. — A senior citizen housing development; or

iv. — At least 10% of the total units of a newly constructed condominium project or planned development as target units affordable to moderate income households.

b. — To Donate Land to the City as Provided for in This Subsection. Nothing in this subsection shall be construed to enlarge or diminish the authority of the City to require a developer to donate land as a condition of development. An applicant shall be eligible for the increased density bonus described in this subsection if all of the following conditions are met:

i. — The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.

ii. — The development acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than 10% of the number of residential units of the proposed development.

iii. — The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate General Plan designation, is appropriately zoned for development as affordable housing, and is or will be served by adequate public facilities and infrastructure. The land shall have appropriate zoning and development standards to make the development of the affordable units feasible. No later than the date of approval of the final subdivision map, parcel map, or of the residential development, the transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, except that the City may subject the proposed development to subsequent design review to the extent authorized by subdivision (i) of Government Code Section 65583.2 if the design is not reviewed by the City prior to the time of transfer.

iv. — The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with paragraphs (1) and (2) of subdivision (c) of Government Code Section 65915, which shall be recorded on the property at the time of dedication.

v. — The land is transferred to the City or to a housing developer approved by the City. The City may require the applicant to identify and transfer the land to the developer.

vi. — The transferred land shall be within the boundary of the proposed development or, if the City agrees, within one-quarter mile of the boundary of the proposed development.

2. — When an applicant agrees to construct a housing development that conforms to the requirements of subsection D.1 and includes a child care facility that will be located on the premises of, as part of, or adjacent to, the project, unless it finds, based upon substantial evidence, that the community has adequate child care facilities, the City shall grant either:

a. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility; or

b. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the child care facility;

c. As a condition of approval of a housing development, the applicant shall ensure that the following occur:

i. The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable pursuant to subsection F.

ii. Of the children who attend the child care facility, the children of very low income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or families of moderate income pursuant to subsection D.

iii. Developer shall also agree to continue affordability of all density bonus units for very low income households, low income households, and moderate income households for the timeframes established in subsection G.

E. Required Concessions or Incentives.

1. A developer may submit a proposal to the City for the specific concessions or incentives that the developer requests pursuant to this section, and may request a meeting with the City. The City shall grant the concession or incentive requested by the developer, unless the City makes a written finding, based on substantial evidence, of either of the following:

a. The concessions or incentives are not required in order to provide affordable housing costs as defined in Section 50052.5 of the California Health and Safety Code or for rents for the targeted units to be set as specified in subsection D.3.

b. The concession or incentive would have a specific adverse impact, as defined in Government Code Section 65589.5, subdivision (d), paragraph (2), upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households.

2. The developer shall receive the following number of concessions or incentives:

a. One incentive or concession for projects that include at least 10% of the total units for low income households, at least five percent for very low income households, or at least 10% for persons and families of moderate income in a condominium or planned development.

b. Two incentives or concessions for projects that include at least 20% of the total units for low income households, at least 10% for very low income households, or at least 20% for persons and families of moderate income in a condominium or planned development.

c. Three incentives or concessions for projects that include at least 30% of the total units for low income households, at least 15% for very low income households, or at least 30% for persons and families of moderate income in a condominium or planned development.

d. The following table summarizes the above information:

Concessions/Incentives Summary Table

Target Group	Target Units		
Very Low Income	5%	10%	15%
Low Income	10%	20%	30%
Moderate Income (Condo or PUD Only)	10%	20%	30%
Maximum Incentive(s)/Concession(s)	1	2	3

Note: A concession or incentive may be requested only if an application is also made for a density bonus.

3. Notwithstanding any other site development standards or zoning code requirements set forth in this code, upon request of the developer, the City shall grant a reduction in the vehicular parking ratio, inclusive of handicapped and guest parking, to at least the following ratios:

a. Zero to one bedrooms: one onsite parking space.

b. Two to three bedrooms: two onsite parking spaces.

c. Four and more bedrooms: two and one-half parking spaces.

d. — If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this section, a development may provide “onsite” parking through tandem parking or uncovered parking, but not through on-street parking.

F. — Waiver or Modification. Developers may seek a waiver or modification of development standards that have the effect of precluding the construction of a housing development meeting the criteria of subsection D.1.a at the densities or with the concessions or incentives permitted by the section. The developer shall show that the waiver or modification is necessary to make the housing units economically feasible.

G. — Continued Affordability and Development Standards.

1. — Lower income and very low income target units shall remain affordable to the designated group for a period of 30 years, or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Rental units targeted for lower income households shall be affordable at a rent that does not exceed 30% of 60% of the area median income as determined pursuant to Section 50079.5 of the California Health and Safety Code. Rental units targeted for very low income households shall be affordable at a rent that does not exceed 30% of 50% of the area median income, as determined pursuant to Section 50105 of the California Health and Safety Code. For sale units targeted for lower or very low income households shall be affordable at a cost that such households can realistically qualify for such units according to standard lending practices, taking into account any subsidies or other financial assistance.

2. — Moderate income target units shall remain affordable to the initial occupant, which must be persons and families of moderate income, as defined in Health and Safety Code Section 50093. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller’s proportionate share of appreciation. The City shall recapture its proportionate share of appreciation, which shall then be used within three years for any of the purposes described in subdivision (e) of Health and Safety Code Section 33334.2 that promote homeownership. For purposes of this subdivision, the City’s proportionate share of appreciation shall be equal to the percentage by which the initial sale price to the moderate income household was less than the fair market value of the home at the time of initial sale.

3. — Target units shall be constructed concurrently with non-restricted units or pursuant to a schedule included in the density bonus housing agreement.

4. — Target units shall be built on site and shall be dispersed within the housing development. The number of bedrooms of the target units shall be equivalent to the bedroom mix of the non-target units of the housing development, except that the developer may include a higher proportion of target units with more bedrooms. The design and appearance of the target units shall be compatible with the design of the total housing development. Housing developments shall comply with all applicable development standards, except those that may be modified as provided by this section.

H. — Application Requirements and Review.

1. — Preliminary Proposal. A developer shall submit a preliminary proposal for development to determine the means for complying with this section. The preliminary proposal shall be submitted prior to any formal requests for any land use action. All density calculations resulting in fractional units shall be rounded up to the next whole number. The preliminary proposal shall be subject to the same fees and procedural requirements for a preliminary proposal review. Within 60 days of the receipt of a complete written preliminary proposal, the City shall notify the developer, in writing, of the procedures required to comply with this section.

2. — Formal Application. An application proposing a housing development pursuant to this section shall be submitted with the first application for approval of a housing development and processed concurrently with all other applications required for the housing development. The application shall be submitted on a form prescribed by the City and shall include at least the following information:

a. — Site plan showing total number of units, number and location of target units, and number and location of proposed density bonus units.

b. — Level of affordability of target units and proposals for ensuring affordability.

c. — Description of any requested concession or incentive, waivers or modifications of development standards, or modified parking standards. For all concessions and incentives, except mixed-use development, the application shall include evidence that the requested incentives and concessions result in identifiable, financially sufficient, and actual cost reductions. For waivers or modifications of development standards, the application shall show that the waiver or modification is necessary to make

~~the housing units economically feasible and that the development standards will have the effect of precluding the construction of a housing development meeting the criteria of subsection D.1.a at the densities or with the concessions or incentives permitted by this section.~~

~~d. — If a density bonus or concession is requested for a land donation, the application shall show the location of the land to be dedicated and provide evidence that each of the findings included in subsection D.1.b can be made.~~

~~e. — If a density bonus or concession is requested for a child care facility, the application shall show the location and square footage of the child care facilities and provide evidence that each of the findings included in subsection D.1.c can be made.~~

~~3. — In accordance with state law, neither the granting of a concession, incentive, waiver, or modification nor the granting of a density bonus shall be interpreted, in and of itself, to require a General Plan amendment, zoning change, variance, or other discretionary approval.~~

~~4. — An application for a density bonus, incentive, concession, waiver, modification, or revised parking standard pursuant to this section shall be considered by and acted upon by the approval body with authority to approve the housing development. Any decision regarding a density bonus, incentive, concession, waiver, modification, or revised parking standard may be appealed to the City Council.~~

~~5. — Before approving an application for a density bonus, concession or incentive, waiver, or modification, the approval body shall make the following findings:~~

~~a. — If the density bonus is based all or in part on donation of land, the findings included in subsection D.1.b.~~

~~b. — If the density bonus or concession or incentive is based all or in part on the inclusion of a child care facility, the findings included in subsection D.2.~~

~~c. — If the concession or incentive includes mixed use development, the finding included in section C.2.b.~~

~~d. — If a waiver or modification is requested, the developer has shown that the waiver or modification is necessary to make the housing units the economically feasible.~~

~~6. — If a request for a concession or incentive is developer has shown that the waiver or modification is necessary to make the housing units otherwise consistent with this section, the approval body may deny a concession or incentive if it makes a written finding, based upon substantial evidence, of either of the following:~~

~~a. — The concession or incentive is not required to provide for affordable rents or affordable ownership costs.~~

~~b. — The concession or incentive would have a specific adverse impact upon public health or safety or the physical environment or on any real property that is listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households. For the purpose of this subsection, "specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application was deemed complete.~~

~~7. — If a request for a waiver or modification is otherwise consistent with this section, the approval body may deny the waiver or modification if it makes a written finding, based upon substantial evidence, of either of the following:~~

~~a. — The waiver or modification is not necessary to make the housing units economically feasible.~~

~~b. — The waiver or modification would have a specific adverse impact upon health, safety, or the physical environment, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households. For the purpose of this subsection, "specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identifiable, written public health or safety standards, policies, or conditions.~~

~~c. — The waiver or modification would have an adverse impact on any real property that is listed in the California Register of Historical Resources.~~

~~8. — If a density bonus or concession is based on the provision of child care facilities, the approval body may deny the bonus or concession if it finds, based on substantial evidence, that the City already has adequate child care facilities.~~

~~l. — Density Bonus Housing Agreement.~~

~~1. — Developers requesting a density bonus shall agree to enter into a density bonus housing agreement with the City. A density bonus housing agreement shall be made a condition of the discretionary planning~~

- ~~permits for all housing developments pursuant to this section and shall be recorded as a restriction on any parcels on which the target units or density bonus units will be constructed.~~
- ~~2. The density bonus housing agreement shall be recorded prior to final or parcel map approval, or, where the housing development does not include a map, prior to issuance of a building permit for any structure in the housing development. The density bonus housing agreement shall run with the land and bind on all future owners and successors in interest.~~
- ~~3. The density bonus housing agreement shall include, but not be limited to, the following:~~
- ~~a. The total number of units approved for the housing development, the number, location, and level of affordability of target units, and the number of density bonus units.~~
 - ~~b. Standards for determining affordable rent or affordable ownership cost for the target units.~~
 - ~~c. The location, unit size in square feet, and number of bedrooms of target units.~~
 - ~~d. Provisions to ensure affordability in accordance with subsection 1.3.g of this section.~~
 - ~~e. A schedule for completion and occupancy of target units in relation to construction of non-restricted units.~~
 - ~~f. A description of any concessions or incentives or waivers and modifications being provided by the City.~~
 - ~~g. A description of remedies for breach of the agreement by either party. The City may identify tenants or qualified purchasers as third party beneficiaries under the agreement.~~
 - ~~h. Procedures for qualifying tenants and prospective purchasers of target units.~~
 - ~~i. Any other provisions to ensure implementation and compliance with this section.~~
- ~~4. In the case of for-sale housing developments, the density bonus housing agreement shall include the following conditions governing the sale and use of target units during the applicable use restriction period:~~
- ~~a. Target units shall be owner-occupied by eligible very low, low, or moderate income households, or by qualified residents in the case of senior citizen housing developments.~~
 - ~~b. The purchaser of each target unit shall execute an instrument approved by the City and to be recorded against the parcel including such provisions as the City may require to ensure continued compliance with this section.~~
- ~~5. In the case of rental housing developments, the density bonus housing agreement shall provide for the following:~~
- ~~a. Procedures for establishing affordable rent, filling vacancies, and maintaining target units for eligible tenants.~~
 - ~~b. Provisions requiring verification of household incomes.~~
 - ~~c. Provisions requiring maintenance of records to demonstrate compliance with this subsection.~~
- ~~6. Density bonus housing agreements for child care facilities and land dedication shall ensure continued compliance with all conditions included in subsections D.2 and 3.~~

Sections 9.12.040.010 through 9.12.040.060 are hereby amended to read:

9.12.040.010 Multifamily Residential—General Requirement

The following general requirements pertain to all ~~residential properties~~ zoned ~~property~~R-2 and R-3 and shall be determined to be minimal requirements, unless stated as maximum by this code:

A. ~~A.~~ Setbacks

1. ~~1.~~ Every required setback shall be open and unobstructed from the ground to the sky, aside from landscaping, or unless otherwise specified.
2. ~~2.~~ No setback or open space provided around any building for the purpose of complying with the provisions of this section shall be considered as providing a setback or open space for any other building or on which a building is to be erected.

B. ~~B.~~—Modification of Required Front Yard Setbacks on Lots Fronting on the Curves of Cul-de-Sacs or Knuckles.

1. ~~1.~~—The required front setbacks may be reduced by up to one-half where:
 - a. ~~a.~~—The street pattern of a subdivision includes lots fronting upon cul-de-sac turnarounds or knuckle widenings at right angles or approximate right-angle turns in a street; and
 - b. ~~b.~~—Where cul-de-sac or knuckle designs create a ~~greater~~ street width wider than the city adopted standard, resulting in reduced depth of the lots fronting the cul-de-sac or knuckle widening.
2. ~~2.~~—The required front setback may be reduced to not less than one-half of the required front setbacks for the zone in which the property is located when the lot line that represents the depth of the lot intersects any portion of the arc formed by the constant radius of a cul-de-sac or knuckle.

C. ~~C.~~—Permitted Intrusions

The following intrusions may project into any required setback up to a maximum of two feet.

1. ~~1.~~—Cornices;
2. ~~2.~~—Eaves;
3. ~~3.~~—Belt courses;
4. ~~4.~~—Sills;
5. ~~5.~~—Buttresses;
6. ~~6.~~—Planter boxes;
7. ~~7.~~—Masonry planters;
8. ~~8.~~—Guard railings;
9. ~~9.~~—Chimneys.

D. ~~D.~~—Lot Area Regulations

1. ~~1.~~—Lot area shall not be reduced. No lot area shall be reduced or diminished so that the lot area, setbacks or other open spaces shall be less than prescribed for the zone in which it is located.
2. ~~2.~~—Substandard Lots. When a lot has less than the minimum required area or width as set forth in the development standards of each zone, or in a site plan, and was of record on November 17, 1960, the lot shall be deemed to have complied with the minimum required lot area or width as set forth in the zone or site plan.

E. ~~E.~~—Height Limits

1. ~~1.~~—Residential buildings shall comply with the ~~requirements shown in the Table~~ building height limitations of Building Requirements but in no case shall be higher than 35 feet ~~this chapter~~, unless otherwise specified below.
2. ~~2.~~—As provided in Section 9.12.040.130, penthouses or roofs structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, fire or parapet walls, skylights, towers, flagpoles, chimneys, smokestacks, radiowireless masts and similar structures may be erected above the height limits prescribed if done so in conjunction with by this chapter but may not exceed a development plan or the filing of a conditional use permit.

3. ~~height of 15 feet above the structure to which it is attached.~~ No penthouses or roof ~~structures~~ ~~erstructure, nor~~ any ~~other~~ space above the height limit ~~prescribed~~ ~~allowed~~ for the zone ~~and area~~ district in which the building is located, shall be allowed for the purpose of providing additional ~~habitable~~ ~~usable~~ floor ~~spaces~~ ~~space~~, except for the following: ~~that~~ usable floor space may be provided above ~~allowable heights~~ ~~this height~~ for ~~religious~~ ~~institution~~ ~~churches~~, and public, private or parochial schools, when employed ~~as in~~ a unique structure, tower or spire, subject to ~~the approval of~~ a conditional use permit.

F. ~~F.~~ Placement of Buildings

Placement of buildings on any lot shall conform to the following:

1. ~~1.~~ No habitable portion of a building shall occupy any portion of any required setback, except as provided for in the development standards addressing permitted intrusions.
2. ~~2.~~ Any garage or carport that opens directly to any street or alley shall observe a setback of not less than 20 feet unless otherwise permitted by this title.
3. ~~3.~~ When a garage or carport abuts an alley and the access to the garage or carport is perpendicular to the alley, the building 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.

G. ~~G.~~ Mechanical Equipment, Metering Devices, Screening and Location

1. Except as otherwise required by State law, all roof-mounted and ground-mounted mechanical equipment and metering devices shall be screened from view from ~~either the adjacent public rights-of-way, adjacent properties, and on-site uses using one of the following methods for the specific equipment referenced.~~ Exceptions to this screening requirement shall be fire-fighting equipment required by the Fire Department.
 - a. Roof-mounted: Shall be screened by parapet walls, rooftop architectural features such as a tower equal to the height of the equipment, or ~~off the property~~ low walls surrounding the equipment and shall be painted to match the color of the building materials.
 - b. Ground-mounted: Shall be screened by densely planted and maintained landscaped hedges or a fence or wall. Ground-mounted equipment shall not exceed the maximum allowable height for a wall, fence, or hedge.
2. Ground-mounted mechanical equipment including, but not limited to, water heaters, heating, cooling or ventilating equipment, swimming pool or spa heaters, pumps or filters, ~~shall not be located within a front yard setback but~~ may be permitted to be located in a rear or side yard setback ~~on any property improved with a single-family residence~~, provided that the equipment is screened from view from all abutting public rights-of-way, and is shielded to achieve the requirements of Garden Grove Municipal Code Chapter 8.47 (Noise Control). If the equipment is 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.

9.12.040.020 Residential—General Development Standards

A. 9.12.040.020 Residential—General Development Standards

- A. Specific development standards for R-2 (Limited Multiple Residential) and R-3 (Multiple-Family Residential) zones ~~are~~ shall be as set forth in the following table:

R-2 and R-3 Development Standards Table

Placement	R-2 (5)		R-3(5)	
Setbacks-Front <u>Setback (1)(8)</u>	20 ft. to 1st & 2nd Flr.	25 ft. to 3rd Flr.	20 ft. to 1st & 2nd Flr.	25 ft. to 3rd Flr.
Side Setback (Interior) (8)	See Table of Building Placement Diagrams 10 ft. to 1st & 2nd Flr.	See Table of Building Placement Diagrams 15 ft. to 3rd Flr.	10 ft. to 1st & 2nd Flr.	15 ft. to 3rd Flr.
Street Side <u>Setback (8)</u>	10 ft. to 1st & 2nd Flr.	15 ft. to 3rd Flr.	10 ft. to 1st & 2nd Flr.	15 ft. to 3rd Flr.
Rear Main Entry Facing Street Side Setback	See Table of Building Placement Diagrams 15 ft. to 1st & 2nd Flr.	See Table of Building Placement Diagrams 20 ft. to 3rd Flr.	15 ft. to 1st & 2nd Flr.	20 ft. to 3rd Flr.
Building Height Rear Setback	Not 10 ft. to exceed 1st & 2nd Flr.	Not 15 ft. to exceed 3rd Flr.	10 ft. 1st & 2nd Flr.	15 ft. to 3rd Flr.
Stepback- All sides (If adjacent to R-1)	Minimum 20 ft. from Property Line- 2nd Flr. Minimum 40 ft. from Property Line- 3rd Flr.	Minimum 20 ft. from Property Line- 2nd Flr. Minimum 40 ft. from Property Line- 3rd Flr.	Minimum 20 ft. from Property Line- 2nd Flr. Minimum 40 ft. from Property Line- 3rd Flr.	Minimum 20 ft. from Property Line- 2nd Flr. Minimum 40 ft. from Property Line- 3rd Flr.
Building Height - Main structure (6)	Maximum 35 ft.	Maximum 35 ft.	Maximum 35 ft.	Maximum 35 ft.
Building Height - Accessory structure (6)	Maximum 17 ft.	Maximum 17 ft.	Maximum 17 ft.	Maximum 17 ft.
Stories – Maximum	3 stories	3 stories	3 stories	3 stories
Lot coverage - Maximum (2)	50%	50%	50%	50%
Maximum Front setback coverage – Maximum (3)	50%	50%	50%	50%
Lot area per dwelling (minimum) Density – Maximum (4)	4,356 sq. ft. (21.0-1 units/acre)	See Table of Dev. Density (4) 32.0 units/acre	See Table of Dev. Density (4) 32.0 units/acre	See Table of Dev. Density (4) 32.0 units/acre
Minimum lot area per lot per zone size for newly created lots (7)	7,200 sq. ft.	7,200 sq. ft.	7,200 sq. ft.	7,200 sq. ft.

1. ~~(1)~~ In no case shall the setback be less than 10 feet.
2. ~~(2)~~ Lot coverage includes all building and structures (primary and accessory) and required uncovered parking areas, and excludes uncovered swimming pools and permeable or semi-permeable recreational surface areas. The fifty percent lot coverage requirement may be reduced to the extent it would physically preclude a housing development project consisting of three to ten units from achieving the floor area ratios allowed pursuant to Government Code Section 65913.11.
3. ~~(3)~~ Hardscape percentage includes driveways (except allowed standard driveway in the front yard).
4. ~~(4)~~ Applications for density bonuses may be made as provided for by state law.
5. ~~(5)~~ Refer to Section 9.12.040.040 for minimum development standards for duplexes and triplexes.
6. -
- B. ~~Subject to additional regulations pursuant to Section 9.12.040.050.B (Maximum Building Height Adjacent to R-1 Zone Property)~~
7. Housing development projects consisting of three to ten units located on an existing legal parcel and less than 7,200 square feet may be permitted in accordance with Government Code Section 65913.11.
8. For density bonus projects involving construction of a fourth or higher story, any story above the third story may equal the required setback for the third story but shall not extend outward beyond that setback.

B. When two or more buildings are, by definition, considered main buildings, then the front setback requirements shall apply only to the buildings closest to the front lot line.

- C. ~~C.~~—Any construction occurring on a lot, where said lot abuts a street that has not been fully improved, shall observe all building setbacks from the ultimate right-of-way of the street.
- D. ~~D.~~—Patios, balconies, landings, porches, stairwells, bay windows and chimneys may not encroach into front or ~~side-street~~ ~~side~~ setbacks.
- E. ~~E.~~—Minimum Dwelling Unit Area. Every dwelling unit hereafter constructed shall have a minimum floor area, excluding garages, as specified below:

Number of Bedrooms	0	1	2	3 or more
Apartment units: Minimum dwelling unit area	500 sq.-ft.sf	750 sq.-ft.sf	900 sq.-ft.sf	1050 sq.-ft.sf

- F. ~~-~~
~~Exceptions: No efficiency units shall be provided without processing of a planned unit development.~~
- F. ~~For the purposes of open space provisions, swimming pools, spas, patios, and decks shall be counted as open space, as well as playing courts provided with clear, permanent barriers that preclude their use as parking areas, excluding above grade decking greater than 30 inches above grade or that could be used as both a patio cover and attached deck.~~
- G. ~~On corner lots, no attached garage shall be located less than 20 feet from the rear property line and shall be provided with a driveway apron that has a depth a minimum of 20 feet from any adjacent property line.~~
- H. ~~Maximum Number of Bathrooms Per Number of Bedrooms.~~
 - 1. ~~Every dwelling unit hereafter constructed shall provide no more bathrooms than as specified below:~~

Number of Sleeping Rooms	4	2	3	4	5 or more
Number of Bathrooms:	4	2	3	4	4

- 2. ~~At least 50% of the bathrooms provided within a residential unit shall be accessed solely from a public area such as a hallway, living room, family room, or a laundry room, and not directly from a sleeping room.~~

~~9.12.040.030 Special Requirements—Single-Family Homes in R-2 and R-3 Zones~~

~~A.~~

~~9.12.040.030 Special Requirements—Single-Family Homes in R-2 and R-3 Zones~~

~~All plans for construction of new single-family residences, additions to existing single-family residences, and detached accessory structures shall comply with the single-family residential development standards of Chapter 9.08, R-1 standards, and no variances or waivers may be requested.~~

~~All plans for new construction and/or attached or detached of new single-family residences, additions to properties zoned for, or improved with, existing single-family residences shall be~~

~~reviewed for approval by the City Manager or designee. Approval by the City shall be based on the following criteria. Wherein any of these criteria have not been met, the addition shall be denied.~~

- ~~1. All zoning requirements of the R-1 zone are complied with and no variances or waivers are requested.~~
- ~~2. The architectural style and building materials are compatible with the existing dwelling unit. The roofing shall be the same style, material and design as the main structure.~~
- ~~3. The total footprint coverage of the main structure, any, and detached accessory structure(s), driveways and uncovered parking does not exceed 50% of the total lot area.~~
- ~~4. All areas designed and/or intended to be used as living or habitable area are integrated into a single, cohesive dwelling unit.~~
- ~~5. The nature and character of the new construction or addition are consistent with the nature and character of the neighborhood.~~

~~B. Single Story Attached Additions. In addition to the requirements of Section 9.12.040.030.A, single story additions, including covered and/or enclosed patio structures, may be permitted on the lot in accordance with all development standards, except that structures are permitted in the otherwise required rear yard setback area, provided the following conditions are met:~~

- ~~1. Required rear yards shall be a minimum of 20% of the depth of the lot, to a depth not to exceed 25 feet;~~
- ~~2. Single story attached additions may encroach into the required rear yards to a depth not to exceed 10 feet from the rear property line, provided that:
 - ~~a. Only a single story is added at this depth,~~
 - ~~b. One thousand square feet of usable open space is maintained in the required rear yard.~~~~

~~Exemptions: Manufactured aluminum and metal patio covers and non-habitable enclosures, including sunrooms, shall be exempt from the architectural requirements of Section 9.12.040.030.A, provided they are located to the rear or interior side of the main building.~~

~~C. New Two-Story Structures and Two-Story Additions to Single-Family Residences. In addition to the requirements of Section 9.12.040.030.A the following development standards shall apply to all new two-story structures and two-story additions in the R-1 zone.~~

~~All of the following privacy provisions shall be complied with:~~

- ~~1. All new two-story windows shall be situated so that they are not directly opposite those windows of adjacent residential dwelling units;~~
- ~~2. Window locations shall take into account adjacent property's recreation areas and amenities such as pools, spas, etc.;~~
- ~~3. Where conflicts between proposed window locations occur, visual intrusion mitigation measures shall be provided, such as, the use of high windows, wing walls, view obscuring window treatments, window alignments, etc.~~

~~D. Detached Accessory Structures. In addition to the requirements of Section 9.12.040.030.A, all detached accessory structures, constructed on a property used for shall comply with the single-~~

family residential purposes shall comply with all of the following provisions, unless otherwise required by this title:

1. Maximum floor area for any detached accessory structure shall not exceed 800 square feet inside dimension;
 2. No more than three detached accessory structures may be permitted on a lot;
 3. Maximum height of a detached accessory structure shall not exceed one story and 17 feet;
 4. The combined floor area of all detached accessory structures on a lot shall not exceed 1,000 square feet;
 5. 1,000 square feet of usable open space shall be maintained in the required rear yard as defined in Section development standards of Chapter 9.12.040.030.B.1;08, R-1 standards, and no variances or waivers may be requested.
 6. The width of any single accessory structure shall not exceed one-half of the width of the lot;
 7. No kitchens or other food preparation appliances or fixtures shall be provided;
 8. Plumbing may be permitted, but in no case shall more than a one-half bathroom (one water closet and one lavatory) be permitted.
- Exemptions:
- a. One-story detached accessory structures used as tool sheds, playhouses and similar uses shall be exempt from the architectural requirements contained in Section 9.12.040.030.A, provided any such structure does not exceed 120 square feet of projected roof area and is located to the rear and interior side of the main building.
 - b. Accessory dwelling units, including porch and/or patio areas and enclosed parking areas dedicated to the accessory dwelling unit that are within the maximum area for an accessory dwelling unit, shall be exempt from the provisions of this subsection.
- E. Placement of Buildings. Placement of buildings on any lot in the R-1 (Single-Family Residential) zone shall conform to the following:
1. For any lot abutting an alley, no building shall be constructed closer than 15 feet to the centerline of the alley, but in no case closer than 10 feet from the property line.
 2. All new single-family residential units developed in the multiple-family residential (R-2 and R-3) zones or additions to existing single-family residential units in any zone shall conform to the residential standards as prescribed in the single-family development districts.
 3. Single-family residential properties, that do not have an existing two-car garage, may build a new two-car garage that encroaches no more than two feet into the required front yard setback and that meets the following criteria:
 - a. The new garage shall meet all zoning and building codes relative to size and configuration;
 - b. The garage shall be equipped with a roll-up type door.
- F. Height of Towers, Spires and Unique Structures in the R-1 (Single-Family Residential) Zone.
1. Usable floor space may be provided above allowable height for religious institutions, and public, private or parochial schools when employed as a unique structure, tower or spire, subject to a conditional use permit.
 2. Fire or parapet walls, skylights, flagpoles, chimneys, wireless masts and similar structures may be erected above the height limits prescribed if done so in conjunction with the filing of a conditional use permit.
- G. Landscaping in the R-1 (Single-Family Residential) Zone. Landscaping in the required front yard shall cover no less than 50% of that yard.
- H. Driveway Width. Minimum paved accessway width of 16 feet is required when off-street parking for open or garage spaces is located at the rear of a unit. When a new, conforming garage is proposed to be constructed to the rear of an existing residence, and when the location of that residence interferes with providing the required 16-foot driveway width, the minimum accessway may be reduced to 12 feet with the approval of the City Manager or designee. (2882 § 6, 2017)

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

~~9.12.040.040 Special Requirements—Duplex and Triplex in R-2 and R-3 Zones~~

The following standards shall be required for the development of a two- or three-unit residential project on an R-2 or R-3 zoned property. The development can be designed to provide attached and/or detached units.

Each development shall comply with the general requirements as contained in Sections 9.12.040.010 and 9.12.040.020 for those standards that are not specified herein. Unless otherwise specified within this section, all the development standards shall be deemed as minimum requirements.

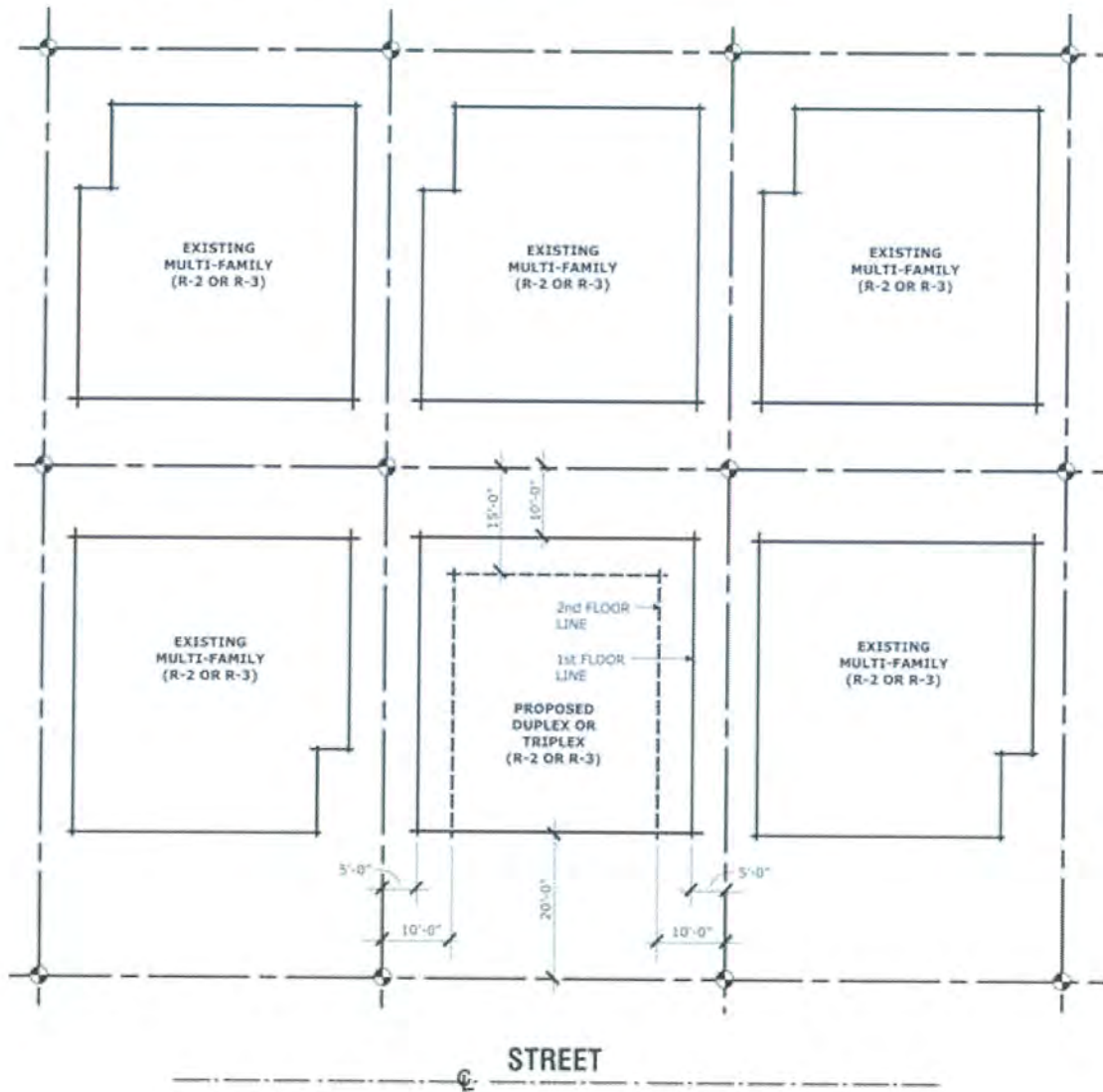
- A. Lot Width Requirements. The minimum lot width for new construction shall be 60 feet.
- B. Maximum Stories and Building Height.
 - 1. ~~1.~~ Main structure(s): two stories with a maximum building height of 30 feet.
 - 2. ~~2.~~ Detached garage or accessory structure(s): one story with a maximum building height of 17 feet.
- C. ~~C.~~ Maximum number of sleeping rooms per unit: four.
- D. ~~D.~~ 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.
- E. ~~E.~~ Main Building Setbacks.
 - 1. ~~1.~~ The following minimum building setbacks shall be observed from the property lines. Detached garages and accessory structures shall comply with the setbacks contained in subsection F. The required setbacks shall be maintained open and unobstructed from the ground to the sky, except for the permitted intrusions established in subsection ~~GF.~~

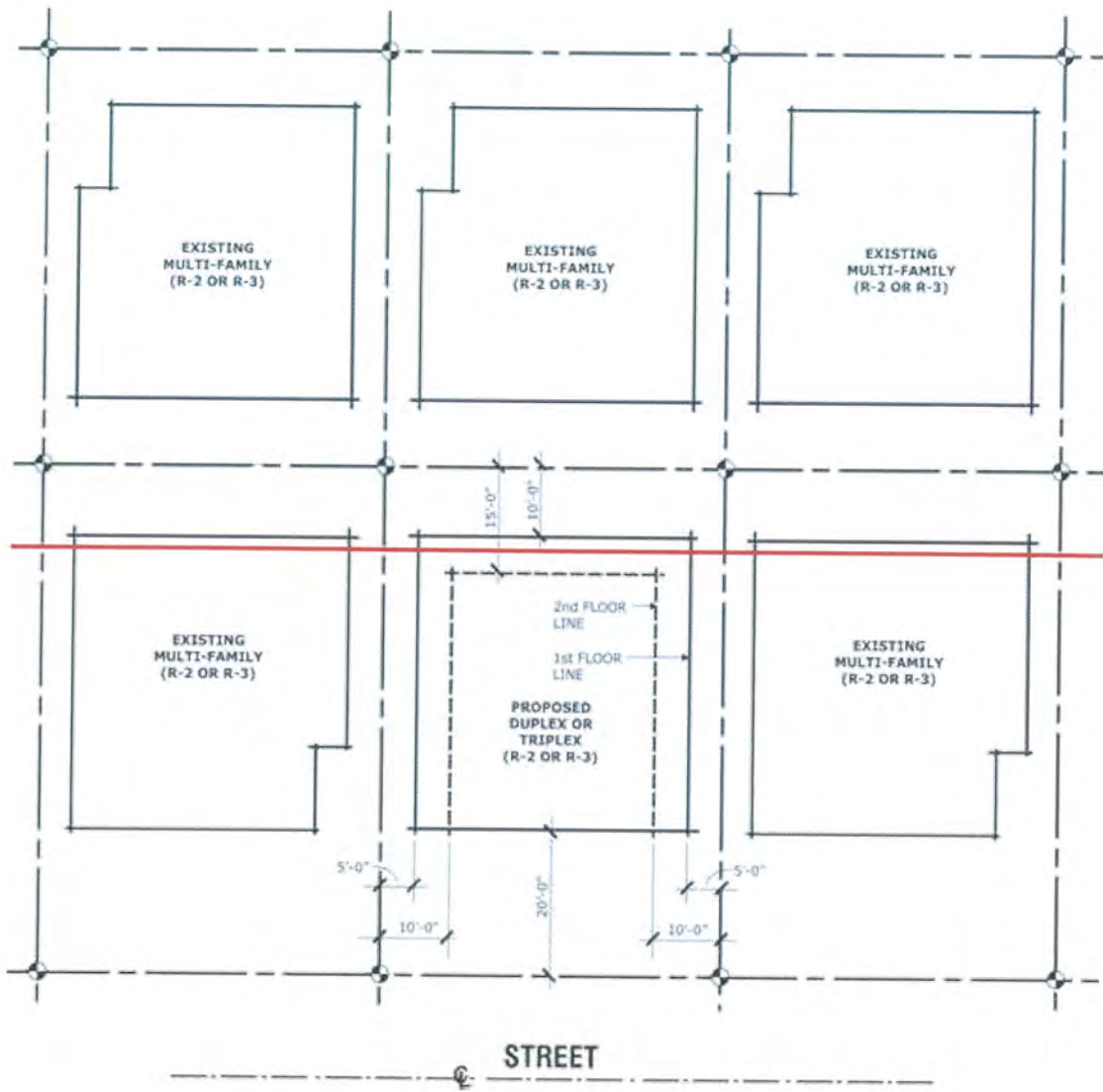
Front:		20'-0"
Interior Side:		-
	1st Floor	5'-0"
	2nd Floor	10'-0"
Street Side:		-
	1st Floor	10'-0"
	2nd Floor	15'-0"
Rear:		-
	1st Floor	10'-0"
	2nd Floor	15'-0"
If the property abuts R-1 zoned properties:		-
	1st Floor	15'-0"
	2nd Floor	20'-0"

~~1 Any attached or detached garage that opens directly to any street or alley shall observe a minimum setback of 20 feet from the property line.~~

Diagrams Indicating Building Setbacks

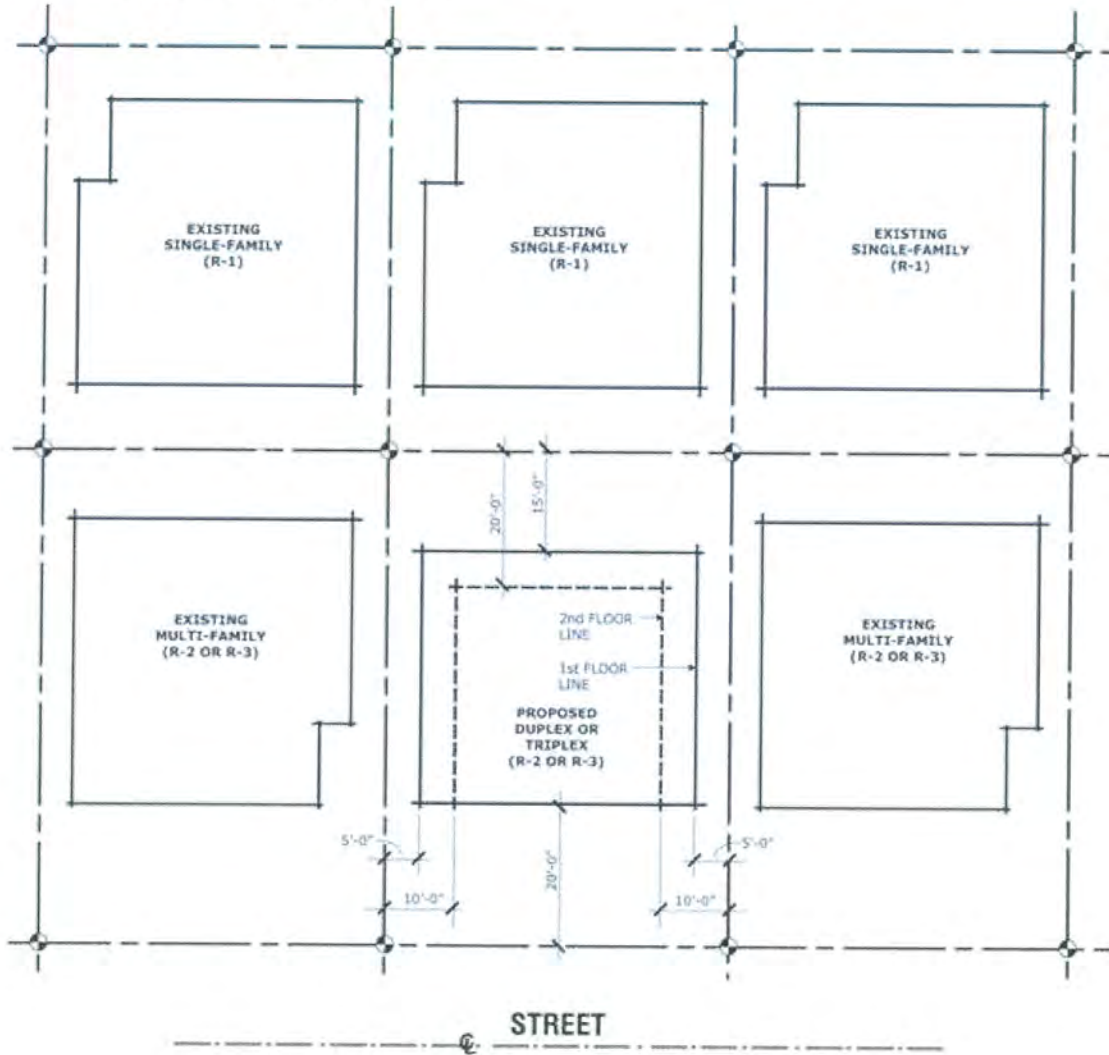
2. -
1. —Diagram indicating setbacks for a duplex or triplex on an R-2 or R-3 zoned parcel located contiguous to an R-2 or R-3 zoned parcel:

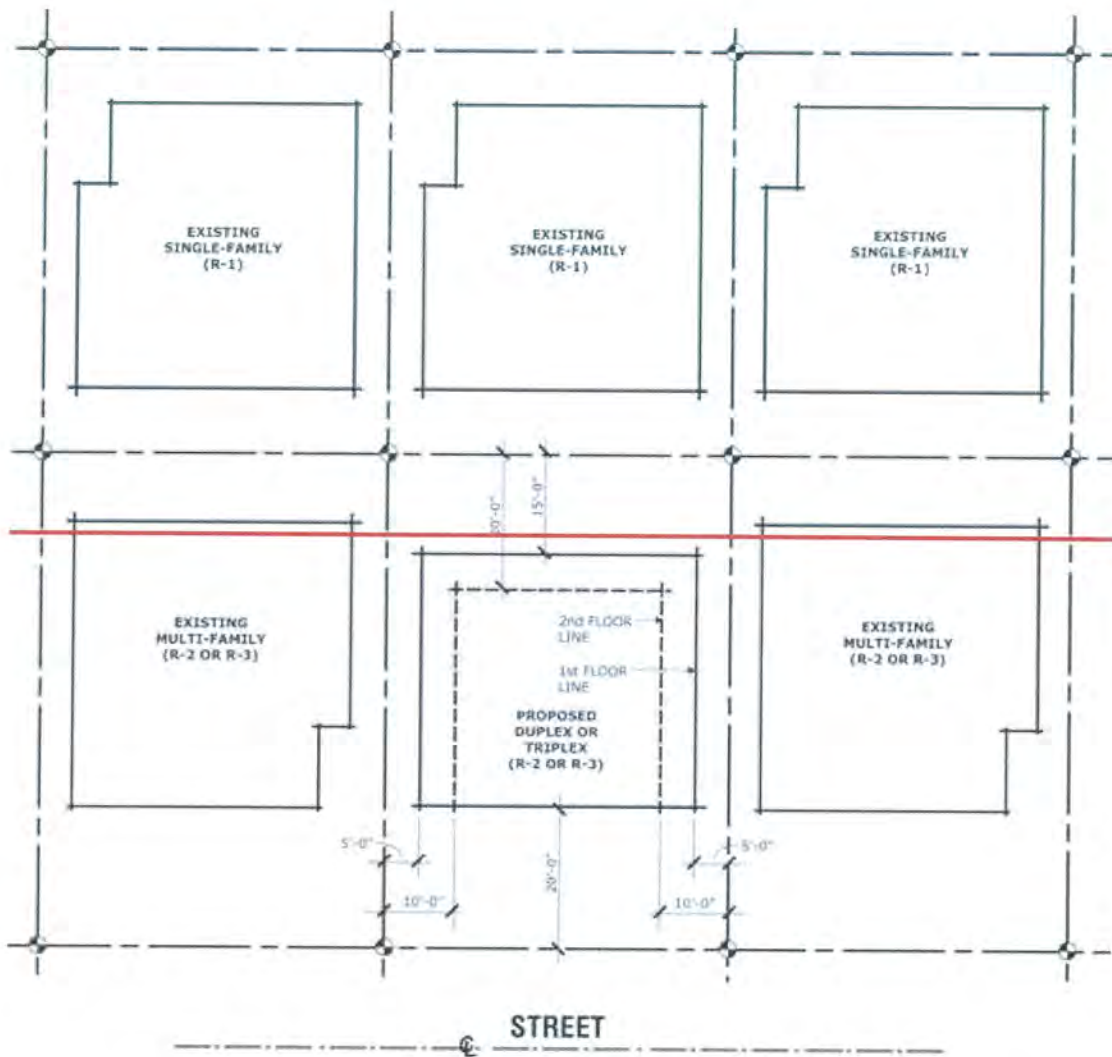




-
2.

3. Diagram indicating setbacks for a duplex or triplex on an R-2 or R-3 zoned parcel located contiguous to an R-1 zoned parcel.





F.

F. Detached Garages and Accessory Structures Setbacks. The following setbacks shall be observed for detached garages and accessory structures:

1. ~~1.~~ Distance between detached garages and interior side and/or rear property lines:
 - a. ~~a.~~ Minimum five feet if the property is located adjacent to an R-1 zone property.
 - b. ~~b.~~ Detached garages, located on a property that is adjacent to any multiple-family, commercial, industrial or open space zoned property, may be designed to have a zero setback to any interior and/or rear property line, provided that the width of the detached garage shall not exceed 50% of the width of the property line.
2. ~~2.~~ Any attached or detached garage that opens directly to any street or alley shall observe a minimum setback of 20 feet from the property line.

3. Distance between detached accessory structures, including, but not limited to storage sheds, freestanding patio covers, etc., and interior side and/or rear property lines: five feet.
 4. ~~3.~~—Distance between detached accessory structures, including but not limited to storage sheds, freestanding patio covers, etc., and street side property lines: 10 feet.
 5. ~~4.~~—Garages or accessory structures that are attached to any portion of the main residence shall comply with ~~all the setbacks~~ setback requirements of subsection E.
 6. ~~5.~~—At no time shall an accessory structure, ~~i.e., such as a~~ patio cover or storage shed, be attached to any detached garage.
- G. ~~G.~~—Permitted Intrusions. The following intrusions shall be permitted into the required setback areas:
1. ~~1.~~—The permitted intrusions as contained in Section 9.12.040.010.C, Permitted Intrusions.
 2. ~~2.~~—Architectural projections with no floor area, including, but not limited to, bay windows, pilasters, ~~etc., and chimneys~~ may project up to two feet into the setbacks.
 3. ~~3.~~—Entry porches for units located along the front setback may encroach up to five feet into the required front setback area. The width of the porch shall not exceed 50% of the width of the unit located along the front setback.
- H. ~~H.~~—Dwelling Entries and Covered Entries.
1. Each individual dwelling unit shall have a main entry that is clearly defined, ~~and to by use of a stoop, framed doorway, or covered doorway that is recessed from the extent possible, be building facade a minimum depth of three feet. At least one unit shall have the main entry oriented directly toward the adjacent street(s) in order to provide consistency with the neighborhood.~~
 1. ~~Each unit shall have a covered entry, with a minimum depth of three feet.~~
 2. ~~Each covered entry shall be in proportion with the building, and shall incorporate architectural features that are used in the overall building design.~~
 3. All front entry doors that are designed to be parallel to any drive aisle and/or open parking area shall maintain a minimum separation of 10 feet from the drive aisle and/or open parking area.
 4. ~~All units shall be provided with standard door locks and dead bolts.~~
- I. ~~I.~~—Separation of Buildings, Accessory Buildings, Parking Areas and Vehicle Drive Aisles. Each development shall comply with the following minimum separation distances ~~that shall be fully landscaped and irrigated, but may include pedestrian walkways.~~
1. ~~1.~~—Distance between detached units: eight feet.
 2. ~~2.~~—Distance between the drive aisle and the unit (including entry porches/ covered patios): five feet. Exception: The required separation may be reduced to less than five feet, but to a distance no less than required to comply with applicable fire code standards, for properties that are preserving an existing dwelling unit; but cannot provide the required separation due to the placement of the existing unit.
 3. ~~3.~~—Distance between guest parking areas and the unit (including porches/covered patios): five feet.
 4. ~~4.~~—Distance between detached garages and/or detached accessory structures and the unit (including entry porches and covered patios): five feet.

5. ~~5.~~—Distance between detached accessory buildings: five feet.
- J. ~~J.~~—Access and Circulation. 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 standards of this code.
1. ~~1.~~—Vehicular Access. All projects shall maintain the following minimum drive aisle width:
- ~~a.~~ ~~a.~~—New developments that are accessed from a shared drive approach shall maintain a minimum 25-foot-wide drive aisle; however, the width may be reduced to 20 feet, where the site's design and lot frontage on which the property location warrants it, drive aisle is located is less than 80 feet in width.
 - ~~b.~~ ~~b.~~—In situations where an existing unit(s) will remain on the property, and both the existing unit(s) and new unit(s) will be accessed from the existing drive aisle, and where the width of the existing drive aisle cannot be increased in width due to the placement of the existing unit(s), the width of the shared drive aisle may be reduced to no less than 16 feet, ~~on a case-by-case basis.~~
 - ~~c.~~ ~~c.~~—~~The width of a non-shared drive aisle may be reduced to 16 feet, on a case-by-case basis.~~
 - ~~d.~~—Required Landscaping. All projects with a shared drive aisle shall provide a landscape planter with a minimum width of five feet located along the drive aisle and any the closest adjacent property line; however, the width of the landscape planter may be reduced less than five feet for under the following reasons/circumstances:
 - ~~i.~~ ~~i.~~—To accommodate vehicle back-up and/or turn around areas consistent with Public Works Department, Engineering Division standards, or
 - ~~ii.~~ ~~ii.~~—For properties that have a lot width of less than 60 feet, or
 - ~~iii.~~ ~~iii.~~—For properties that will preserve an existing dwelling unit, but cannot provide the required landscaping due to the placement of the existing unit.
2. ~~2.~~—Vehicular Circulation.
- ~~a.~~ Vehicular Back-Up. Based on the site's location and the proposed project design, a minimum vehicle back-up area of 25 feet or greater may be required, as determined by the City Engineer for conformance with City standards, to allow vehicles to maneuver efficiently/safely on and off ~~from~~ the site in a manner that does not interfere with traffic flow on the adjacent street.
 - ~~b.~~ Vehicular Turn-Around. Based on Through the site's location/director's review and the proposed project design/or building permit review process, the City Engineer will determine if a vehicular turn-around will be required for to ensure that vehicle movements on and off the site will not interfere with traffic flow on the project site.
- ~~k.~~ ~~k.~~—adjacent street, consistent with adopted City standards. Required Parking and Enclosed Garages. Each development shall comply with the minimum parking requirements for multiple-family developments as contained in Section 9.12.040.180, Parking Spaces Required.
3. ~~1.~~—The required parking shall be provided in the form of a two-car enclosed garage for each unit, and the guest parking shall remain open and uncovered. Exception: The guest parking spaces may be designed as a covered space in situations where conflicts occur between the drive aisle and the guest parking area, as determined by the City, if the design will improve the vehicular circulation. The covered parking space(s) shall be architecturally compatible with the design of the building, and shall remain open on three sides. The guest parking spaces located at the front of the lot may be required to be covered may be covered or uncovered. The covered

parking space(s) shall be designed and constructed to match the architectural style and colors of the buildings they serve.

4. ~~2.~~—Guest parking spaces may be located in front of ~~the an~~ enclosed garage ~~if, provided that~~ the parking spaces do not ~~encroach extend~~ into ~~the any~~ required drive aisle; ~~or~~ into the required back-up or turn-around areas, and do not encroach, block, or impede access to the garage or parking area of the other unit(s).
 5. ~~3.~~—Guest parking spaces located within the interior of the lot shall have a minimum depth of 19 feet; and a minimum width of 9 feet. When a guest parking space is covered or adjacent to a wall, the width of the parking shall be 10 feet.
 6. ~~4.~~—Each enclosed garage shall maintain a minimum interior parking area of 20 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.
 7. ~~5.~~—All garages shall be equipped with automatic roll-up garage door openers.
 - ~~6.~~—Each unit that shall maintain the ability be maintained in an operable condition at all times.
 8. Each garage shall be maintained to park allow the required number of ~~the vehicles parking spaces for vehicle parking to be available~~ within the enclosed garage at all times. ~~The enclosed garages shall not be converted to any other use.~~
- K. ~~L.~~—Open Space. A private recreation area shall be provided for each unit ~~that complies and shall comply~~ with the following standards:
1. ~~1.~~—Each unit shall provide a minimum; and continuous private recreation area of at least 225 square feet and with minimum interior dimensions of 15 feet by 15 feet. Exception: The dimension of the private recreation area may be reduced to no less than 10 feet for properties that have a lot width of less than 60 feet, provided that the required total net recreation area is maintained with the reconfiguration.
 2. ~~2.~~—The private recreation area shall be open and unobstructed from the ground to the sky.
 3. ~~3.~~—The private recreation area shall be conveniently located next to the unit, and accessed directly from a public area, such as a living room, family room, dining area, or kitchen.
 4. ~~4.~~—The private recreation area may be located within the interior side, street side, or rear setback areas.
 5. ~~5.~~—Private recreation areas located adjacent to any street or alleyway shall be screened from view from a public view right-of-way with a six-foot high decorative masonry wall. The wall shall maintain a minimum three-foot setback from any side street property line for landscaping purposes; and shall comply with all visibility requirements as contained in Section 9.12.040.140, Wall, Fence and Hedges.
- L. ~~M.~~—Architectural Compatibility between New and Existing Units. If a development is designed to preserve any ~~of the existing unit(s) that are~~ on the property, the architectural style and building materials, including roof style and pitch, roofing material, trim detail around the eaves and windows, garage doors, exterior building colors, etc., shall have continuity be of the same architectural style and be compatible between building materials of the existing unit(s) ~~and the new unit(s).~~
- N. ~~M.~~ Building Design. The following design features shall be incorporated into each development:

1. ~~Each project shall be designed to provide varying rooflines and building projections in order to enhance the appearance of the building, and to minimize the appearance of a bulky, box-shaped design. include architectural design approaches that include all the following elements:~~
2. ~~Each project shall incorporate 1. Rooflines that have at least two changes in orientation and/or pitch.~~
 2. ~~For buildings that have a front façade greater than 30 feet in length, the building shall have a break in the façade plane of a minimum depth of three feet for at least every 30 feet of frontage.~~
 3. ~~Architectural accents and materials that are compatible with the design of the building, that includes varying shall reflect a consistent architectural style. This shall apply to roof forms and materials, window shapes, accent materials, decorative columns, i.e., porch/balcony columns porches, balconies, and decorative trim on all windows and doors.~~
 3. ~~All elevations, especially street elevations, shall be articulated to the fullest, and shall incorporate varying building massing. Flat, unrelieved, and unarticulated elevations shall not be allowed.~~
 4. ~~All building facades shall contain architectural detailing consistent with the architectural style used. At least three treatments from the following list shall be used consistently on all building facades:~~
 - a. ~~Use of two building materials and finishes~~
 - b. ~~Use of at least two complementary paint colors~~
 - c. ~~Windows that are recessed at least six inches~~
 - d. ~~Window surrounds of at least four inches in width that are consistent with the architectural style used on the building~~
 - e. ~~Projecting/bay windows~~
 - f. ~~Window shutters~~
 - g. ~~Exterior soffit and fascia boards~~
- N. ~~Storage Facilities. Each dwelling unit shall provide a minimum 200120 cubic feet of private and secure storage space.~~
1. ~~The storage area. Such space may be provided within the included either interior to the dwelling unit, within the enclosed garage, if the storage area individual required parking areas in a manner that does not interfere with 20 feet by 20 feet vehicle required parking spaces, or located elsewhere on the site.~~
 2. ~~Normal within an aggregated common storage area. Bedroom closets and cupboard space located within the unit shall not count toward meeting ~~the~~this requirement~~
- O.
- P. ~~Laundry Facilities. Each dwelling unit shall have a laundry space located within the unit or within the private garage for that unit that is equipped with washer and dryer hook-ups. If the laundry facilities are located within the enclosed garage, the laundry equipment shall not encroach into the required interior garage parking area of 20 feet by 20 feet.~~
- P. ~~Q.~~ Refuse Storage Areas. All developments shall provide each unit with the appropriate number of trash containers as required by the Garden Grove Sanitary District, and shall comply with the following:

1. ~~1.~~—Trash containers shall be stored within designated storage areas only and not within the garage parking area.
 2. ~~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~~ shall be subject to the Garden Grove Sanitary District requirements.
 3. ~~3.~~—The area required for each container shall be a minimum of 38 inches by 38 inches.
 4. ~~4.~~—The trash areas shall be paved and accessed by ~~gates and~~ a walkway that allows tenants for ease of taking trash containers to and from the street.
 5. ~~5.~~—If ~~the City determines~~ it is determined that a trash enclosure ~~will better~~ is required to serve the property instead of individual trash containers based on the property's location (i.e., located along a major arterial), the property shall comply with the refuse storage requirements as contained in Section 9.12.040.020.I, Refuse Storage Areas.
- Q. ~~R.~~—Water Heaters. Each dwelling unit shall have a separate hot water heater ~~or, or the entire development~~ may be provided with a centralized circulation water heater system sufficient to serve all dwelling units on the property. ~~The location of the water heater shall be incorporated into the design of each unit, consistent with building code requirements.~~ No exterior water heater enclosures shall be permitted. Water heaters may be substituted with tankless water heaters, provided all building codes are complied with.
- R. ~~S.~~—Utility Meters. All above-ground utility meters, including, but not limited to, water meters, gas meters, irrigation equipment, shall be ~~shown on the site plan, and, to the extent possible, be~~ placed outside of the required front setback area. Planned locations shall be indicated on site plans. All above-ground utility meters shall be completely screened from view from ~~both on adjacent public rights-of-way and off the immediate adjacent property facing the utility meters.~~ Screening shall consist of landscaping, an architectural feature integrated into the building façade, a wall, or a fence.
- S. ~~T.~~—Privacy Provisions. ~~Each project shall provide a second-story floor plan that is designed to take into account the privacy concerns of the adjacent residents. Second-story windows, balconies, and decks shall be situated so as to not be positioned directly on side and rear building sides shall be located to avoid direct views from those windows, balconies, and decks into any immediately opposite to the windows and private recreation areas of the adjacent residential dwelling units, and shall be oriented away from the residence's private recreation areas.~~
1. ~~Second on adjacent properties. Where second-story windows that are oriented toward the neighbor's adjacent property's private recreation area, one or more of the following measures shall be limited to high provided:~~
 1. High windows with a minimum sill height of six feet, as measured from the finished floor.
 2. ~~In special situations, where conflicts occur with the placement of second-story windows due to building exiting requirements, the following mitigation measure(s) shall be provided:~~
 2. ~~a.~~—View-obscuring ~~window~~ treatment, such as wing walls, ~~90-degree angles, etc.;~~
 3. ~~b.~~—Obscure, opaque, or frosted fixed (non-slider) windows;
 4. ~~c.~~—A row of screening/canopy trees evenly spaced shall be placed along the property line(s), which shall be of a minimum height that blocks any direct views. Screening/canopy trees shall be maintained in perpetuity.
- T. ~~U.~~—Landscaping. All setback areas, and all areas not ~~designated for developed with~~ walkways, parking, drive aisle, and private recreation areas, shall be fully landscaped and irrigated. ~~Each~~ All

development shall comply with the landscaping and irrigation requirements contained in Chapter 9.16 of this title.

- U. ~~V.~~—Perimeter Block Walls. Each development shall provide a ~~decorative~~ 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 that~~ shall comply with the following ~~stipulations~~:
1. ~~1.~~—All perimeter fencing shall comply with the requirements ~~as~~ contained in Section 9.12.040.140, Wall, Fences and Hedges.
 2. ~~2.~~—New walls or fences 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, except to the extent required by the City to comply with applicable site grading or water quality standards.
 3. ~~3.~~—Fences or walls located within the front yard areas, or adjacent to driveways shall not exceed 36 inches in height.
 4. ~~4.~~—Perimeter walls located along any side street shall maintain a minimum setback of three feet from the property line ~~for landscaping purposes.~~ The area between the wall and property line shall be landscaped with tall growing shrubs or trailing vines to deter graffiti and shall be automatically irrigated.
 5. ~~5.~~—~~A decorative perimeter wall constructed out of a non-masonry material may be approved through the site plan review procedure.~~
 6. ~~6.~~—~~Wood fencing located adjacent to any street, parking area or driveway is prohibited.~~
 7. ~~7.~~—~~All fencing shall be designed to ensure proper vision clearance for cars entering or leaving the driveway and parking areas.~~
 8. ~~8.~~—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.
 - 6/ ~~9.~~—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.
 7. If a six-foot high perimeter masonry wall already exists on-site or on an adjacent property, no such wall shall be required for the new development.
 8. Street facing perimeter block walls, whether new or existing, shall be decorative and utilize stucco finish, slump stone or split-face block, and shall include trailing vines, hedges planted along the base of the exterior face, or other landscaping treatments that deter graffiti.
 9. No security gates will be allowed unless the development complies with Section 9.12.040.200.B.3.

9.12.040.050 Special Requirements—Multiple-Family Residential
9.12.040.050 Special Requirements—Multiple-Family Residential

In addition to those general requirements contained in Section 9.12.040.020, the following standards ~~should~~ shall be required of all multiple-family residential development other than duplexes and triplexes in the R-2 and R-3 zones:

A. ~~A. — Building Separation. Specific standards for building separation are presented in the following tables:~~

~~1. — Separation and Stepbacks~~

~~1. Separation of Main Buildings on-site. (Separation of habitable portions only.) ~~Garages, projections and balconies are not included in these~~~~

- ~~a. Buildings (1, 2, or 3 story) shall maintain a minimum separation of 10 feet;~~
- ~~b. Any building wall that has a main/primary entry to a dwelling unit facing any other building wall shall maintain a minimum separation requirements of 15 feet;~~

Building Orientation	1 to 1 Story	1 to 2 Story	2 to 2 Story	2 to 3 Story	3 to 3 Story
Front to Front	25 ft.	30 ft.	35 ft.	40 ft.	45 ft.
Rear to Rear	20 ft.	25 ft.	30 ft.	35 ft.	40 ft.
Side walls parallel with front or rear walls of other buildings	15 ft.	17.5 ft.	20 ft.	22.5 ft.	25 ft.
Side to Side	10 ft.	12.5 ft.	15 ft.	17.5 ft.	20 ft.

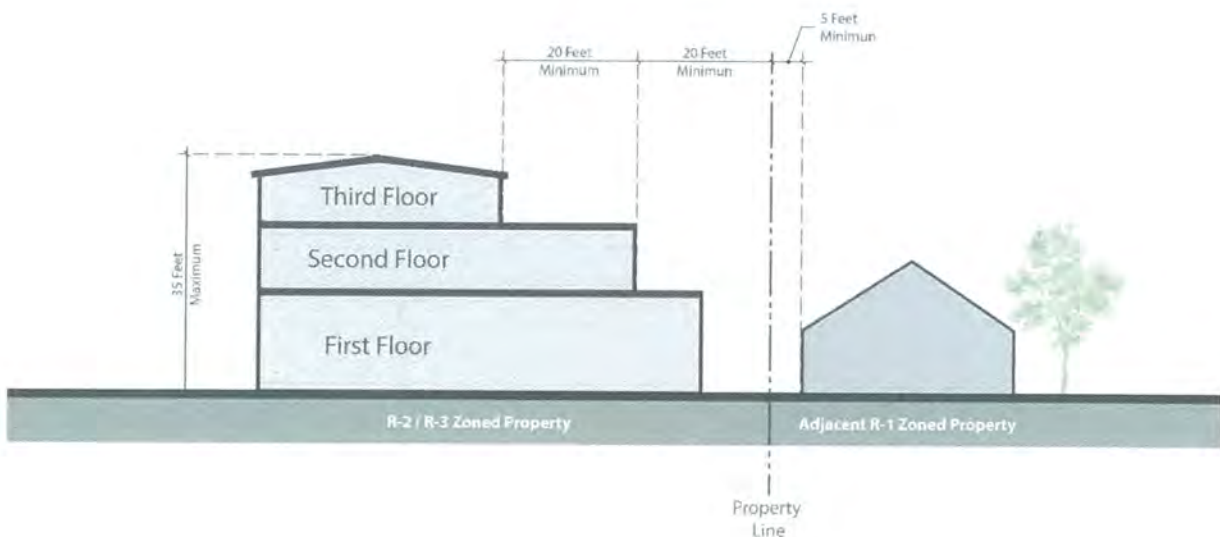
~~c. 2. — The development shall comply with the privacy provision standards set forth in Section 9.12.040.S (Privacy Provisions).~~

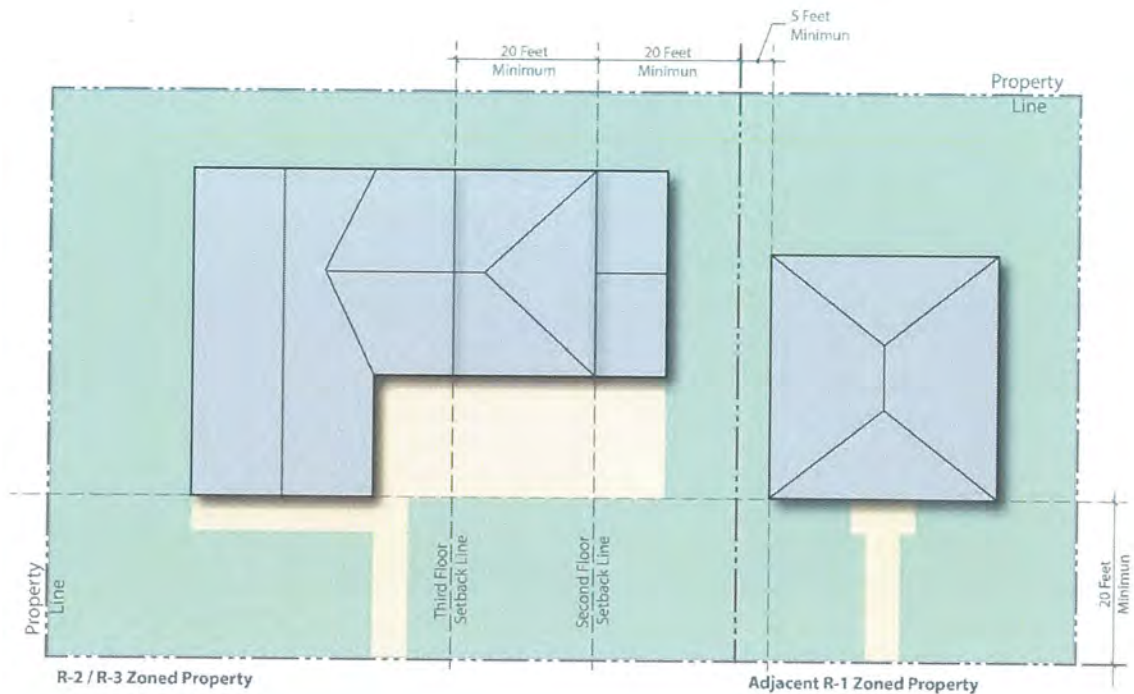
2. Separation of Accessory Buildings, Parking Areas, and Vehicular Accessways.

- a. ~~a. — Distance between accessory buildings and side and rear property lines, seven and one-half shall be at least 5 feet, except that garages and carports may be placed on up to 50% of each interior side or rear property line;~~
- b. ~~b. — Distance between two accessory buildings: 10 minimum of 5 feet;~~
- c. ~~c. — Distance between accessory buildings and residential units: 15 minimum of 5 feet;~~
- d. ~~d. — Distance between open and uncovered, guest parking areas and residential units: 15 minimum of 5 feet;~~
- e. ~~e. — Distance between vehicular accessways and residential units: 10 minimum of 5 feet;~~
- f. ~~f. — If a carport is located a minimum of seven and one-half 5 feet from a side or rear property line, the rear wall may have openings to allow view and accessibility to required landscaped area, as illustrated in the design guidelines.~~

- g. ~~3.—~~ Separations, required under 9.12.040.020.A.2, only apply to first floor building areas. No separation is required for second and third floor building areas;
- h. All separation areas required under 9.12.040.020.A.2 shall be fully landscaped;
- i. No pedestrian walkways/pathways shall be provided within any separation area required under 9.12.040.020.A.2 unless that separation area is increased in width by a minimum of two feet. In such circumstances, landscaped areas shall have a minimum width of 3 feet;
- j. No parking areas shall be designed in any manner that allows for a vehicle to overhang any required separation area;
- k. If a main entry or required emergency egress window on the first floor (excluding clearstory windows), of a dwelling unit, faces a parking stall oriented 90 degrees to that entry of window and/or drive aisle, a minimum separation of 10 feet shall be provided.
3. Stepbacks. (See Figure 3a)
- a. On any R-2 or R-3 zoned property adjacent to an R-1 zoned property, the second floor shall be stepped back a minimum of 20 feet from the property line, and any third-floor area shall be stepped back a minimum of 40 feet from the property line.
- b. Stepbacks shall be measured from the required setback line.
4. Minimum Driveway Access Width. ~~Minimum accessway width~~ Driveways shall have a minimum ~~wide~~ of 25 feet ~~is required for all access drives serving multiple family developments. If swing-out~~. ~~Where~~ garage doors are ~~utilized~~ designed to swing out into the driveway, the minimum driveway width shall be 27 feet.

Figure 3a:





- B. Maximum Building Height Adjacent to R-1 Zone Property. For multiple-family residential projects in the R-2 or R-3 zone adjacent to an R-1 zoned property, the following shall apply:
1. The maximum building height for building areas, as measured to the topmost part of the roof, shall be as follows:
 - a. The maximum building height for first floor building areas is 20 feet.
 - b. The maximum building height for second floor building areas is 30 feet.
 - c. The maximum building height for third floor building areas is 35 feet.
 2. Privacy Provisions. Second-story windows, balconies, and decks on side and rear building sides shall be located to avoid direct views from those windows, balconies, and decks into any immediately opposite windows and private recreation areas of residential dwelling units on adjacent properties. Where second-story windows are oriented toward an adjacent property's private recreation area, one or more of the following measures shall be provided:
 - a. High windows with a minimum sill height of six feet, as measured from the finished floor.
 - b. View-obscuring treatment such as wing walls.
 - c. Obscure, opaque, or frosted fixed (non-slider) windows.
 - d. A row of screening/canopy trees evenly spaced shall be placed along the property line(s), which shall be of a minimum height that blocks any direct views. Screening/canopy trees shall be maintained in perpetuity.

- C. Water Heaters. Each dwelling unit shall have a separate hot water heater, or the entire development may be provided with a centralized circulation water heater system to serve all dwelling units on the property consistent with building code requirements. No exterior water heater enclosures shall be permitted. Water heaters may be substituted with tankless water heaters, provided all building codes are complied with.
- D. Laundry Facilities. All multiple-family residential units shall have a laundry space located within the unit or within the private garage for that unit that is equipped with washer and dryer hook-ups. If the laundry facilities are located within the enclosed garage, the laundry equipment shall not encroach into the required interior garage parking area of 20 feet by 20 feet.
- E. Storage Facilities. Each dwelling unit shall provide a minimum 120 cubic feet of private and secure storage space. Such space may be included either interior to the dwelling unit, within individual required parking areas in a manner that does not interfere with required parking spaces, or within an aggregated common storage area. Bedroom and kitchen closets do not count toward the required 120 cubic feet.
- F. Garage Doors. All garages shall be equipped with automatic roll-up garage door openers that shall be maintained in an operable condition at all times.
- G. Dwelling Entries.
1. Each individual dwelling unit shall have a main entry that is clearly defined by use of a stoop, framed doorway, or covered doorway that is recessed from the building façade a minimum depth of three feet. At least one unit shall have the main entry oriented directly toward the adjacent street.
 2. All front entry doors that are designed to be parallel to any drive aisle and/or open parking area shall maintain a minimum separation of 10 feet from the drive aisle and/or open parking area.
- H. Refuse Storage Areas.
1. All refuse container storage and collection areas shall meet the requirements of City of Garden Grove Standard B-502 and State-mandated commercial organic recycling regulations set forth in Public Resources Code Sections 42469.8-42469.86, as it may be amended from time to time, as well as any other applicable State laws related to refuse, recyclables, and/or organics.
 2. No unit shall be located more than 300 lineal feet from a common refuse storage area; such distance shall be measured by a clear pedestrian path to such areas.
- I. Outdoor and Indoor Uses and Activities—Private and Common Open Space/Recreational and Leisure Areas —Sites Under 14,400 Square Feet. Each development site under 14,400 square feet in area proposing multiple-family development shall provide private and common open spaces.
1. Any active open space shall provide a minimum five-foot-wide landscaped buffer along a property line(s) abutting an R-1 zoned property.
 2. The combined usable private and common open space shall equal a minimum of 300 square feet per unit.
 3. Private open space shall be located next to the unit served and accessed directly from a common area within the unit, such as a living room, family room, dining area, or kitchen.
 4. Private open space in the form of a patio, yard, balcony, immediately adjacent deck, or combination thereof shall contribute to the required combined private and common open space

areas and shall meet the following dimensions: A minimum of 60 square feet in area with a minimum horizontal dimension of six feet in any direction and a minimum vertical clearance of eight feet.

5. Common open spaces shall be connected to habitable areas via a pathway, paseo, walkway, trail system, or similar pedestrian access. Common open spaces shall not be connected to habitable areas via a vehicular driveway or path.
 6. Rooftop decks may be counted toward the common open space requirement.
 7. Deck areas provided on a building setback area may be counted toward the common or private open space requirement.
 8. Common open spaces shall have a minimum area of 225 square feet, 15 feet in any horizontal dimension, and a minimum vertical clearance of 15 feet.
 9. Required landscaped setback areas shall not count toward any required private or common open space but may be located adjacent to such required open space area to enhance and expand the open space function.
 10. Required common open space areas shall consist of any combination of landscaping and functional hardscape areas, such as seating areas, children's play areas, and sports courts.
 11. Indoor common recreational areas may be counted up to 50 percent of the common open space/recreational area requirement.
- J. Open Space, Recreation and Leisure Areas—Sites Over 14,400 Square Feet.
1. Intent. The intent of this section is to ensure the provision of space for residents and guests of multiple-family housing to enjoy active and passive recreational activities in both private and common open space and recreation areas. Common open space and recreation areas may include indoor facilities, as described and regulated by this section.
 2. The combined usable private and common open space for the entire development shall equal a minimum of 300 square feet per unit.
 3. Rooftop decks may be counted towards the common open space requirement.
 4. Deck areas provided on a building setback area may be counted toward the common or private open space requirement.
 5. Indoor common recreational areas may be counted up to 50 percent of the common open space/recreational area requirement.
 6. Private Open Space
 - a. Private open space shall be located next to the unit served and accessed directly from a common area within the unit, such as a living room, family room, dining area, or kitchen.
 - b. Private open space in the form of a patio, yard, balcony, immediately adjacent deck, or combination thereof shall contribute to the required combined private and common open space areas and shall meet the following dimensions: A minimum of 60 square feet in area with a minimum horizontal dimension of six feet in any direction and a minimum vertical clearance of eight feet.
 7. Common Open Space/Recreational Area

- a. Common open spaces and indoor recreational areas shall be connected to habitable areas via a pathway, paseo, walkway, trail system, or similar pedestrian access. Common open spaces and indoor recreational uses shall not be connected to habitable areas via a vehicular driveway or path.
- b. The minimum area for any one active recreation area shall be 900 square feet with minimum horizontal dimensions of 30 feet in any direction. A project site may include more than one (1) active recreation area. The combined active recreation area for a project site shall be as set forth in the table below.
- c. If the minimal open space dimension standards for active recreation area set forth in this section cannot be met, but the net total of open space can be accomplished by reconfiguration, then driveway width shall be a minimum of 27 feet the site plan may be approved with modifications. However, no more than 10 lineal feet may be reduced from any active recreation area dimension.

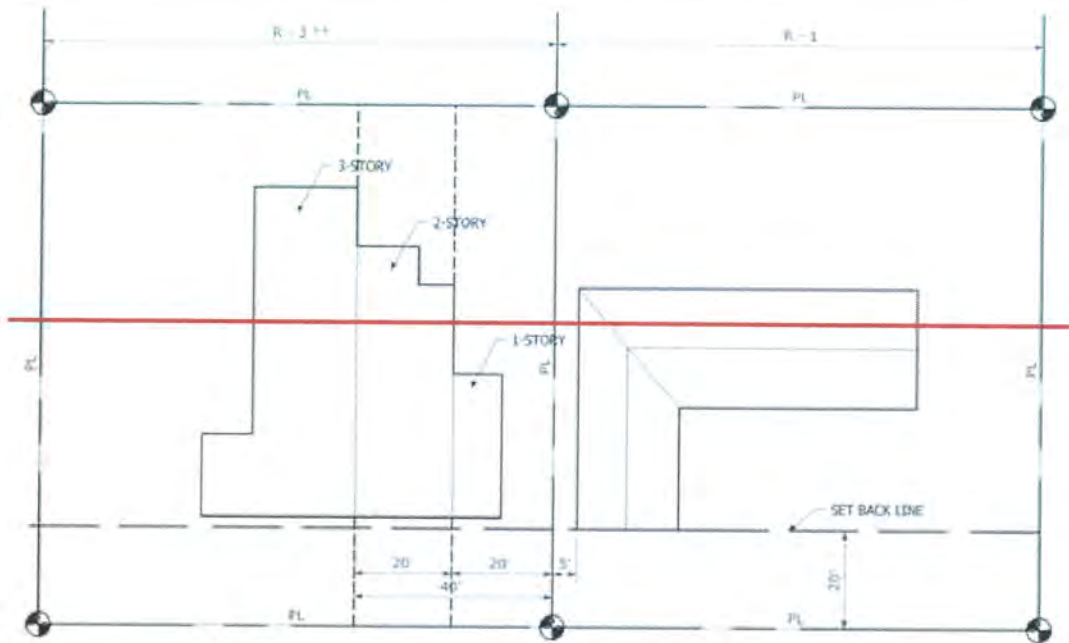
4. TABLE OF DEVELOPMENT DENSITY R-3 ZONE

<u>Density (By Site/Net Lot Area)</u>	<u>Maximum Units</u>	<u>Minimum Total Square Feet for Active Recreation Area</u>
7,200—10,799 sq. ft.		2
10,800—12,599 sq. ft.		3
12,600—14,399 sq. ft.		4
14,400—16,199 sq. ft. to 26,99 sf		5 <u>900</u>
16,200—17,999 sq. ft.	6	
18,000—19,799 sq. ft.	7	
19,800—2127,000 to 39,599 sq. ft.sf		81,225
2139,600—24,399 sq. ft. to 49,999 sf		91,600
24,400—25,199 sq. ft.	10	
25,200—2650,000 to 69,999 sq. ft.sf		112,500
2770,000—28,799 sq. ft. to 95,999 sf		123,600
28,800—30,599 sq. ft.	13	
30,600—32,399 sq. ft.	14	
32,400—34,199 sq. ft.	15	
34,200—3596,000 to 199,999 sq. ft.sf		165,625
36,000—37,799 sq. ft.	17	
37,800—39,599 sq. ft.	18	
39,600—41,399 sq. ft.	19	
41,400—43,559 sq. ft.	20	
43,560 sq. ft.200,000 or more sq. ft.sf	**24 units per acre or 1,800 sq. ft. per unit	9,025

* No new condominium project of five units or less.

** Maximum density (R-3, M.D.R.) = 24 Units/acre.

Figure 1: Diagram indicating an R-3 parcel, proposed for development, located contiguous to an R-1 parcel.



Only 50% of building areas may be three story. (This allowable increase in building height is relative to the locations of other buildings and structures on the site and may not at all times be appropriate depending on parcel configuration and upon the total site design. Those portions of buildings designed as three-story structures proposed for location on a given site shall be designed to be architecturally sensitive to both on-site and abutting off-site structures.)

Figure 2a-1: Diagram indicating interior side and rear setbacks for a proposed R-2 or R-3 multifamily residential project located contiguous to an existing R-2 or R-3 multiple-family residential project.

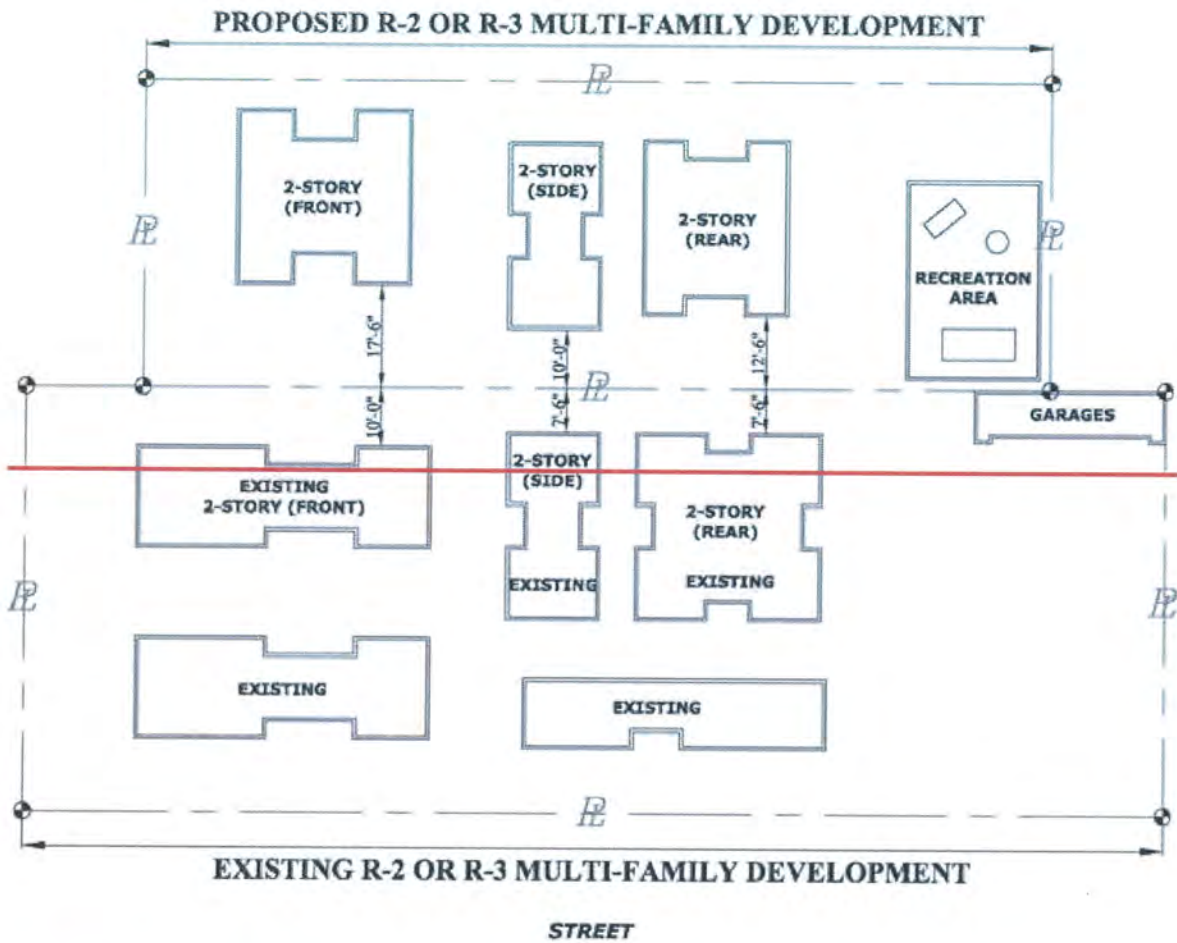


Figure 2a-2: Diagram indicating an R-3 parcel, proposed for development, located contiguous to an R-1 zoned parcel.

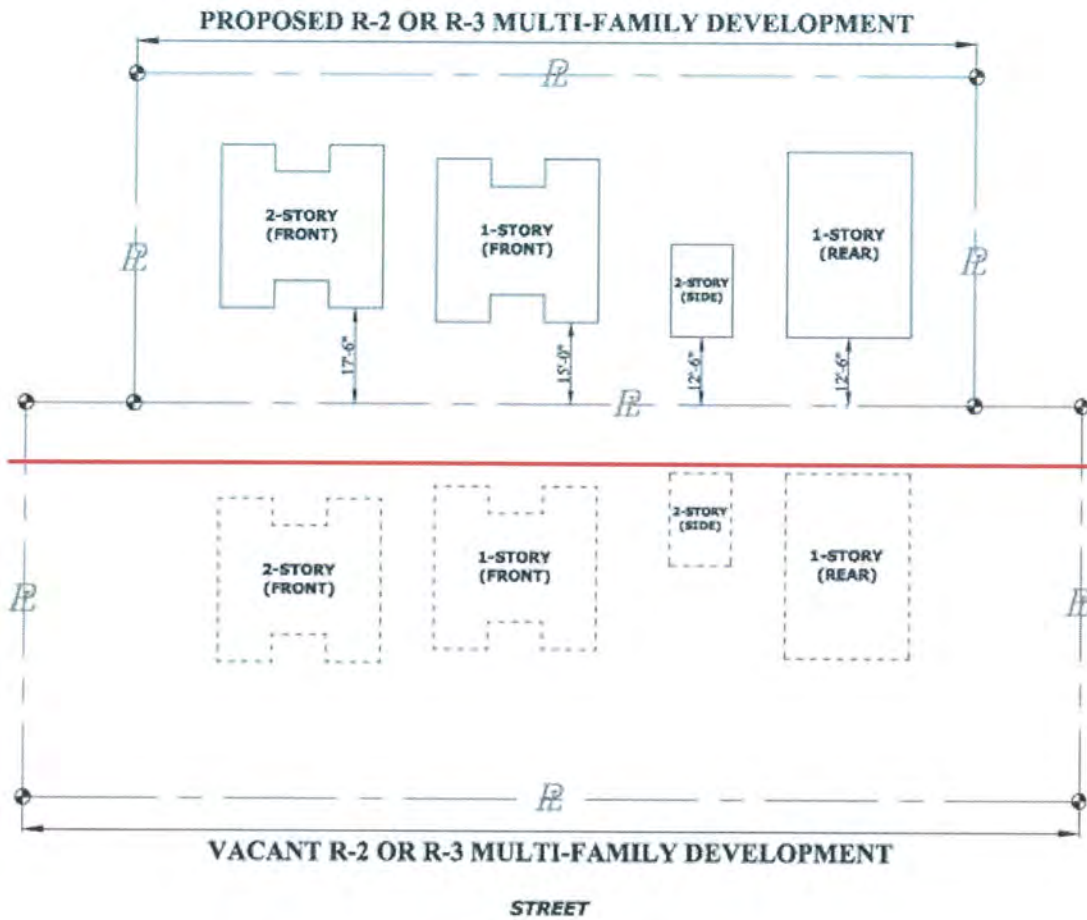
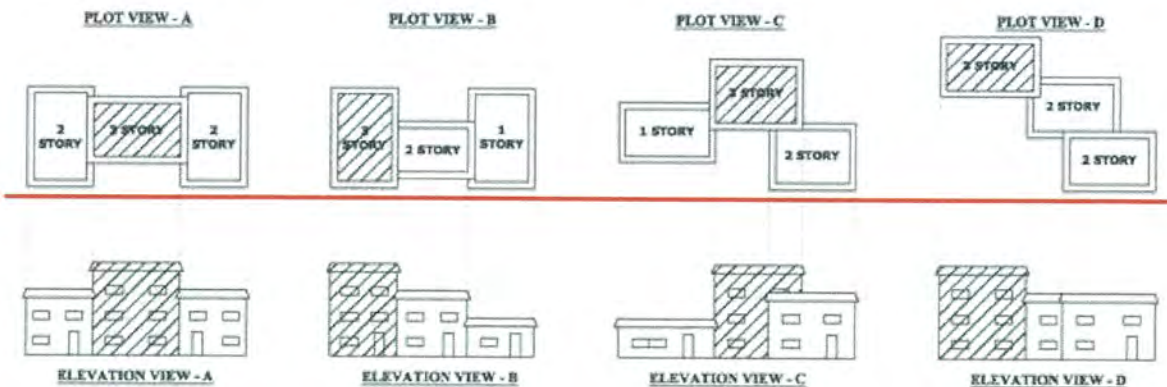


Figure 2b: Diagram depicting three-story location (R-3 zoned property only).



Figures 3a-f: Building separation diagrams (elevations).

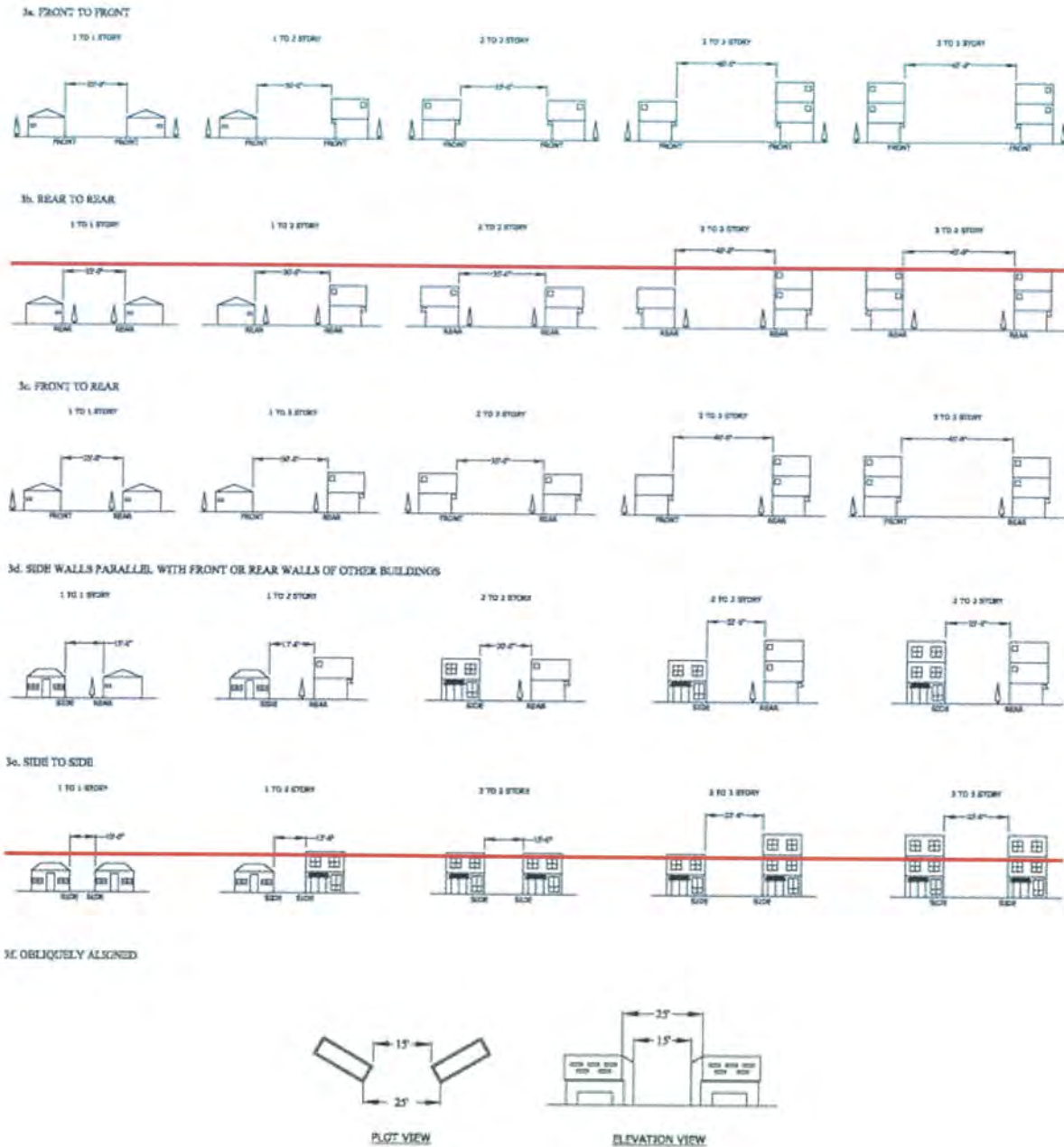


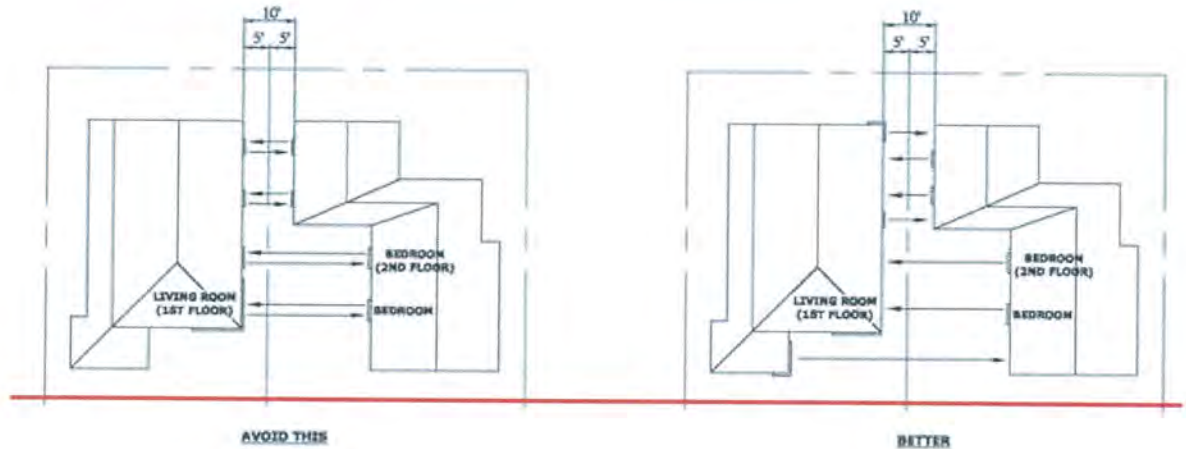
Figure 4a-b-Building

- d. Active Common Open Space/Recreation Area. Common open space/recreation areas shall be designed to provide specific amenities as shown in the table below based on the number of units to be provided. The list of amenities is additive, meaning that up to the first five units, the amenity noted shall be provided (barbeque with table seating). Then for the next five units up to 10 units, in addition to the barbeque with table seating, a community garden area shall be provided. Then for the next five units up to 15 units, in addition to the barbeque with table

seating and community garden area, an outdoor active use area shall be provided, and so on. An applicant may substitute an amenity further down the list for the one listed for the project size under consideration; for example, for a 15-unit project, a substitution may be made for the required barbeque with table seating, community garden area, or outdoor active use area. The selection of amenities shall take into consideration the following criteria:

- i. Size and shape of active recreation area:
- ii. Location and placement diagrams (view considerations) of buildings:

a. View Protection from Neighboring Residences- Plan View



b. View Protection from Neighboring Residences- Elevation View



iii.

~~B.—Building Setbacks. Interior side and rear setbacks for R-2 and R-3 zoned multiple-family residential projects will be determined by applying the building separation standards (subsection A of this section) to proposed buildings in relationship to existing multiple-family residential projects on adjacent property. The minimum setbacks for the proposed building will be one-half the required distance prescribed in the building separation standards, regardless of the setbacks of the adjacent existing structure. (See Figure 2a.)~~

~~C.—Building Height Adjacent to R-1 Zone Property. For multiple-family residential projects in the R-3 zone that are adjacent to an R-1 zoned property the following shall apply:~~

~~1.— No portion of a building over one-story in height shall be permitted within 20 feet of an R-1 zoned property.~~

~~2.— For portions of second-story buildings within 20 to 40 feet of the R-1 zone property line, a combination of the following shall be provided:~~

~~a.— High windows;~~

- b. ~~View obscuring window treatment, wing walls, 90-degree angles, etc.;~~
 - c. ~~Opaque or frosted windows;~~
 - d. ~~Intervening patio walls, special window alignment so as not to look onto R-1 zoned properties;~~
 - e. ~~A row of screening/canopy trees evenly spaced shall be placed along the property lines that abut the R-1 zone properties.~~
 - 3. ~~For portions of buildings located beyond 40 feet from property zoned R-1, 50% of the building area may be situated in a three-story configuration at or below the 35-foot height limits. The allowable increase in building height is relative to the locations of other buildings and structures on the site and may not at all times be appropriate depending on parcel configuration and upon the total site design. Those portions of buildings designed as three-story structures proposed for location on a given site shall be designed to be sensitive to both on-site structures and adjacent property.~~
 - D. ~~Water Heaters. Each dwelling unit shall have a separate hot water heater or may be provided with a centralized circulation water heating system sufficient to serve all dwelling units on the property.~~
 - E. ~~Laundry Facilities. All multiple-family residential units shall be provided washer and dryer hookups and laundry space within the unit or garage. The laundry area shall not infringe upon garage parking area. In the case of apartments, common laundry facilities may be included in addition to the individual unit hookups.~~
 - F. ~~Storage Facilities. A separate area having a minimum of 300 cubic feet of private and secure storage space shall be provided for each unit.~~
 - 1. ~~Said storage area may be located within the garage, provided it does not interfere with garage use for automobile parking.~~
 - 2. ~~Normal closet and cupboard space within the dwelling unit shall not count toward meeting this requirement.~~
 - 3. ~~No storage shall be allowed in carport areas.~~
 - 4. ~~Enclosed garages are required to provide 300 cubic feet of storage cabinet space; or 300 cubic feet of storage space may be provided elsewhere on the site.~~
 - G. ~~Garage Doors. All garages shall be provided with automatic garage door openers.~~
 - H. ~~Dwelling Entries.~~
 - 1. ~~All units shall be provided with standard door locks and dead bolts.~~
 - 2. ~~No dwelling entry shall be located with direct, uninterrupted, unimpeded access to a primary or secondary arterial street.~~
 - I. ~~Refuse Storage Areas. There shall be provided standard refuse storage facilities for the containment of standard receptacles based on the following requirements:~~
 - 1. ~~Diversity of recreational amenities; and~~
- iv. Number of ~~Receptacles~~units and/or lot size.

Multifamily Residential Development Amenity Standards

<u>Number of Units</u>	<u>Base Amenity Type and Minimum Size</u>	<u>Additive Amenity Ratio</u>
<u>0-5</u>	<u>Barbeque with Table Seating</u>	<u>1 per 10 units, but at least 1 in all cases</u>
<u>up to 10</u>	<u>Community Garden Area – 32 sf minimum</u>	<u>8 sf/4 units</u>
<u>up to 15</u>	<u>Outdoor Active Use Area – 400 sf minimum</u>	<u>50 sf/unit</u>
<u>up to 20</u>	<u>Provide One of Two:</u> <ul style="list-style-type: none"> • <u>Business Center with Workstations – 2 minimum</u> • <u>Indoor or Outdoor Gym – 250 sf minimum</u> 	<ul style="list-style-type: none"> • <u>1 Workstation/8 Units</u> • <u>5 sf/1 Unit</u>
<u>up to 35</u>	<u>Provide Two of Three:</u>	<ul style="list-style-type: none"> • <u>1 Workstation/8 Units</u>

Multifamily Residential Development Amenity Standards

<u>Number of Units</u>	<u>Base Amenity Type and Minimum Size</u>	<u>Additive Amenity Ratio</u>
	<ul style="list-style-type: none"> • <u>Business Center with Workstations – 2 minimum</u> • <u>Indoor or Outdoor Gym – 250 sf minimum</u> • <u>Clubhouse with 400 sf Kitchen</u> 	<ul style="list-style-type: none"> • <u>5 sf/1 Unit</u> • <u>5 sf/1 Unit</u>
<u>Number of Units up to 45</u>	<u>Types of Receptacles</u> <u>One In-Ground Outdoor or Indoor Spa</u>	<u>Receptacles Required</u> <u>1 - 64 sf Spa at 65 Units</u> <u>2 - 36 sf Spas at 80 Units</u> <u>2 – 64 sf Spas at 100 Units</u> <u>1.5 sf Increase/ 1 Unit > 100 Units</u>
<u>up to 80</u>	<u>Bin</u> <u>Provide One of Two:</u> <ul style="list-style-type: none"> • <u>Pool - 20,000-gallon minimum</u> • <u>Children’s Play Area – 500 sf minimum</u> 	<ul style="list-style-type: none"> • <u>10 sf/1 Unit</u> • <u>50 sf/1 Unit</u>
<u>up to 100+</u>	<u>One additional amenity from the list not otherwise provided</u>	<u>Same Rates for All Apply</u>

Notes:

1. Substitute 400 sf Wellness Facility 55+ Age Restricted Development, with an Additive Amenity Ratio calculated at 5 sf/1 unit.
2. Allows Wellness Facility Substitution for 55+ Age Restricted Development

<u>0-5</u>	<u>Barrels or Containers</u>	<u>4</u>
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*— Each additional five to 15 units requires one additional bin, etc., or more than one pickup per week per bin.

2.— All refuse storage areas shall be readily accessible to the users they serve as well as for collection operations and shall be enclosed by a solid masonry or concrete block wall at least 60 inches in height that shall be designed in a manner architecturally compatible with the overall design of the project's buildings.

a.— The site area shall have a concrete pad at least four inches in thickness.

b.— The storage area shall be shielded from public view by a wall that matches the exterior building material and color and has gates with view obscuring slats or other opaque material.

c.— The storage area shall be designed as per the Garden Grove Sanitary District and City of Garden Grove Design Guidelines.

3.— In the event that any refuse storage area cannot be located within 100 feet walking distance from the unit it serves, individual trash compactors may then be required through the site plan process.

J.— Outdoor Uses and Activities—Open Space Recreation and Leisure Areas—Sites Under 14,400 Square Feet. Each site under 14,400 square feet proposing multiple-family development shall provide private recreational and leisure areas that are conveniently located and readily accessible to each dwelling unit. Active and passive recreation and leisure areas may also be provided. Any active recreation area provided shall not be located closer than 20 feet to R-1 zoned property.

1.— The recreation and leisure area shall equal at least 300 square feet per unit.

2.— Private open space in the form of a patio, yard, balcony or combination thereof shall contribute to the required recreational and leisure areas and shall meet the following dimensions:

a.— A minimum of 100 square feet for the first level with a minimum dimension of nine feet;

b.— A minimum of 90 square feet for the second level with a minimum dimension of nine feet.

K.— Open Space, Recreation and Leisure Areas—Sites Over 14,400 Square Feet.

1.— Intent. It is the intent of this section to provide ample space and cities for the active enjoyment of recreational activities by residents and guests of multiple-family housing projects. In this regard, active open space elements shall be of sufficient size and location and shall be readily accessible to each dwelling unit. On-site recreation facilities shall be buffered from noncompatible R-1 single-family residential properties. Recreation facilities that feature such activities as pools, spas, court activities, etc., shall be placed and operated so as not to infringe upon the peacefulness of nearby residential properties.

Said recreation and leisure area shall equal at least 300 square feet per unit. The following spaces shall contribute to the required recreation and leisure areas:

a. Private Recreation Area.

i. Minimum Size. Private open space in the form of a patio, yard, balcony or combination thereof meeting the following dimensions may be counted toward meeting the required recreation area:

(A) Minimum of 100 square feet for the first level with a minimum dimension of nine feet;

(B) Minimum 90 square feet for the second level with a minimum dimension of nine feet.

ii. Additional Private Recreation Area. No additional balcony shall be less than seven feet in width or 49 square feet in area.

b. Active Recreation Area. Each development having a net developable area of 14,400 square feet or larger, and proposing five or more units, shall provide an active recreation element(s). Said element shall include at least one or more of the following: spa, pool, tennis, volleyball, racquetball court(s), basketball half court, or other similar usable recreational activities. The required active recreational amenities shall be based on a needs assessment evaluation of the proposed project. The subject evaluation shall take into consideration the following criteria:

i. Size and shape of active recreation area;

ii. Location and placement of buildings;

iii. Diversity of recreational amenities;

iv. Number of units and/or lot size.

2. Reconfigurations of Active or Private Recreation Areas. The foregoing dimensional standards are required for approval during the site plan review. If the minimal dimension standards cannot be met, but the net total recreational space can be accomplished by reconfiguration, then the site plan may be approved with modifications; however, no more than 10 lineal feet may be reduced from any active or private recreation area dimension.

3. Setbacks of Active Recreation Areas. Active recreation areas shall be located five feet from any habitable structure. The subject active recreation area 8. On-site recreation facilities shall be buffered from any directly abutting R-1 single-family residential properties with a solid masonry wall at least six feet in height.

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

10. Setbacks of Active Common Open Spaces. The subject active common open space shall have a minimum dimension as shown in the Table of Recreational Area Requirements, according to the net lot area. In addition, said area shall have a minimum five-foot separation setback between the active recreation area and any portion of a habitable structure. For example, if the minimum recreation open space dimension of 40 feet is required, then fivethree feet must be added to that minimum dimension for every side adjacent to the above-mentioned structures. If, because of geographic or design configuration limitations any proposed active or passive recreation areas cannot achieve the dimensional parameters as expressed above and in the table below, then a waiver of this provision must be requested.

4. Table of Recreational Area Requirements.

Net Lot Area	Minimum Dimension for Active Recreation Area
14,400 to 26,999 sq. ft.	30 feet
27,000 to 39,599 sq. ft.	35 feet
39,600 to 49,999 sq. ft.	40 feet
50,000 to 69,999 sq. ft.	50 feet
70,000 to 95,999 sq. ft.	60 feet
96,000 to 199,999 sq. ft.	75 feet
200,000 or more sq. ft.	95 feet

11. ~~Note: Passive Common Open Space. Up to 40%50 percent of the recreation area can have the minimum dimension reduced pursuant to the requirements under the waiver process.)~~
5. ~~Passive Recreation Area. The subject development may provide passive required common open space/leisure areas that would consist may be developed and maintained as passive common open space consisting of landscape areas that incorporate the use of pathways, waterscape, waterscapes, and hardscape (i.e., large rocks/boulders, benches, gazebos, raised planters constructed on site of bricks, concrete or rocks, railroad ties, etc.) and unique features that enhance the appearance, desirability and usability of the area. The intent is to provide landscaped areas that can be utilized for sitting and viewing unique/exotic plants, reading and similar types of enjoyment amenities, rather than just landscaped setback areas.~~
- Only 50% of. Such passive areas having a minimum dimension open space shall have dimensions of no less than 10 feet by 20 feet clear of in any structures and direction. Such passive open space areas shall be counted towards the recreation/leisure area square footage requirements improved with at least three types of the amenities in the following list:
- a. 6. — Pathways
 - b. Benches/Tables
 - c. Raised landscaped beds
 - d. Gazebo or similar shade structure
 - e. Community garden
 - f. Outdoor game feature
 - g. Water fountains or other water features

K. Circulation, Pedestrian and Vehicular Parking.

1. ~~a. — Every multiple-family residential development shall be designed in such a manner that adequate to provide walkways are provided convenient that link parking areas to the needs of the residents and guests and the services of public agencies. Pedestrian primary access to the unifying elements of any development should each unit or, in the case of a common lobby entrance, to that lobby entrance. Such pedestrian walkways shall be separate from and free of conflict with vehicular accessways. Distinctive paving materials shall be used for the walkways to create a clear visual contrast to vehicular travel ways.~~
2. All developments consisting of six units or more shall provide directories placed ~~in a convenient location~~ at the development entry to guide motorist and pedestrians.
3. ~~b. — Every multiple-family residential development shall be designed with an internal street and parking system adequate to handle the need for vehicular circulation. When keeping with the design of the surrounding neighborhood, driveways may be permitted to provide access directly into individual garages. All driveways and circulation systems shall be designed to meet the standards of the City Engineer and shall be in compliance with all applicable standards of Sections 9.12.040.160 through 9.12.040.220 of this chapter.~~

9.12.040.060 Special Requirements—Small Lot Subdivisions

The purpose of this section is to establish development standards for small lot subdivisions that will help create livable and safe communities.

~~The Community Development Department shall review the adopted standards for effectiveness and efficiency 24 months after the effective date of the ordinance establishing these requirements.~~

A.

Minimum Development Size.

1. The minimum lot size for a small lot subdivision shall be one acre.
2. There shall be a minimum of six lots for a small lot subdivision.

B. Development Site Setbacks. The following minimum setbacks shall be observed from the property line.

1. Developments located along any primary arterial, secondary arterial, or collector street shall maintain a minimum setback of 10 feet from the property line to the development's block wall.
 - a. The development site setback shall be in character with neighboring lots. The setback shall match the setback of the abutting lots up to a maximum setback of 15 feet. For example, if the development is adjacent to a property with a setback greater than 10 feet, the development's setback shall match the neighboring lot's setbacks. If there is more than one neighboring property with a setback greater than 10 feet, the development site shall match the setback of the least restrictive setback.
 - b. Every development setback shall provide landscaping along the perimeter in the form of screening and/or canopy trees staggered and/or clustered along the property lines.

C. Development Perimeter Block Wall. Each development shall provide a decorative masonry perimeter wall utilizing stucco finish, slump stone or split-face block, with a minimum height of six feet but not to exceed a maximum height of eight feet, as measured from the highest point of the finished grade on the site that complies with the following stipulations:

1. All perimeter fencing shall comply with the requirements as contained in Section 9.16.210 (wall, fences, and hedges).
2. At no time shall the overall height of the wall, as measured from adjacent neighbor's finished grade, exceed eight feet in height. A block wall with a height greater than eight feet may be considered if the City determines that such a height is necessary for sound protection, view protection, security, or other factors affecting the use and enjoyment of the property.
~~A decorative perimeter wall constructed of non-masonry material may be approved through the site plan review procedure.~~
3. All fencing shall be designed to ~~ensure proper~~with the vision clearance requirements of this chapter for cars entering or leaving the driveway and/or parking areas.
4. 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 and the space between walls shall be filled or capped ~~subject to City approval~~.

D. Development Entrance.

1. The development's entrance shall be enhanced to provide a sense of neighborhood arrival. Entrance enhancement ~~may shall~~ include ~~such~~ elements such as signage, ~~special~~ landscaping,

decorative ~~pavement stamped concrete or pavers, enhanced fence wall details, water features utilizing reclaimed water, artwork, boulevard median with landscaping, and similar aesthetic improvements.~~ Development entrances shall include a minimum of three of these aesthetic improvements.

2. If the development includes a security gate(s), ~~the setback shall comply with the required setbacks established by~~ adequate access for ingress and egress of pedestrian and vehicular traffic shall be provided, subject to the requirements of ~~and to the satisfaction of the~~ Public Works Department Engineering Division.

E. Common Recreational Area.

1. Small lot subdivisions with 10 or more units shall provide a minimum of 200 square feet per unit of common recreation area, which is accessible to all residents within the subdivision.
 - a. Common recreation area shall have minimum dimensions of 25 feet wide.
 - i. If the common recreation area is located between two-story buildings, minimum dimensions of 30 feet wide shall be maintained.
 - ii. If the common recreation area is located between three-story buildings, minimum dimensions of 40 feet wide shall be maintained.
 - b. Consideration will be given to a reduction of the minimum width of the common recreation area when an additional 25% of common recreation area is provided above the minimum of 200 square feet required per unit.
 - c. A zero setback between the residences and the common recreation area shall be considered by the City if the building's front elevation is oriented toward the common recreation area.

F. Development Streets.

1. If on-street parking is provided on both sides of the development's streets, the streets shall maintain a minimum width of 36 feet, as measured from curb to curb.
2. If on-street parking is provided on one side of the street, the street shall maintain a minimum width of 28 feet, as measured from curb to curb. ~~A street width of less than 36 feet is subject to City review and approval based on a case-by-case basis.~~
3. If no on-street parking is provided on either side of the street, the street shall maintain a minimum width of 25 feet, as measured from curb to curb.

G. Development Sidewalks.

1. All development streets shall provide sidewalks.
 - a. All sidewalks shall maintain a minimum width of 48 inches.
 - b. Sidewalks shall be required on both sides of the street if on-street parking is provided on both sides of the street.
 - c. Sidewalks shall be required on one side of the street if on-street parking is provided on only one side of the street. The sidewalk shall be on the side of the street that allows parking.

H. Group Mailboxes.

1. If group mailboxes are part of the project design, the mailboxes should be located conveniently and in a safe location within the community. ~~The City shall determine and approve the location of the group mailboxes. The group mailboxes shall be designed with the architectural character of surrounding buildings, and be similar in form, materials, and colors.~~
 - a. Group mailboxes shall be illuminated with lights and fixtures similar to those used externally throughout the development.
 - b. Design and location of group mailboxes must conform to US Post Office requirements.
- I. Dwelling Front Yard Setbacks. All setbacks will be observed from the individual residential property parcelline.
 1. A minimum front yard setback of 15 feet shall be maintained for lots located along a public street within the project.
 2. A minimum front yard setback of 10 feet shall be maintained for lots located along a private street within the project.
 3. Garages, with straight-in access to the garage, shall maintain a minimum setback of 19 feet. Garages with sweep drives may have a 15-foot setback from street property line.
 4. Lots located adjacent to collector streets may have the front elevation of the residential unit orientated toward the collector street, and shall comply with the following:
 - a. The front yard setback shall be ~~in character of adjacent lots' setbacks, and shall have similar front setbacks up to a maximum of 20 feet.~~
 - b. Lots with a 20-foot front setback or more to the building may have a covered porch which may encroach up to five feet into the required 20-foot front yard setback.
- J. Dwelling Rear Yard Setbacks. All setbacks will be observed from the development perimeter block wall or the individual residential property parcel line.
 1. The rear yard setback for lots adjacent to the development's perimeter shall depend on the type of arterial to which the lot is adjacent.
 - a. Lots located adjacent to a primary or secondary arterial shall maintain a minimum setback of 30 feet, as measured from the rear elevation of the dwelling to the development's property line.
 - b. Lots located adjacent to a collector street shall maintain a minimum 25 feet, as measured from the rear elevation of the dwelling to the development's property line.
 2. The rear yard setback for lots adjacent to other developments shall depend on the type of zoning of the neighboring properties.
 - a. Lots located adjacent to R-1 zoned property shall maintain a 20-foot rear yard setback to the property line.
 3. Lots located adjacent to R-2, R-3, commercial, industrial, or open space zoned property shall maintain a 15-foot rear yard setback to the property line. The rear yard setback for lots that abut other lots within the same development shall maintain a minimum of 15-foot rear yard setback to the property line.

4. Permitted Intrusions Into the Rear Yard Setback. The following intrusions may be permitted into the required rear yard setback areas:
 - a. Open patio structures may be allowed with a seven-foot clearance to the rear property line to the edge of the open patio cover's posts.
 - i. A two-foot overhang past the posts shall be permitted on the patio cover's setback.
 - ii. Enclosed patios are not permitted.
 - b. To accommodate oddly shaped lots, ~~the City may consider~~ a five-foot reduction to the first floor rear yard setback is allowed, provided that the side yard setback is increased five feet to accommodate the required open space.
 5. The side yard open space accommodation may include no space less than 10 feet in depth. ~~The first floor elevations facing any reduced rear yard may have minimized openings (e.g., windows and doors), particularly from common living spaces.~~
 6. The open space in a reduced rear yard setback shall be used as passive open space ~~and may not include any major recreation area and/or activities.~~
 - a. Up to 50% of the buildings adjacent to primary arterials and secondary arterials shall be allowed to stagger into the rear setback and reduce the minimum setback of 30 feet to 26 feet to create a varying setback along arterials.
 - b. Buildings and developments with ~~unique designs~~/projections (e.g., bay windows, window seating) may encroach 30% of the structure's rear elevation four feet into the rear setback.
- K. Dwelling Side Yard Setback. All setbacks will be observed from the development perimeter block wall or the individual residential property parcel line.
1. The dwelling shall be no less than four feet from the side property line.
 2. Architectural features (e.g., chimneys) may be allowed to encroach a maximum of one foot into the required four-foot side setback, but at no time shall the distance be reduced less than three feet and no dwelling shall be closer than six feet.
 3. If the lot is located adjacent to any street within the project, the dwelling shall be no less than eight feet from the side property line.
 4. Block walls or fences adjacent to the street may encroach three feet into the eight-foot side street setback.
 5. If the lot is located adjacent to any arterial or collector street, a minimum 20-foot side yard setback shall be provided from the side of the dwelling to the project's property line.
 6. The side yard requirement between two buildings shall be omitted when dwelling units are built with zero lot lines. No dwelling shall be closer than six feet.

Table of Setbacks and Development Standards

Development Feature	Development Standards					
	Setbacks and Height					
	Adjacent to Arterial	Adjacent to Collector Street	Adjacent to R-1	Adjacent to R-2, R-3, C-1, C-2, M-1, M-P, O-S	Adjacent to Internal Public Road	Adjacent to Internal Private Road
Minimum Lot Size	Small Lot Subdivisions are permitted in the R-2 and R-3 zones.					
	1 acre	1 acre	1 acre	1 acre	1 acre	1 acre
Setbacks						
Perimeter Setbacks	min. 10 ft.*	min. 10 ft.*				
Building Front		min. 15 ft.			min. 15 ft.	min. 10 ft.
Building Rear	min. 30 ft.**	min. 25 ft.**	min. 20 ft.	min. 15 ft.	min. 15 ft.	min. 15 ft.
Building Side	min. 20 ft.**	min. 20 ft.**	min. 4 ft.	min. 4 ft.	min. 8 ft.	min. 8 ft.
Front of Garage					min. 19 ft.	min. 19 ft.
Height						
Primary Structure			max. 30 ft. 2-stories	max. 35 ft. 3-stories		
Dwelling Open Space						
	15 ft. by 20 ft.	15 ft. by 20 ft.	15 ft. by 20 ft.	15 ft. by 20 ft.	15 ft. by 20 ft.	15 ft. by 20 ft.
Dwelling Storage Space						
	min. 200 cubic ft.	min. 200 cubic ft.	min. 200 cubic ft.	min. 200 cubic ft.	min. 200 cubic ft.	min. 200 cubic ft.
Common Recreational Space	For developments with 10 or more units.					
	200 sq. ft. per unit	200 sq. ft. per unit	200 sq. ft. per unit	200 sq. ft. per unit	200 sq. ft. per unit	200 sq. ft. per unit
Parking	2 spaces enclosed in garage. 1 guest parking space in driveway. .75 unassigned guest parking space in parking lot or street					
	3.75 spaces per unit	3.75 spaces per unit	3.75 spaces per unit	3.75 spaces per unit	3.75 spaces per unit	3.75 spaces per unit
Streets Internal to the Project						
					36 ft. wide with 2-sided parking.	36 ft. wide with 2-sided parking.
					28 ft. wide with 1-sided parking.	28 ft. wide with 1-sided parking.
Project Sidewalks	If streets have 2-sided parking, there shall be sidewalks on both sides of the street. If streets have 1-sided parking, there shall be a sidewalk on one side of the street at a minimum.					
					48 in. wide	48 in. wide

* The site perimeter setback shall match surrounding properties' setbacks up to a maximum of 15 feet.

**Setback includes 10 feet of development perimeter setback.

Development Feature	Development Standards Setbacks and Height					
	Adjacent to Arterial	Adjacent to Collector Street	Adjacent to R-1	Adjacent to R-2, R-3, C-1, C-2, M-1, M-P, O-S	Adjacent to Internal Public Road	Adjacent to Internal Private Road
Minimum Lot Size	Small Lot Subdivisions are permitted in the R-2 and R-3 zones.					
	1 acre	1 acre	1 acre	1 acre	1 acre	1 acre
Setbacks						
Perimeter Setbacks	min. 10 ft.*	min. 10 ft.*				
Building Front		min. 15 ft.			min. 15 ft.	min. 10 ft.
Building Rear	min. 30 ft.**	min. 25 ft.**	min. 20 ft.	min. 15 ft.	min. 15 ft.	min. 15 ft.
Building Side	min. 20 ft.**	min. 20 ft.**	min. 4 ft.	min. 4 ft.	min. 8 ft.	min. 8 ft.
Front of Garage					min. 19 ft.	min. 19 ft.
Height						
Primary Structure			max. 30 ft. 2-stories	max. 35 ft. 3-stories		
Dwelling Open Space						
	15 ft. by 20 ft.	15 ft. by 20 ft.	15 ft. by 20 ft.	15 ft. by 20 ft.	15 ft. by 20 ft.	15 ft. by 20 ft.
Dwelling Storage Space						
	min. 200 cubic ft.	min. 200 cubic ft.	min. 200 cubic ft.	min. 200 cubic ft.	min. 200 cubic ft.	min. 200 cubic ft.
Common Recreational Space	For developments with 10 or more units.					
	200 sq. ft. per unit	200 sq. ft. per unit	200 sq. ft. per unit	200 sq. ft. per unit	200 sq. ft. per unit	200 sq. ft. per unit
Parking	2 spaces enclosed in garage. 1 guest parking space in driveway. .75 unassigned guest parking space in parking lot or street					
	3.75 spaces per unit	3.75 spaces per unit	3.75 spaces per unit	3.75 spaces per unit	3.75 spaces per unit	3.75 spaces per unit
Streets Internal to the Project						
					36 ft. wide with 2-sided parking 28 ft. wide with 1-sided parking 25 ft. wide with no parking	36 ft. wide with 2-sided parking 28 ft. wide with 1-sided parking 25 ft. wide with no parking
Project Sidewalks	If streets have 2-sided parking, there shall be sidewalks on both sides of the street. If streets have 1-sided parking, there shall be a sidewalk on one side of the street at a minimum.					
					48 in. wide	48 in. wide

* The site perimeter setback shall match surrounding properties' setbacks up to a maximum of 15 feet.

** Setback includes 10 feet of development perimeter setback.

Diagrams Indicating Building Setbacks

Figure 1: Diagram indicating building setbacks for the following: dwelling rear yard setback adjacent to a primary arterial; dwelling side yard setbacks adjacent to R-1 lots within the development project; and dwelling front yard setback adjacent to a public road within the project.

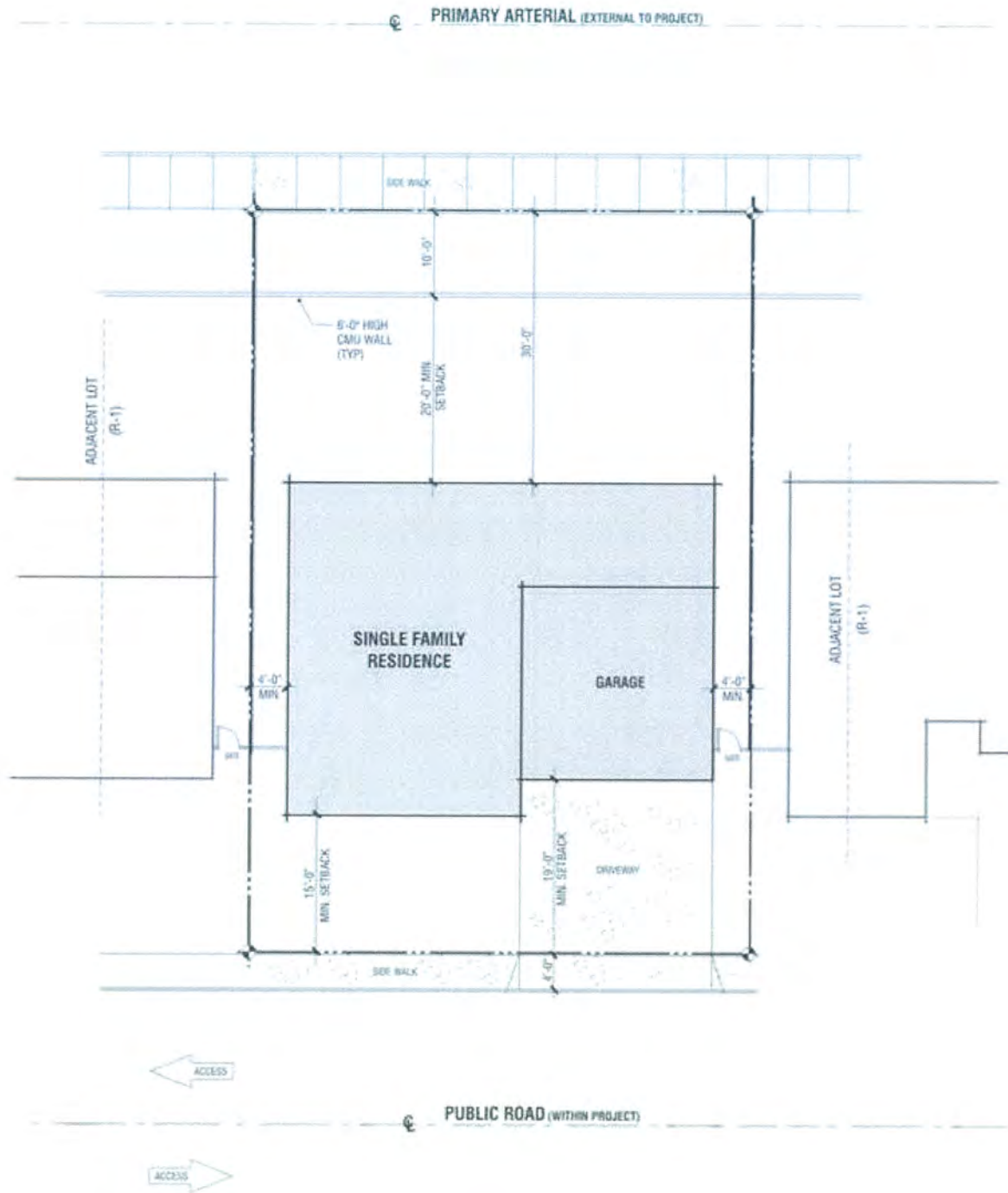
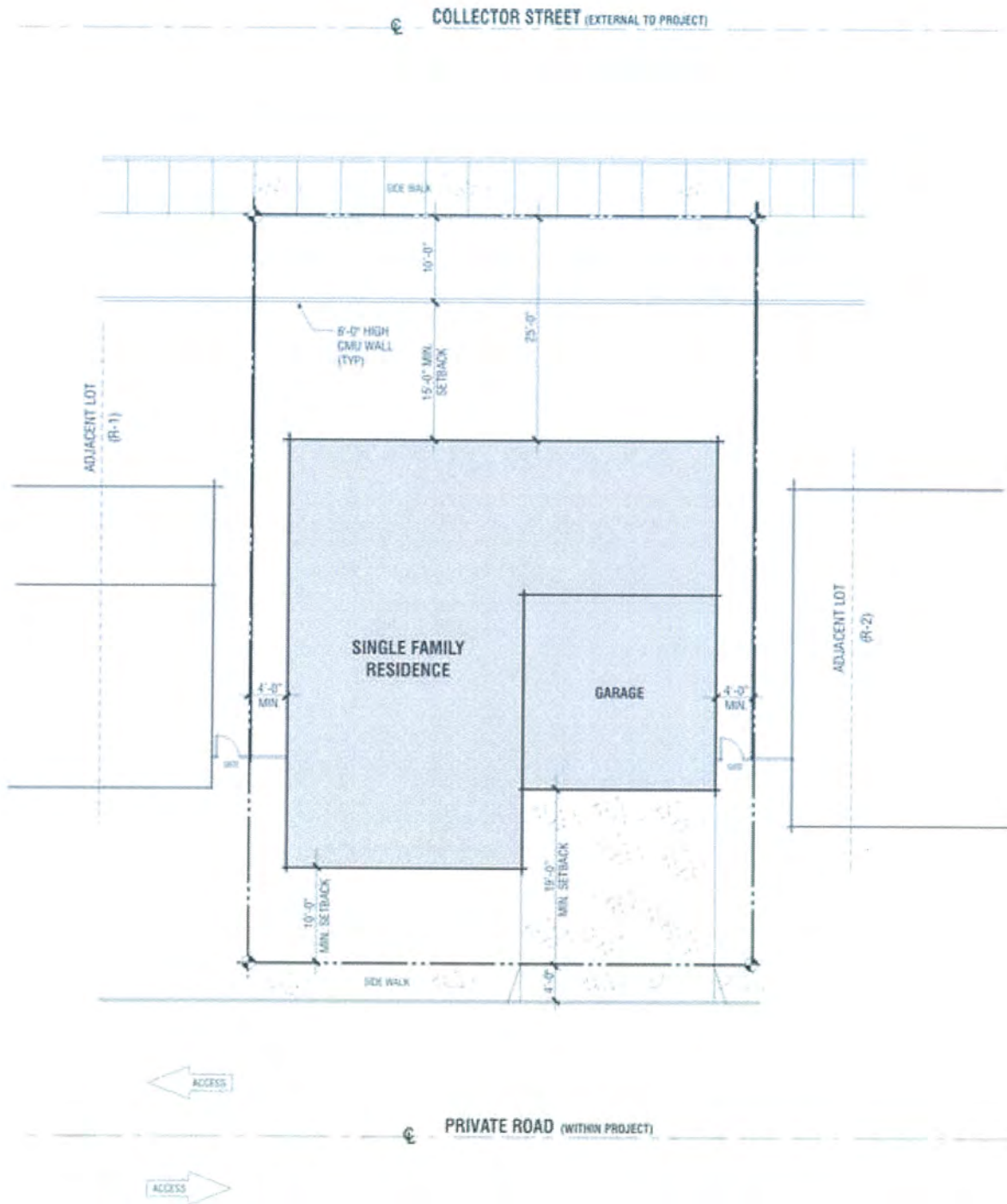


Figure 2: Diagram indicating building setbacks for the following: dwelling rear yard setback adjacent to an existing R-1 single-family residence; dwelling side yard setbacks adjacent a primary arterial and an R-1 lot within the development project; and dwelling front yard setback adjacent to a private road within the project.



7. Dwelling Private Recreation Area. A private recreation area shall be provided for each unit. The private recreation area shall comply with the following standards:
 - a. Each dwelling unit shall have a private recreation area that shall have a minimum dimension of 15 feet by 20 feet wide.
 - b. The private recreation area shall be open and unobstructed from the ground to the sky.
 - c. The private recreation area shall be ~~conveniently located next to the unit, and~~ accessed directly from a public area, such as a living room, family room, dining area, or kitchen.
 - d. The private recreation area may be located within the interior side, street side, or rear setback areas.
- L. Dwelling Height.
1. Dwellings located adjacent to all zones, except R-1, may be designed in a three-story configuration. Dwellings located adjacent to R-1 zones may be designed in a two-story configuration.
 - a. Dwellings adjacent to multiple-family, commercial, industrial, and/or open space zones shall not exceed a maximum of three-stories with a maximum building height of 35 feet.
 - i. Third story living area floor space shall be limited to a maximum of 50% of the first story floorspace.
 - ii. The dwelling's second story may cantilever over the first story by a maximum of three feet in the rear of the building.
 - b. Dwellings adjacent to R-1 zones shall not exceed a maximum of two stories with a maximum building height of 30 feet.
 - c. The dwelling's second story may cantilever over the first story by a maximum of three feet in the rear of the building.
- M. ~~Privacy Provisions. Each project shall provide second-story and third-story floor plans that are designed to take into account the privacy concerns of residents in adjacent properties. Second-story and third-story windows, balconies, and decks shall be situated so as to not be positioned directly opposite to the windows of adjacent residential dwelling units, and shall be oriented away from the adjacent residence's private recreation areas.~~ Privacy Provisions. Second-story windows, balconies, and decks on side and rear building sides shall be located to avoid direct views from those windows, balconies, and decks into any immediately opposite windows and private recreation areas of residential dwelling units on adjacent properties.
1. Where second-story windows are oriented toward an adjacent property's private recreation area, one or more of the following measures shall be provided:
 - a. High windows with a minimum sill height of six feet, as measured from the finished floor.
 - b. View-obscuring treatment such as wing walls.
 - c. Obscure, opaque, or frosted fixed (non-slider) windows.
 - ~~G-~~ d. A row of screening/canopy trees evenly spaced shall be placed along the property line(s), which shall be of a minimum height that blocks any direct views. Screening/canopy trees shall be maintained in perpetuity.

- N. Building Design. ~~Each project shall be designed to include architectural design approaches that include all of the following elements: Each project shall be designed to provide varying rooflines and building projections in order to enhance the appearance of the dwelling, and to minimize the appearance of a bulky, box shaped design. Each project shall incorporate architectural accents that are compatible with the design of the dwelling that includes varying window shapes and decorative trim on all windows and doors.~~
1. Rooflines that have at least two changes in orientation and/or pitch.
 2. For buildings that have a front façade greater than 20 feet in length, the building shall have a break in the façade plane of a minimum depth of three feet for every 20 feet of frontage.
 - H- 3. Architectural accents and materials shall reflect the architectural style used, as defined in *A Field Guide to American Houses*. This shall apply to roof forms and materials, window shapes, accent materials, decorative columns, porches, balconies, and decorative trim on all windows and doors.
- O. Required Parking and Enclosed Garages. The parking requirements for small lot subdivision dwellings shall be a minimum of 3.75 spaces per unit.
1. The required parking shall be provided in the form of a two-car enclosed garage for each unit, and will count as two parking spaces for the unit.
 - a. The garage shall maintain a minimum interior parking area of 20 feet wide by 20 feet deep. An additional third car enclosed parking space may be added, provided its dimensions are not less than 10 feet wide by 20 feet deep.
 - b. All garages shall be equipped with automatic roll-up door openers.
 2. A guest parking space shall be located in front of the enclosed garage in the driveway with a minimum length of 19 feet, and will count as one for the unit.
 - 4- a. All guest parking spaces on a private driveway shall be open and uncovered.
 3. For every dwelling unit, there will be 0.75 parking spaces provided for guests on the development's streets or in designated guest parking areas.
- P. Driveways. Private driveways shall service each residential lot and ~~may vary in width. Driveways are subject to approval by the City shall have a minimum width of sixteen feet.~~
1. No shared driveways between lots shall be permitted.
 2. All new single-family dwellings shall have vehicle access from the development's streets, and shall not be accessed from an arterial or collector street.
- Q. Storage Facilities. Each dwelling unit shall provide a minimum of ~~200-150~~ cubic feet of private and secure storage space.
1. The storage area may be provided within the unit, within the enclosed garage, if the storage area does not interfere with the 20 feet by 20 feet of vehicle parking, or located elsewhere on the property.
 2. Normal closets and cupboard space located within the unit shall not count toward meeting the storage requirement.

- R. Utility Meters. All above ground utility meters, including, but not limited to, water meters, gas meters, or irrigation equipment, shall be shown on the site plan, and, to the extent possible, be placed outside of the required front setback area. All above ground utility meters shall be completely screened from view from both on and off the property. Landscaping. All setback areas, and all areas not designated for walkways, parking, drive aisle, and private recreation areas, shall be fully landscaped and irrigated.
1. All unpaved areas shall be planted with ~~an effective combination of trees, grass berms, ground cover, lawn, shrubbery, and/or approved dry decorative landscaping material~~ landscaping in accordance with the landscape requirements of this Chapter.
 2. Water-efficient landscape documentation shall be required for all new and rehabilitation landscaping.
 3. Adjacent uses shall be considered when designing landscaping to mitigate negative impacts on parking areas, outdoor activities, storage, or other structures by appropriate screening methods.
 4. Where existing mature landscaping is in good, healthful condition, every effort shall be made to retain and to incorporate said landscaping into the overall landscaping theme.

Section 9.12.040.080 – Landscaping - General Provisions, paragraphs A-E are hereby amended to read as follows:

- A. General landscaping requirements as defined herein shall be provided in all zones.
- B. Parcels ~~zoned or used for single-family purposes~~ shall provide landscaping in all areas not covered by buildings, structures, patios or driveways.
- C. For the purpose of this section, the front yard shall be defined as the front yard setback, determined by a line drawn parallel to the front building plane. This shall also include any accessory structure such as a garage, if the structure is attached.
- D. ~~Reserved.~~ The following regulations are for maximum coverage of hardscape.
1. The maximum permitted hardscape coverage in the front yard setback shall be 50%. Private sidewalks and walkways are excluded from this 50% so long as they do not exceed a width of five feet.
 2. The measurement of the front yard setback shall be from the back of sidewalk or street dedication line. The public parkway area between the curb and sidewalk must be fully landscaped.
- E. All developed properties shall be required to be in compliance with the provisions of this subsection when any building additions of one or more square feet are proposed.

Section 9.12.040.090 – Landscaping Requirements is hereby amended to read as follows:

9.12.040.090 Landscaping Requirements

All landscaping shall comply with the landscape water efficiency provisions where applicable. When conflicts between general landscape requirements and the landscape water efficiency requirements found in this section and the *Guidelines* exist, the landscape water efficiency requirements shall have priority.

- A. Minimums. All required landscaped setback areas, including front, rear, side, side street, and landscaped areas within parking lots, shall meet the requirements prescribed herein.
- B. Percentage. Ten percent of all parking areas for nonresidential uses permitted in multiple-family residential zones, excluding required setbacks and building footprints, shall be landscaped.
- C. Parking Lot Landscaping.
 - 1. Size. For parking facilities, a variety of tree sizes is required for every 10 parking spaces. Trees must be a minimum of 15-gallons diameter with a one-inch caliper trunk, eight feet in height with a two-and-one-half-foot head or larger. These trees may be grouped or clustered and shall conform to the matrix of plant materials established by the City Manager or designee.
 - 2. Street Frontage. One 24-inch box tree of a two-and-one-quarter-inch caliper trunk diameter, 10 feet in height, and a five-foot head is required for every 30- 20 feet of street frontage. (These trees may be grouped or clustered.) All trees shall be placed within a root barrier per city of Garden Grove street tree planting detail specifications.
 - 3. Area. Minimum landscaped area that may be counted is 24 square feet.
- D. Trees.
 - 1. No trees shall be planted under any eave, overhang or balcony.
 - 2. All trees in landscape planters 10 feet in width or less shall be provided with tree root barricades.
- E. Tree Numbers.
 - 1. Parking area—One per eight spaces
 - 2. Street setbacks—One per 20 -linear feet
 - ~~3.—Balance of site—One per 600 square feet (less parking area building).~~
- F. Tree Size. Forty percent of the trees on a site shall consist of minimum size 24-inch box, and the remaining 60 percent shall be of minimum size 15 gallons.

Total site:				
48"	36"	24" <u>box</u>	15-gallons	Other
10%	10%	15% <u>40%</u>	60%	5%

G. Tree Staking.

- 1.—All trees shall be double staked in accordance with City standards.

HG. Planter Width. ~~1. Minimum width of finger planter is three feet, inside clear dimens~~ The minimum width of all planters shall be is three feet clear, interior dimensions, not inclusive of retaining curb or wall.

IH. Shrubbery.

~~1. Fifty percent (50%) of all required shrubs shall be a minimum size of five (5) gallons at time of planting.~~

JH. Groundcover.

~~1. 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 30 percent of the groundcover area shall have the mulch substitute.~~

~~2. All areas required to be landscaped shall be covered with turf, non-deciduous groundcover or other types of plantings. Artificial turf may be used as a groundcover within the R-1 (Single-Family Residential) zone, provided the turf allows for penetration of irrigation and stormwater runoff.~~

~~2. All plant spacing shall be as indicated by the landscape architect according to the latest standards as adopted by the American Society of Landscape Architects, as described in subsection N (Substitute Landscaping), below.~~

~~3. Groundcover spacing. Groundcover plants shallould be planted at a density and spacing necessary for them to become well established and provide surface coverage within eighteen (18) months of planting.~~

KI. Paved Areas. Only those portions that are required by municipal code or by site plan to be used directly for parking spaces, aisles, refuse storage areas, drives or walkways shall be paved. All other areas not needed for the above shall be landscaped. Patios may be paved.

LJ. Excess of Minimum Areas—Authority. The hearing body may require landscaping in excess of the minimum area specified for a proposed development, provided that the additional landscaping is necessary to:

1. Screen adjacent objectionable uses, parking areas, activities, storage or structures that could cause a negative impact on new development based on aesthetics, noise, odors, etc.; or
2. Provide landscaping that is compatible with neighboring uses; or
3. Screen the use from neighboring negative impacts such as traffic, outside storage, etc.

MK. Landscape Plans.

1. Each landscape plan shall be compatible with the shape and topography of the site and the architectural characteristics of the structure(s) on the site.
2. Each landscape plan shall be compatible with the character of adjacent landscaping, provided the quality of the adjacent landscaping meets the standard of these guidelines.
3. Each landscape plan shall illustrate a concern for design elements such as balance, scale, texture, form and unity.
4. Each landscape plan shall address the functional aspects of landscaping such as drainage, erosion prevention, wind barriers, provisions for shade and reduction of glare.
5. Each landscape plan shall demonstrate a concern for solar access, including exposure and shading of window areas and solar panels.
6. Landscaping shall be used to relieve solid, unbroken elevations and to soften continuous wall expanses.
7. The applicant must submit a planting inventory and plan of existing planting materials on a development site that are to be retained. Every effort shall be taken to ensure that mature existing landscaping is utilized as part of the development plan. A landscaping retention program shall be approved by action of the hearing body, at its discretion.

NE. Substitute Landscaping.

1. Materials such as crushed rock, decomposed granite, redwood chips, pebbles and stone may ~~not~~ be used in lieu of live plant materials for up to 30 percent of the required landscape coverage area. ~~although their limited use may be approved by the hearing body through the site plan review process.~~ Artificial plants and synthetic groundcovers are prohibited.

Artificial turf ~~is shall be~~ permitted, provided it complies within the front and rear yards and shall comply with the following criteria:

- a. —Artificial turf shall have a minimum eight-year “No Fade” warranty.
- b. —Artificial turf shall be installed by a licensed professional and shall be installed pursuant to manufacturer’s requirements, except if the artificial turf is installed by the homeowner. The homeowner shall be required to follow the manufacturer’s specifications for installation.
- c. —Artificial turf shall be installed and maintained to effectively simulate the appearance of a well-maintained lawn. The turf shall be maintained in a green fadeless condition and shall be maintained free of weeds, debris, tears, holes, and impressions.
- d. —The use of indoor or outdoor plastic or nylon carpeting as a replacement of artificial turf or natural turf shall be prohibited. No rubber infill is permitted.
- e. Artificial shrubs, flowers, trees, and vines in lieu of living plant material shall be prohibited.
- f. —Areas of living plant material (i.e., flower beds, tree wells, etc.) shall be included in the overall landscape design when installing artificial turf. Living plant material

shall include shrubs, vines, trees, and flowering groundcovers and shall constitute a minimum of 25 percent% of the landscape area.

g. —Artificial turf shall be separated from flower beds by a concrete mow strip, bender board, or other barriers acceptable to the City ~~in order~~ to prevent intrusion of living plant material into the artificial turf.

~~h. —Artificial turf in front yards shall be limited to 75 percent5% of required landscape area and shall not be installed in parkways.~~

QM. Screening.

1. Landscaping shall be required to screen storage areas, trash enclosures, public utilities, freeways, highways and other similar land uses or elements that do not contribute to the enhancement of the surrounding area. Where plants are required for screening, such screening shall consist of the use of evergreen shrubs and/or trees closely spaced. Berming is suggested as an effective screening measure for parking lots and where adjacent site areas are contiguous to street frontages. Such berming with planting shall not exceed 36 inches above the highest adjacent curb.
2. Perimeter landscaping adjacent to the property lines is required in parking areas. Planter area curbs shall be used in place of wheel stops.

PN. Separation.

1. All landscaping shall be separated from parking and vehicular circulation areas by a raised, continuous six-inch Portland cement concrete curb.
2. Other materials that accomplish the same purpose may be approved by the hearing body through the site plan review process.
- ~~3. —All trees shall be staked in accordance with standards maintained by the City Manager or designee.~~

QE. Arterial Site Entries.

1. Unless otherwise delineated, all developments having a contiguous property line to a primary or secondary arterial highway shall observe a 15-foot setback that shall be landscaped. All other non-arterial highways shall observe a 10-foot setback, unless otherwise delineated by the governing zone.
2. Landscaping at major entry points are considered the focal points for landscaping emphasis, and shall contain a variety of trees, flowers and shrubs with special concern for visibility and safety.
3. No landscaping material other than trees shall exceed a height of 36 inches above the highest adjacent curb at street entrances and parking lot accessway intersections.
4. ~~No berming~~ with or without landscaping materials, at street entrances and parking lot accessway intersections, shall exceed a total height of 36 inches above the highest adjacent curb.
5. All trees whether singularly placed or placed on clusters shall not inhibit standard visibility parameters.

6. Parking may be designed to overhang landscaped areas. Maximum permitted overhang is two feet where planter areas have a minimum dimension of five feet or more. Otherwise, concrete wheel stops shall be installed. Any broken or damaged wheel stops shall be replaced.

RP. Landscaping and Irrigation Plans Required. Landscape and irrigation plans shall be required for all projects requiring approval by the hearing body and to which the landscape water efficiency provisions apply, except for individual homeowners on single-family or multifamily residential lots that have a total project landscape area, including pools or other water features, but excluding hardscape that is less than 5,000 square feet. Such plans shall be submitted for discretionary approval to the hearing body. Said plans shall be prepared in accordance with requirements and standards established pursuant to this chapter and the *Guidelines* (specifically refer to sections on landscape design plan and irrigation design plan).

SQ. In addition to the above, the following are requirements that shall apply to the landscape design plan and are more fully explained in the *Guidelines* (Appendix 1, Title 9):

1. Any plants may be used in the landscape, providing the estimated applied water use recommended does not exceed the maximum applied water allowance, and that the plants meet the specifications set forth in this section.
2. Plants having similar water use shall be grouped together in distinct hydrozones.
3. Plants shall be selected appropriately based upon their adaptability to the climatic, geologic and topographical conditions of the site. Protection and preservation of native species and natural areas are encouraged. The planting of trees is encouraged wherever it is consistent with the other provisions of this section. To encourage the efficient use of water, the following are highly recommended for inclusion in the landscape design plan:
 - a. The Sunset Western Climate Zone System which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate;
 - b. The horticultural attributes of plants (i.e., mature plant size, invasive surface roots) to minimize damage to property or infrastructure (e.g., buildings, sidewalks, and power lines); and
 - c. The solar orientation of the site and how plant placement will maximize summer shade and winter solar gain.

IR. Irrigation Requirements.

1. All landscaped areas shall be provided with an approved irrigation system that meets the requirements of this section and the *Guidelines*. An irrigation design plan meeting the design criteria in the *Guidelines* shall be submitted as part of the landscape documentation package for those projects subject to the landscape water efficiency provisions in Section 9.08.040.055.A.
2. Irrigation shall be performed in conformance with city ordinances and with water conservation practices.

US. System Design. For the efficient use of water, an irrigation system shall meet all the requirements listed in the *Guidelines* under Section 2.5, Irrigation Design Plan, and the manufacturers recommendations. The irrigation system and its related components shall be planned and designed to allow for proper installation, management, and maintenance. An irrigation design

plan meeting the design criteria of the *Guidelines* shall be submitted as part of the landscape documentation package.

V.F. In addition to the above, the following are requirements that shall apply to the landscape design plan.

1. Irrigation Design Criteria.
 - a. Runoff and Overspray. Soil types and infiltration rate shall be considered when designing irrigation systems. All irrigation systems shall be designed to avoid runoff, low-head drainage, overspray or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes (walks, etc.), roadways or structures.
 - b. Special attention shall be given to avoid runoff on slopes and to avoid overspray on narrow and irregularly shaped areas, including turf, less than eight feet in width in any direction. Such narrow and irregularly shaped areas shall be irrigated with subsurface irrigation or a low volume overhead irrigation system.
 - c. Irrigation Efficiency.
 - i. For applicable landscape installations or rehabilitation projects subject to Section 9.08.040.055.A, the estimated applied water use allowed for the landscaped areas shall not exceed the MAWA calculated using an ET adjustment factor of 0.7, except for special landscaped areas where the MAWA is calculated using an ET adjustment factor of 1.0; or the design of the landscaped areas shall otherwise be shown to be equivalently water-efficient in a manner acceptable to the City; as provided in the *Guidelines*.
 - ii. Irrigation of all landscaped areas shall be conducted in a manner conforming to the rules and requirements, and shall be subject to penalties and incentives for water conservation and water waste prevention as determined and implemented by the water services division, or as mutually agreed by the water services division and the local agency.
 - iii. The project applicant shall understand and implement the requirements in the City of Garden Grove Water Conservation Ordinance.
 - d. Equipment. The *Guidelines* provide design criteria for irrigation equipment in Section 2.5 “Irrigation Design Plan.”
2. Recycled Water.
 - a. At such time as recycled water is available, the installation of recycled water irrigation systems (dual distribution systems) shall be required to allow for the current and future use of recycled water.
 - b. Irrigation systems shall make use of recycled water unless a written exemption has been granted by the local water agency, stating that recycled water meeting all health standards is not available and will not be available in the foreseeable future.
 - c. The recycled water irrigation systems shall be designed and operated in accordance with all local and state codes.
3. Irrigation Design Plan Specifications. Irrigation systems shall be designed to be consistent with hydrozones. Hydrozone areas shall be designated by number, letter, or other designation

on both the Irrigation Design Plan and the Landscape Design Plan. The irrigation design plan shall be separate from, but use the same format as, the landscape design plan. The scale shall be the same as that used for the landscape design plan. The irrigation design plan at a minimum, shall contain:

- a. Location and size of separate water meters for the landscape;
 - b. Location, type and size of all components of the irrigation system, including controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers and backflow prevention devices;
 - c. Static water pressure at the point of connection to the public water supply;
 - d. Flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (psi) for each station;
 - e. Irrigation schedule parameters necessary to program smart timers specified in the landscape design;
 - f. The following statement: "I have complied with the Landscape Water Efficiency Provisions and the design criteria in the *Guidelines* and applied them accordingly for the efficient use of water in the irrigation design plan"; and
 - g. The signature of a California-licensed landscape professional.
4. Maximum Applied Water Allowance. A project's maximum applied water allowance shall be calculated in a manner acceptable to the City, as provided in the *Guidelines*.
5. Irrigation Schedules. For the efficient use of water, all irrigation schedules shall be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health. Irrigation schedules shall meet the following criteria:
- a. Irrigation scheduling shall be regulated by automatic irrigation controllers.
 - b. Overhead irrigation shall be scheduled in accordance with the local water purveyors (City of Garden Grove, Water Services Division) Water Conservation Ordinance. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.
6. Certificate of Completion.
- a. Landscape project installation shall not proceed until the landscape documentation package has been approved by the City and any ministerial permits required are issued.
 - b. The project applicant shall notify the City at the beginning of the installation work and at intervals, as necessary, for the duration of the landscape project work to schedule all required inspections.
 - c. Certification of completion of the landscape project shall be obtained through a certificate of use and occupancy or a permit final. The requirements for the final inspection and permit closure include submittal of:
 - i. A landscape installation certificate of completion in the form included as Appendix D in the *Guidelines*, which shall include: (1) certification by a landscape professional that the landscape project has been installed per the approved landscape documentation package; and (2) the following statement: "The landscaping has been installed in substantial conformance with the design plans,

and complies with the City of Garden Grove Landscape Water Efficiency Provisions.”

ii. Documentation of the irrigation scheduling parameters used to set the controller.

iii. An irrigation audit report from a certified irrigation auditor, documentation of enrollment in regional or local water purveyors water conservation programs, and/or documentation that the MAWA and EAWU information for the landscape project has been submitted to the local water purveyor, may be required at the option of the City.

Amend Chapter 9.12 (Multiple-family Residential Development Standards) to include the following new section.

Section 9.12.050 Single Room Occupancy Use Regulations and Development Standards

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

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

C. Development Standards. An SRO may be established through adaptive reuse of an existing building or as new construction, subject to the development standards of the zone in which it is located and compliance with all the following standards.

1. Site Standards

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

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

c. The minimum site area shall be twenty thousand (20,000 square feet), with a minimum street frontage of one hundred (100) linear feet.

2. Overall Standards

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

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

- b. A minimum of fifteen (15) percent of the units shall be designed for double occupancy.
- c. Parking shall be provided at a minimum ratio 0.5 space per unit designated as single occupancy and 0.8 space per unit designated as double occupancy, plus one space for each employee on shift and one space for the on-site manager unit provided.
- d. Every SRO development shall have one controlled entryway into the development that is accessed through a main lobby. The main lobby shall include a front desk and/or leasing office, with cameras or other devices that allow a staff member to monitor activity in the lobby.
- e. A separate office or conference room with a minimum size of one hundred (100) square feet shall be provided that is separate from the reception desk, manager's office, or leasing office so that that space can be used by management—or others authorized by management—when interviewing or meeting with tenants.
- f. A twenty-four-hour manager and manager's unit shall be provided. The manager's unit shall be designed to be a complete residential unit, with a minimum size of five hundred (500) square feet for a studio unit and a minimum size of one hundred seventy-five (750) square feet for a one-bedroom unit. The manager's unit shall be located on the ground floor of the development and shall be located adjacent to the main lobby.
- g. Each SRO development shall have a common area of minimum size of four hundred (400) square feet, designed to be furnished for the use and comfort of the tenants. All common area shall maintain minimum dimensions of ten (10) feet. All common areas shall be located within the building. Where deemed appropriate by the responsible review authority, outdoor common patios may be considered toward meeting the common area requirement. Dining rooms, recreational rooms, or other similar areas that are accessible to tenants, and as approved by the responsible review authority, may be considered common areas. Common areas shall not include storage rooms, main lobby, laundry facilities, hallways, restrooms, and kitchens.
- h. Mailboxes shall be provided for each unit and located in the main lobby in plain view of the reception desk.
- i. A minimum of one computer with internet access shall be available in a common area accessible to tenants.
- j. Common laundry facilities shall be provided at a rate of one washer and one dryer per each eight units.
- k. A cleaning supply storeroom and/or utility closet with at least one laundry tub with hot and cold water shall be provided on every floor.
- l. A camera security system shall be provided in all common areas, including the parking facilities, which is monitored from the reception desk/leasing office.
- m. To the extent possible, as determined by the responsible review authority, all stairwells shall be designed to be open to the main lobby, hallways, or other common areas to provide greater security and visibility into the stairwell.
- o. All SRO developments shall provide an emergency power back-up system with a minimum running time of one hundred twenty (120) minutes to provide power to the building in case of a power outage.
- p. If a gate is installed to secure the parking area, the development shall provide a separate pedestrian gate for exiting the parking area.

g. A “Knox Box” shall be provided for emergency personal access. A keypad shall also be provided.

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 sixteen (16) inches deep by twenty-four (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 forty-eight (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 seventy-two (72) cubic feet.

f. Each unit shall be pre-wired for telecommunications services, which could include wireless telecommunications infrastructure.

D. Operational Standards

1. Management Plan. A management plan shall be submitted for review and approval by the City of Garden Grove Community and Economic Development Department. The management plan shall be approved before the issuance of a Certificate of Occupancy. The management plan shall be comprehensive and contain management policies and operations, rental procedures and rates, maintenance plans, residency and guest rules and procedures, security procedures, and staffing needs, including job descriptions. The approved management plan shall be in recordable form as approved by the City Attorney and recorded before issuance of a Certificate of Occupancy.

2. Length of Stay. Rental regulations shall provide that minimum stays be at least thirty-one (31) days.

Exhibit D (Commercial, Office Professional, Industrial)

CHAPTER 9.16 COMMERCIAL, OFFICE PROFESSIONAL, INDUSTRIAL, AND OPEN SPACE DEVELOPMENT STANDARDS

Section 9.16.020.030 is hereby amended to read:

Table 1: City of Garden Grove Land Use Matrix

COMMERCIAL							
Residential Care Uses	O-P	C-1	C-2	C-3	M-1	M-P	O-S
Child Day Care Center	—	C	C	—	—	—	—
Community Care Facility, Residential (7 Persons or More)	C	C	—	—	—	—	—
Emergency Shelter (Homeless)	—	—	—	—	P*	—	—
Intermediate Care Facility	C	C	—	—	—	—	—
<u>Low-Barrier Navigation Center</u>					<u>P¹</u>		
Residential Care Facility for the Elderly (RCFE) (7 persons or more)	C	C	—	—	—	—	—
Skilled Nursing Facility	C	C	—	—	—	—	—

1. Only permitted in the Emergency Shelter Overlay Zone and subject to the requirements of subsection C. of Section 9.60.070.

Section 9.16.040.060 – Landscaping - General Provisions, paragraphs A-E are hereby amended to read as follows:

- A. General landscaping requirements as defined herein shall be provided in all zones.
- B. ~~Parcels zoned or used for single-family purposes~~ shall provide landscaping in all areas not covered by buildings, structures, patios or driveways.
- C. For the purpose of this section, the front yard shall be defined as the front yard setback, determined by a line drawn parallel to the front building plane. This shall also include any accessory structure such as a garage, if the structure is attached.
- D. ~~Reserved.~~ The following regulations are for maximum coverage of hardscape.
 - 1. The maximum permitted hardscape coverage in the front yard setback shall be 50%. Private sidewalks and walkways are excluded from this 50% so long as they do not exceed a width of five feet.
 - 2. The measurement of the front yard setback shall be from the back of sidewalk or street dedication line. The public parkway area between the curb and sidewalk must be fully landscaped.
- E. All developed properties shall be required to be in compliance with the provisions of this subsection when any building additions of one or more square feet are proposed.

Section 9.16.040.070 – Landscaping Requirements is hereby amended to read as follows:

9.16.040.070 Landscaping Requirements

All landscaping shall comply with the landscape water efficiency provisions where applicable. When conflicts between general landscape requirements and the landscape water efficiency requirements found in this section and the *Guidelines* exist, the landscape water efficiency requirements shall have priority.

- A. Minimums. All required landscaped setback areas, including front, rear, side, side street, and landscaped areas within parking lots, shall meet the requirements prescribed herein.
- B. Percentage. Ten percent of all net developable site area for office-professional, commercial, and industrial parking areas, excluding required setbacks, are to be landscaped.
- C. Parking Lot Landscaping.
 - 1. Size. For parking facilities, a variety of tree sizes is required for every 10 parking spaces. Trees must be a minimum of 15-gallons diameter with a one-inch caliper trunk, eight feet in height with a two-and-one-half-foot head or larger. These trees may be grouped or clustered and shall conform to the matrix of plant materials established by the City Manager or designee.
 - 2. Street Frontage. One 24-inch box tree of a two-and-one-quarter-inch caliper trunk diameter, 10 feet in height, and a five-foot head is required for every 30-20 feet of street frontage. (These trees may be grouped or clustered.) All trees shall be placed within a root barrier per city of Garden Grove street tree planting detail specifications.
 - 3. Area. Minimum landscaped area that may be counted is 24 square feet.
- D. Trees.
 - 1. No trees shall be planted under any eave, overhang or balcony.
 - 2. All trees in landscape planters 10 feet in width or less shall be provided with tree root barricades.
- E. Tree Numbers.
 - 1. Parking area—One per eight spaces
 - 2. Street setbacks—One per 20 linear feet
 - ~~3. Balance of site—One per 600 square feet (less parking area building).~~
- F. Tree Size. Forty percent of the trees on a site shall consist of minimum size 24-inch box, and the remaining 60 percent shall be of minimum size 15 gallons.

Total site:				
48"	36"	24" <u>box</u>	15-gallons	Other
10%	10%	15% <u>40%</u>	60%	5%

G. Tree Staking.

- 1. All trees shall be double staked in accordance with City standards.

HG. Planter Width. ~~1. Minimum width of finger planter is three feet, inside clear dimensions. The~~
~~m~~Minimum width of all planters ~~shall be is~~ three feet clear, interior dimensions, not inclusive of retaining curb or wall.

IH. Shrubbery.

~~1. Fifty percent (50%) of all required shrubs shall be a minimum size of five (5) gallons at time of planting.~~

JH. Groundcover.

1. ~~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 30 percent of the groundcover area shall have the mulch substitute.~~

2. ~~All areas required to be landscaped shall be covered with turf, non-deciduous groundcover or other types of plantings. Artificial turf may be used as a groundcover within the R-1 (Single-Family Residential) zone, provided the turf allows for penetration of irrigation and stormwater runoff.~~

2. ~~All plant spacing shall be as indicated by the landscape architect according to the latest standards as adopted by the American Society of Landscape Architects, as described in subsection N (Substitute Landscaping), below.~~

3. ~~Groundcover spacing. 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.~~

KI. Paved Areas. Only those portions that are required by municipal code or by site plan to be used directly for parking spaces, aisles, refuse storage areas, drives or walkways shall be paved. All other areas not needed for the above shall be landscaped. Patios may be paved.

LJ. Excess of Minimum Areas—Authority. The hearing body may require landscaping in excess of the minimum area specified for a proposed development, provided that the additional landscaping is necessary to:

1. Screen adjacent objectionable uses, parking areas, activities, storage or structures that could cause a negative impact on new development based on aesthetics, noise, odors, etc.; or
2. Provide landscaping that is compatible with neighboring uses; or
3. Screen the use from neighboring negative impacts such as traffic, outside storage, etc.

MK. Landscape Plans.

1. Each landscape plan shall be compatible with the shape and topography of the site and the architectural characteristics of the structure(s) on the site.
2. Each landscape plan shall be compatible with the character of adjacent landscaping, provided the quality of the adjacent landscaping meets the standard of these guidelines.
3. Each landscape plan shall illustrate a concern for design elements such as balance, scale, texture, form and unity.
4. Each landscape plan shall address the functional aspects of landscaping such as drainage, erosion prevention, wind barriers, provisions for shade and reduction of glare.
5. Each landscape plan shall demonstrate a concern for solar access, including exposure and shading of window areas and solar panels.
6. Landscaping shall be used to relieve solid, unbroken elevations and to soften continuous wall expanses.
7. The applicant must submit a planting inventory and plan of existing planting materials on a development site that are to be retained. Every effort shall be taken to ensure that mature existing landscaping is utilized as part of the development plan. A landscaping retention program shall be approved by action of the hearing body, at its discretion.

NE. Substitute Landscaping.

1. Materials such as crushed rock, decomposed granite, redwood chips, pebbles and stone may ~~not~~ be used in lieu of live plant materials for up to 30 percent of the required landscape coverage area, ~~although their limited use may be approved by the hearing body through the site plan review process~~. Artificial plants, with the exception of artificial turf, are prohibited. Artificial turf shall be allowed within the O-P (Office Professional), C-1 (Neighborhood Commercial), C-2 (Community Commercial), C-3 (Heavy Commercial), M-1 (Limited Industrial), M-P (Industrial Park), and O-S (Open Space) zones, subject to the following standards:
 - a. Artificial turf ~~is shall be~~ permitted, provided it complies within the front and rear yards and shall comply with the following criteria:
 1. —Artificial turf shall have a minimum eight-year “No Fade” warranty.
 2. —Artificial turf shall be installed by a licensed professional and shall be installed pursuant to manufacturer’s requirements, except if the artificial turf is installed by the homeowner. The homeowner shall be required to follow the manufacturer’s specifications for installation.
 3. —Artificial turf shall be installed and maintained to effectively simulate the appearance of a well-maintained lawn. The turf shall be maintained in a green fadeless condition and shall be maintained free of weeds, debris, tears, holes, and impressions.
 4. —The use of indoor or outdoor plastic or nylon carpeting as a replacement of artificial turf or natural turf shall be prohibited. No rubber infill is permitted.

5. Artificial shrubs, flowers, trees, and vines in lieu of living plant material shall be prohibited.

6. —Areas of living plant material (i.e., flower beds, tree wells, etc.) shall be included in the overall landscape design when installing artificial turf. Living plant material shall include shrubs, vines, trees, and flowering groundcovers and shall constitute a minimum of 25 percent% of the landscape area.

7. —Artificial turf shall be separated from flower beds by a concrete mow strip, bender board, or other barriers acceptable to the City ~~in order~~ to prevent intrusion of living plant material into the artificial turf.

~~8. —Artificial turf in front yards shall be limited to 75 percent5% of required landscape area and shall not be installed in parkways.~~

OM. Screening.

1. Landscaping shall be required to screen storage areas, trash enclosures, public utilities, freeways, highways and other similar land uses or elements that do not contribute to the enhancement of the surrounding area. Where plants are required for screening, such screening shall consist of the use of evergreen shrubs and/or trees closely spaced. Berming is suggested as an effective screening measure for parking lots and where adjacent site areas are contiguous to street frontages. Such berming with planting shall not exceed 36 inches above the highest adjacent curb.
2. Perimeter landscaping adjacent to the property lines is required in parking areas. Planter area curbs shall be used in place of wheel stops.

PN. Separation.

1. All landscaping shall be separated from parking and vehicular circulation areas by a raised, continuous six-inch Portland cement concrete curb.
2. Other materials that accomplish the same purpose may be approved by the hearing body through the site plan review process.
- ~~3. —All trees shall be staked in accordance with standards maintained by the City Manager or designee.~~

QQ. Arterial Site Entries.

1. Unless otherwise delineated, all developments having a contiguous property line to a primary or secondary arterial highway shall observe a 15-foot setback that shall be landscaped. All other non-arterial highways shall observe a 10-foot setback, unless otherwise delineated by the governing zone.
2. Landscaping at major entry points are considered the focal points for landscaping emphasis, and shall contain a variety of trees, flowers and shrubs with special concern for visibility and safety.
3. No landscaping material other than trees shall exceed a height of 36 inches above the highest adjacent curb at street entrances and parking lot accessway intersections.
4. ~~No berming~~ with or without landscaping materials. at street entrances and parking lot accessway intersections, shall exceed a total height of 36 inches above the highest adjacent curb.

5. All trees whether singularly placed or placed on clusters shall not inhibit standard visibility parameters.

6. Parking may be designed to overhang landscaped areas. Maximum permitted overhang is two feet where planter areas have a minimum dimension of five feet or more. Otherwise, concrete wheel stops shall be installed. Any broken or damaged wheel stops shall be replaced.

RP. Landscaping and Irrigation Plans Required. Landscape and irrigation plans shall be required for all projects requiring approval by the hearing body and to which the landscape water efficiency provisions apply, except for individual homeowners on single-family or multifamily residential lots that have a total project landscape area, including pools or other water features, but excluding hardscape that is less than 5,000 square feet. Such plans shall be submitted for discretionary approval to the hearing body. Said plans shall be prepared in accordance with requirements and standards established pursuant to this chapter and the *Guidelines* (specifically refer to sections on landscape design plan and irrigation design plan).

SQ. In addition to the above, the following are requirements that shall apply to the landscape design plan and are more fully explained in the *Guidelines* (Appendix 1, Title 9):

1. Any plants may be used in the landscape, providing the estimated applied water use recommended does not exceed the maximum applied water allowance, and that the plants meet the specifications set forth in this section.
2. Plants having similar water use shall be grouped together in distinct hydrozones.
3. Plants shall be selected appropriately based upon their adaptability to the climatic, geologic and topographical conditions of the site. Protection and preservation of native species and natural areas are encouraged. The planting of trees is encouraged wherever it is consistent with the other provisions of this section. To encourage the efficient use of water, the following are highly recommended for inclusion in the landscape design plan:
 - a. The Sunset Western Climate Zone System which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate;
 - b. The horticultural attributes of plants (i.e., mature plant size, invasive surface roots) to minimize damage to property or infrastructure (e.g., buildings, sidewalks, and power lines); and
 - c. The solar orientation of the site and how plant placement will maximize summer shade and winter solar gain.

IR. Irrigation Requirements.

1. All landscaped areas shall be provided with an approved irrigation system that meets the requirements of this section and the *Guidelines*. An irrigation design plan meeting the design criteria in the *Guidelines* shall be submitted as part of the landscape documentation package for those projects subject to the landscape water efficiency provisions in Section 9.08.040.055.A.
2. Irrigation shall be performed in conformance with city ordinances and with water conservation practices.

US. System Design. For the efficient use of water, an irrigation system shall meet all the requirements listed in the *Guidelines* under Section 2.5, Irrigation Design Plan, and the

manufacturers recommendations. The irrigation system and its related components shall be planned and designed to allow for proper installation, management, and maintenance. An irrigation design plan meeting the design criteria of the *Guidelines* shall be submitted as part of the landscape documentation package.

V.F. In addition to the above, the following are requirements that shall apply to the landscape design plan.

1. Irrigation Design Criteria.
 - a. Runoff and Overspray. Soil types and infiltration rate shall be considered when designing irrigation systems. All irrigation systems shall be designed to avoid runoff, low-head drainage, overspray or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes (walks, etc.), roadways or structures.
 - b. Special attention shall be given to avoid runoff on slopes and to avoid overspray on narrow and irregularly shaped areas, including turf, less than eight feet in width in any direction. Such narrow and irregularly shaped areas shall be irrigated with subsurface irrigation or a low volume overhead irrigation system.
 - c. Irrigation Efficiency.
 - i. For applicable landscape installations or rehabilitation projects subject to Section 9.08.040.055.A, the estimated applied water use allowed for the landscaped areas shall not exceed the MAWA calculated using an ET adjustment factor of 0.7, except for special landscaped areas where the MAWA is calculated using an ET adjustment factor of 1.0; or the design of the landscaped areas shall otherwise be shown to be equivalently water-efficient in a manner acceptable to the City; as provided in the *Guidelines*.
 - ii. Irrigation of all landscaped areas shall be conducted in a manner conforming to the rules and requirements, and shall be subject to penalties and incentives for water conservation and water waste prevention as determined and implemented by the water services division, or as mutually agreed by the water services division and the local agency.
 - iii. The project applicant shall understand and implement the requirements in the City of Garden Grove Water Conservation Ordinance.
 - d. Equipment. The *Guidelines* provide design criteria for irrigation equipment in Section 2.5 "Irrigation Design Plan."
2. Recycled Water.
 - a. At such time as recycled water is available, the installation of recycled water irrigation systems (dual distribution systems) shall be required to allow for the current and future use of recycled water.
 - b. Irrigation systems shall make use of recycled water unless a written exemption has been granted by the local water agency, stating that recycled water meeting all health standards is not available and will not be available in the foreseeable future.
 - c. The recycled water irrigation systems shall be designed and operated in accordance with all local and state codes.

3. Irrigation Design Plan Specifications. Irrigation systems shall be designed to be consistent with hydrozones. Hydrozone areas shall be designated by number, letter, or other designation on both the Irrigation Design Plan and the Landscape Design Plan. The irrigation design plan shall be separate from, but use the same format as, the landscape design plan. The scale shall be the same as that used for the landscape design plan. The irrigation design plan at a minimum, shall contain:
 - a. Location and size of separate water meters for the landscape;
 - b. Location, type and size of all components of the irrigation system, including controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers and backflow prevention devices;
 - c. Static water pressure at the point of connection to the public water supply;
 - d. Flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (psi) for each station;
 - e. Irrigation schedule parameters necessary to program smart timers specified in the landscape design;
 - f. The following statement: “I have complied with the Landscape Water Efficiency Provisions and the design criteria in the *Guidelines* and applied them accordingly for the efficient use of water in the irrigation design plan”; and
 - g. The signature of a California-licensed landscape professional.
4. Maximum Applied Water Allowance. A project’s maximum applied water allowance shall be calculated in a manner acceptable to the City, as provided in the *Guidelines*.
5. Irrigation Schedules. For the efficient use of water, all irrigation schedules shall be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health. Irrigation schedules shall meet the following criteria:
 - a. Irrigation scheduling shall be regulated by automatic irrigation controllers.
 - b. Overhead irrigation shall be scheduled in accordance with the local water purveyors (City of Garden Grove, Water Services Division) Water Conservation Ordinance. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.
6. Certificate of Completion.
 - a. Landscape project installation shall not proceed until the landscape documentation package has been approved by the City and any ministerial permits required are issued.
 - b. The project applicant shall notify the City at the beginning of the installation work and at intervals, as necessary, for the duration of the landscape project work to schedule all required inspections.
 - c. Certification of completion of the landscape project shall be obtained through a certificate of use and occupancy or a permit final. The requirements for the final inspection and permit closure include submittal of:
 - i. A landscape installation certificate of completion in the form included as Appendix D in the *Guidelines*, which shall include: (1) certification by a landscape professional that the landscape project has been installed per the approved

landscape documentation package; and (2) the following statement: “The landscaping has been installed in substantial conformance with the design plans, and complies with the City of Garden Grove Landscape Water Efficiency Provisions.”

ii. Documentation of the irrigation scheduling parameters used to set the controller.

iii. An irrigation audit report from a certified irrigation auditor, documentation of enrollment in regional or local water purveyors water conservation programs, and/or documentation that the MAWA and EAWU information for the landscape project has been submitted to the local water purveyor, may be required at the option of the City.

Section 9.16.040.120 - Walls, Fences and Hedges is hereby amended to include these new provisions:

C. Graffiti Prevention

Street-facing perimeter block walls, whether new or existing, shall include trailing vines, hedges planted along the base of the exterior face, or other landscaping treatments that deter graffiti.

CHAPTER 9.18 MIXED USE REGULATIONS AND DEVELOPMENT STANDARDS

Section 9.18.010 is hereby amended to read as follows:

Section 9.18.010 Mixed Use Zones—Purpose

9.18.010.010 Overall Purpose and Intent

- A. Purpose. These regulations for Mixed Use zones in the City of Garden Grove are established to implement General Plan Land Use Element and Community Design Element directives applicable to the Residential/Commercial Mixed Use 1, Residential/Commercial Mixed Use 2, Residential/Commercial Mixed Use 3, Civic Center Mixed Use, and Industrial/Residential 2 General Plan land use designations. The Mixed Use zones provide opportunities to blend residential, commercial, industrial, and/or civic/institutional uses as integrated developments or single-use structures. However, some Mixed Use zones require a commercial component in any new development to ensure that adequate commercial destinations and services are available for residents in surrounding neighborhoods. The use regulations and development and design standards set forth in this chapter establish minimum standards for the use and development of land within the Mixed Use zones.
- B. Intent. The intent of the Mixed Use zones is to:
1. Bring energy and vitality to the city during both daytime and after-work hours.
 2. Facilitate a pedestrian-scaled environment with buildings that provide exciting access, well-designed landscaping, and pedestrian amenities that foster interaction.
 3. Allow for the combining of complementary uses, thereby accommodating access to several goods and services in compact locations and reducing the need for additional vehicle trips.
 4. Encourage local and regional commerce.
 5. Enhance the city's image.
 6. Provide opportunities for commercial areas to work in harmony with adjacent residential uses.
 7. Provide for flexibility in the design and use of properties to respond to shifts in markets and changing land use trends.
- C. Chapter Organization. In addition to the use standards provided in Sections 9.18.020 through 9.18.070, this chapter includes development standards specific to each of the individual Mixed Use zones (Section 9.18.090), as well as development ~~standards~~ and design ~~guidelines~~ standards that are applicable to all Mixed Use zones (Sections 9.18.100 through 9.18.150). Additional unique standards for planned unit development projects and overlay zones are provided in Sections 9.18.160 through 9.18.180. Users of this chapter are required to read all ~~of the~~ provisions to understand how their property or properties can be developed. (2814, 2012)

9.18.010.020 Mixed Use Zones Establishment and Intent

The following Mixed Use zones and their purposes are established:

- A. Garden Grove Boulevard Mixed Use (GGMU). The purpose of the GGMU zones is to create and maintain a vibrant boulevard that is both a regional destination and a place where people can work and live. The boulevard links destinations and has a distinctive character and pattern along its length. Standards requiring enhanced building design; trees; landscaping; amenity areas for pedestrian activity, including plazas, walkways, and allowed outdoor dining; and creative use of open spaces contribute to an exciting pedestrian experience. Pedestrian orientation is emphasized in site and building design through active street frontages, well-scaled and designed buildings, and engaging outdoor spaces. Three GGMU zones provide opportunities for varying levels of intensity and new development along the boulevard, while ensuring sensitivity to existing nearby residential neighborhoods. Figure 9.18-1 (Garden Grove Boulevard Mixed Use Zones Rendering) illustrates how application of the flexible development and design standards for the GGMU zones will work to create a grand streetscape along Garden Grove Boulevard and encourage the interaction of uses and enhanced pedestrian activity.
1. Garden Grove Boulevard Mixed Use 1 (GGMU-1). The Garden Grove Boulevard Mixed Use 1 zone applies to specific properties along Garden Grove Boulevard, and provides for urban-scale, fully integrated commercial and residential mixed use developments near key intersection locations, consistent with the General Plan Residential/Commercial Mixed Use 1 land use designation. Development intensities allow buildings up to 10 stories in height. Use regulations and development and design standards encourage vibrant, urban-scale districts that attract visitors. Development approaches provide for ~~ample landscaping and enhanced~~ pedestrian environment along Garden Grove Boulevard that tie into the adjacent lower-intensity development, with buildings generally built close to front property lines. Site and building design highlight Garden Grove Boulevard as one of the city's distinctive corridors.
 2. Garden Grove Boulevard Mixed Use 2 (GGMU-2). The Garden Grove Boulevard Mixed Use 2 zone applies to specific properties along Garden Grove Boulevard, and provides for commercial and residential uses to be developed as integrated developments either on a single development site or as complementary uses within a district, such as commercial uses that provide goods and services for adjacent or integrated residential units. This zone implements the General Plan Residential/Commercial Mixed Use 2 ~~and 3~~ land use designations. Development intensities are lower in scale (no more than ~~three to~~ four stories) and respect adjacencies to lower-density residential neighborhoods. Development approaches provide for ~~ample landscaping and an enhanced~~ pedestrian environment along Garden Grove Boulevard that includes wide sidewalks, landscaping, street furniture, and public plazas, with buildings oriented toward the boulevard. Site and building design highlight Garden Grove Boulevard as one of the city's distinctive corridors.
 3. Garden Grove Boulevard Mixed Use 3 (GGMU-3). The Garden Grove Boulevard Mixed Use 3 zone applies to specific properties along Garden Grove Boulevard, and provides for commercial and residential uses to be developed as integrated developments either on a single development site or as complementary uses within a district, such as commercial uses that provide goods and services for adjacent or integrated residential units. This zone implements the General Plan Residential/Commercial Mixed Use ~~4 and 3~~ land use designations. Development intensities are moderate in scale (no more than ~~five to seven stories) and respect adjacencies~~, with heights stepping down adjacent to lower-density residential neighborhoods. This zone provides a transition between lower-intensity mixed use developments along Garden Grove Boulevard and the most intense mixed use nodes. Development approaches provide for ~~ample landscaping and an enhanced~~ pedestrian environment along Garden Grove Boulevard that includes wide sidewalks, landscaping, street furniture, and public plazas, with buildings oriented toward the boulevard. Site and building design highlight Garden Grove Boulevard as one of the city's distinctive corridors.

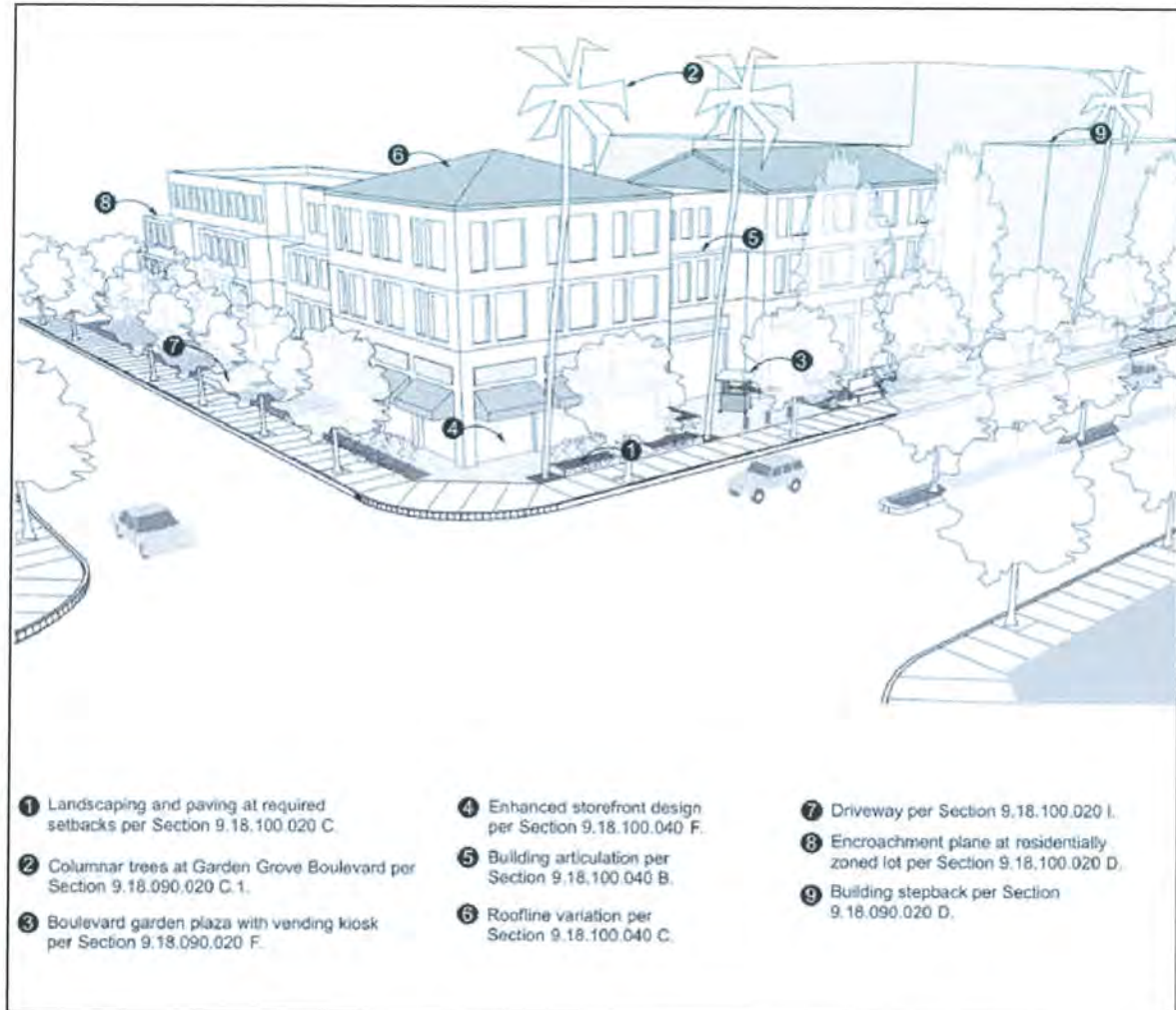


Figure 9.18-1: Garden Grove Boulevard Mixed Use Zones Rendering

- A. Civic Center (CC) Zones. Four Civic Center zones provide for a mix of civic, institutional, educational, commercial, high-density residential, and open space uses within a pedestrian-oriented district. Developments are linked via local streets and pedestrian ways to create easy access to complementary uses, and to provide a center in the community where people can engage in civic, business, educational, and recreational activities near their homes. Parking facilities can be built to respond to the pedestrian orientation of the district and the ability of uses to share parking based on their functions and demands. The Civic Center is recognized as the historic city core and a public gathering place. Design, development, and use standards are intended to reinforce the area's continued function as an area of prominence. Development standards bring building frontages and shopfronts towards the sidewalk, forming a consistent streetwall that enhances the pedestrian environment and supports a viable retail experience. These zones implement the General Plan Civic Center Mixed Use land use designation.
1. Civic Center East (CC-1). This zone allows for institutional and educational uses, together with a mix of residential and commercial uses. The intent is to allow uses and development approaches that maintain the character and form of the established neighborhoods within the Civic Center

district. Existing residential structures may continue to be used for residential purposes or may be adapted for commercial use, provided that applicable development standards can be met.

2. Civic Center Main Street (CC-2). This zone applies to the historic Main Street District, a Garden Grove landmark. Main Street is recognized as a place of special character and aesthetic interest and value. This zone is established to preserve and enhance buildings and structures of historic and cultural significance, and incidental uses that advance and preserve the Main Street character and charm. Civic Center Core (CC-3). This zone is established to encourage civic, educational, commercial, high-density residential, and compatible uses that enliven the City's core and work together to create a walkable, lively district that encourages interaction and engagement in community activities. Shared parking facilities, pedestrian orientation of buildings, high-quality architecture, and pedestrian-scale landscaping, pathways, and signage reinforce the goal to create places where people, not cars, predominate.
 3. Civic Center Open Space (CC-OS). This zone applies to public properties dedicated to active and passive recreation uses, civic engagement, arts and culture, and institutional activities that benefit a broad population.
- C. Neighborhood Mixed Use (NMU). The Neighborhood Mixed Use zone is intended to enhance, revitalize, and provide opportunities for new development in neighborhood commercial centers. This zone allows for retail and service commercial businesses and moderate-density residential uses. Residential and commercial uses may be provided together as an integrated mixed use development, or stand-alone commercial uses are permitted. ~~However, all~~ New residential development in the NMU zone is required to include a commercial component, except for properties in the NMU zone that do not have access to a principal, major, primary, or secondary arterial street. Commercial uses and intensities are limited to those that serve local neighborhood needs, and that are compatible in terms of hours of operation and compliance with city noise standards with adjacent and surrounding residential development. ~~Compatible~~ Public and institutional facilities are allowed as well, provided such uses operate generally during day-time hours and do not directly route car and truck trips onto adjacent local streets. This zone implements the General Plan Residential/Commercial Mixed Use 2 land use designation.
- D. Adaptive Reuse (AR). The Adaptive Reuse zone allows for a mix of work-live, light industrial, technology, creative industry, office, limited entertainment, and complementary uses near the city's civic core. Residential uses are permitted only as work-live, either in new developments or as adaptive reuse of existing structures. Light industrial uses must be low impact in nature in terms of noise generation, hours of operation, and compatible with any use of hazardous materials to limit potential impacts on nearby existing or allowed residential uses. Development generally is low to moderate in scale no more than two stories in height, with higher intensities appropriate closer to existing and planned transit and multiuse corridors. ~~Preferred approaches to creating new spaces for allowed uses include the~~ Adaptive reuse of existing structures is allowed and encouraged, as is new development that supports ~~innovative~~ research and development uses. Projects shall be designed to optimize incorporate pedestrian ~~movements~~ pathways between the AR zone and the CC zones. This zone implements the Industrial/Residential Mixed Use 2 land use designation. (2814, 2012)

Section 9.18.010, Table 9.18-1 Use Regulations for Mixed Use Zones is hereby amended to read as follows:

Table 9.18-1: Use Regulations for the Mixed Use Zones

P = Permitted. Use permitted by right

C = Conditional Use. Use eligible for consideration under the conditional use procedures and permitted only if the conditional use permit is approved, subject to the specific conditions of such permit.

I = Incidental Use. Use permitted only if incidental to another primary use on the same site. If incidental to a use authorized by a conditional use permit, such incidental use is permitted only if included within the terms of the conditional use permit.

[-] = Not a permitted use.

Permitted Uses	GGMU-1, -2, -3	CC-1	CC-2	CC-3	CC-OS	NMU	AR	Additional Regulations and Comments
Residential & Associated Uses								
<i>Residential Uses</i>								
Single-Family Dwelling	[-]	P	[-]	[-]	[-]	[-]	[-]	See Section 9.18.110.040 (Existing Nonconforming Single-Family Dwellings).
Multiple-Family Residential Use - Stand-alone use with no commercial component	P	P	[-]	P	[-]	[-]	HP	Minimum density of 10 units/acre required in GGMU zones. Residential development requires a commercial component in GGMU-1 (unless 100% affordable development) and certain properties in CC-3; see Section 9.18.020.070 (Restrictions on Uses and Activities within a Vertically Integrated Residential/Commercial Mixed Use Development). <u>Stand-alone multiple-family residential development in the NMU zone is only permitted on sites that do not have access to a principal, major, primary, or secondary arterial street. Such development is not required to include a pedestrian plaza area.</u> <u>In all zones that allow multiple-family residential development, where the base density calculates to less than 2.0 dwelling units, two (2) multiple-family dwelling units are allowed, provided the development complies with all applicable</u>

Table 9.18-1: Use Regulations for the Mixed Use Zones

P = Permitted. Use permitted by right

C = Conditional Use. Use eligible for consideration under the conditional use procedures and permitted only if the conditional use permit is approved, subject to the specific conditions of such permit.

I = Incidental Use. Use permitted only if incidental to another primary use on the same site. If incidental to a use authorized by a conditional use permit, such incidental use is permitted only if included within the terms of the conditional use permit.

[-] = Not a permitted use.

Permitted Uses	GGMU-1, -2, -3	CC-1	CC-2	CC-3	CC-OS	NMU	AR	Additional Regulations and Comments
								development standards of the respective zone.
Small Lot Subdivision	[-]	P	[-]	P	[-]	[-]	[-]	Minimum density of 10 units/acre required. Section 9.12.040.060—Special Requirements Small Lot Subdivisions (Chapter 9.12 —Multi-Family Residential Development Standards) shall apply to all proposed small lot subdivisions.
Single Room Occupancy	P	[-]	[-]	P	[-]	[-]	[-]	Shall comply with the provisions of Section 9.12.050 Single Room Occupancy Use Regulations and Development Standards.
Supportive and Transitional Housing	P	HP	HP	P	[-]	HP	[-]	Transitional and supportive housing are subject to the same approval requirements, development standards, and restrictions that apply to other residential dwellings of the same type in the same zone.
Supportive Housing for the Homeless	P	P	P	P	[-]	[-]	[-]	Subject to the requirements of subsection B. of Section 9.60.070.
Low-Barrier Navigation Center	P	P	P	P	[-]	P	[-]	Subject to the requirements of subsection C. of Section 9.60.070.

Section 9.18.030.300.C is hereby amended to read as follows:

9.18.30.300

Outdoor Dining at Eating Establishment/Restaurant

C. Location.

1.

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

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

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

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

Section 9.18.030.360.B is hereby amended to read as follows:

9.18.030.360 Work-Live Units

A. Design Standards.

1. **Floor Area Requirement.** A work-live unit shall have a minimum floor area of at least 750 square feet. The maximum size of the residential portion of the work-live unit shall be no more than 40% of the unit to ensure that the residential portion remains accessory to the primary commercial use. All floor area other than that reserved for living space shall be reserved and regularly used for working space.
 - a. **Separation and Access of Individual Units.** Each work-live unit shall be separated from other units and other uses in the building. Access to each unit shall be provided via storefronts or from common access areas, corridors, or halls. The access to each unit shall be clearly separate from other work-live units or other uses within the building with no shared access. Living space shall be located in the rear ground level or second floor and above to maintain activity and commercial access along the frontage.
 - b. **Facilities to Accommodate Commercial or Industrial Activities.** A work-live unit shall be designed to accommodate nonresidential uses as evidenced by the provision of ventilation, interior storage, flooring, and other physical improvements of the type commonly found in exclusively nonresidential facilities used for the same work activity.
 - c. **Integration of Living and Working Space.** Areas within a work-live unit that are designated as living space shall be an integral part of the work-live unit and not separated (or occupied and/or rented separately) from the work space, ~~except that mezzanines and lofts may be used as living space~~ subject to compliance with the other provisions of this title, ~~and living and working space may be separated by interior courtyards or similar private space including other applicable building standards codes and regulations.~~
 - d. **Mixed Occupancy Buildings.** If a building contains mixed occupancies of work-live units and other nonresidential uses, occupancies other than work-live shall meet all applicable requirements for those uses, and proper occupancy separations shall be provided between the work-live units and other occupancies, as determined by the ~~Garden Grove~~ Fire Chief or designee.

Sections 9.18.090 through 9.18.140 are hereby amended to read as follows:

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

In addition to the other applicable requirements of this chapter, the provisions of this Section 9.18.090.020 apply to development in the GGMU-1, GGMU-2, and GGMU-3 zones. Table 9.18-2 (Development Standards for the Garden Grove Boulevard Mixed Use Zones) sets forth the general development standards applicable to all development in the GGMU zones.

Table 9.18-2: Development Standards for the Garden Grove Boulevard Mixed Use Zones

Development Standards	Garden Grove Boulevard Mixed Use Zones		
	GGMU-1	GGMU-2	GGMU-3
Minimum Lot Size	Minimum area and width for new lots. When a lot has less than the minimum required area or width as set forth in the development standards for the zone in which it is located and was of record on November 12, 1960, the lot shall be deemed to have complied with the current minimum required lot area or width.		
Minimum Area	22,500 sf	15,000 sf	15,000 sf
Minimum Width	125 ft	75 ft	75 ft
Minimum Width (Corner Lot)	125 ft	75 ft	75 ft
Maximum Density/Intensity			
Maximum Commercial Floor Area Ratio (FAR)	1.0	0.5	0.5
Maximum Residential Density (units/acre)	60 units/acre Residential development requires an on-site commercial development component of a minimum 0.3 FAR unless a project consists of 100% affordable units, in which case no commercial component shall be required.	24 units/acre No commercial component required.	48 units/acre No commercial component required.
Setbacks	Minimum setbacks required. See Section 9.18.100 for setback measurement, allowed encroachments and projections into setbacks, and exceptions to setbacks.		
Front	Minimum 10 ft	Minimum 15 ft	Minimum 15 ft
Side	None required	None required	None required
Corner Side	Minimum 10 ft	Minimum 10 ft	Minimum 10 ft
Rear	None required unless abutting a residentially zoned lot; minimum 10 ft and shall not encroach within an encroachment plane when abutting a residentially zoned lot. See Section 9.18.100.		
Maximum Height	Maximum building height shall not exceed height limit in feet or stories. See Section 9.18.090.020.D and 9.18.090.020.E for additional building setback requirements. See also Section for rear and side yard encroachment plane requirements which may restrict heights adjacent to a residentially zoned lot.		
	110 ft or 10 stories, whichever is less	50 ft or 4 stories, whichever is less	75 ft or 7 stories, whichever is less

Table 9.18-2: Development Standards for the Garden Grove Boulevard Mixed Use Zones

Development Standards	Garden Grove Boulevard Mixed Use Zones		
	GGMU-1	GGMU-2	GGMU-3
Lot Coverage			
Minimum Lot Coverage	Not applicable		
Maximum Lot Coverage	Not applicable		

- A. Garden Grove Boulevard Mixed Use Zone 1 (GGMU-1) Setback Requirements. For any property where the front lot line abuts Garden Grove Boulevard, the minimum required 10-foot front setback, measured from and perpendicular to the property line, shall be primarily for pedestrian use and shall be paved and augmented with landscaping such as planters and trees, as provided per Section 9.18.100.020.C (Setbacks) and subsection C (Garden Grove Boulevard Tree Requirements) of this section. Elements enhancing the pedestrian experience that create shading, seating, and safety features for pedestrians shall be incorporated into the design of the front setback, including but not limited to, in the form of shade trees of minimum 24-inch box size, benches, lighting either in the pavement or mounted on poles 10 to 12 feet in height, and enhanced paving consisting of either textured concrete, bricks, or stonework. Painted concrete shall not be used.



Photo 9.18-2: Example of Paved Pedestrian Activity Area with Landscaping and Benches in the GGMU-1 Zone

- A. Garden Grove Boulevard Mixed Use Zones 2 and 3 Setback (GGMU-2 and GGMU-3) Requirements. ~~The first~~At least five feet within the minimum required 15-foot front yard setback, measured from and perpendicular to the property line, shall be for pedestrian use and shall be paved ~~and landscaped~~, as provided in Section 9.18.100.020.C (Setbacks). Elements ~~enhancing the pedestrian experience that create shading, seating, and safety features for pedestrians~~ shall be incorporated into the design of the front setback, ~~including but not limited to in the form of shade trees of minimum 24-inch box size~~, benches, lighting ~~either in the pavement or mounted on poles 10 to 12 feet in height~~, and enhanced paving ~~consisting of either textured concrete, bricks, or stonework~~. Painted concrete shall not be used.
- B. Garden Grove Boulevard Tree Requirements. Trees are a significant and highly visual component of the urban environment for both the pedestrian and people in vehicles. For the pedestrian, trees create shade and provide comfort and an enhanced feeling of appropriate scale. For people in vehicles, a clear pattern of trees provides visual interest and enhances movement along and through the city's primary street corridors. For these reasons and to achieve General Plan goals with regard to enhancing city identity, for all properties having any property line adjacent to the Garden Grove Boulevard right-of-way, ~~enhanced~~ landscaping shall be provided within the required front setback area; in addition to otherwise required paving ~~and~~ landscaping, and street trees. Such ~~enhanced~~ landscaping shall consist of the following:
1. Columnar Trees Required. Columnar trees, ~~selected from the Planning Division's approved tree list for Garden Grove Boulevard~~, shall be planted within 10 feet of the Garden Grove Boulevard property line within the front yard setback. Trees ~~should~~shall either be placed grouped or planted at regular intervals and no more than 40 feet on center. Trees shall be of a minimum 24-inch box size at planting and have a minimum height at maturity of 45 feet.
 2. Setback Canopy Trees Required. Canopy trees, ~~selected from the Planning Division's approved tree list for Garden Grove Boulevard~~, shall be planted at a ratio of at least one tree for every 50 feet of Garden Grove Boulevard lot frontage. Trees may be placed at regular intervals along the front yard setback or may be clustered within the front yard setback.
 3. Trees within Public Rights-of-Way. Canopy trees within the street right-of-way are an essential component of the streetscape and pedestrian orientation of Garden Grove Boulevard. Street trees shall be provided no more than 30 feet apart on center, or as otherwise required by Public Works standards.
 3. Required Planting Area. A minimum of 16 square feet of planting of shrubs and/or groundcover shall be provided at the base of each required tree, ~~unless~~. Tree grates are approved through may be substituted for the site plan review process shrubs or groundcover.

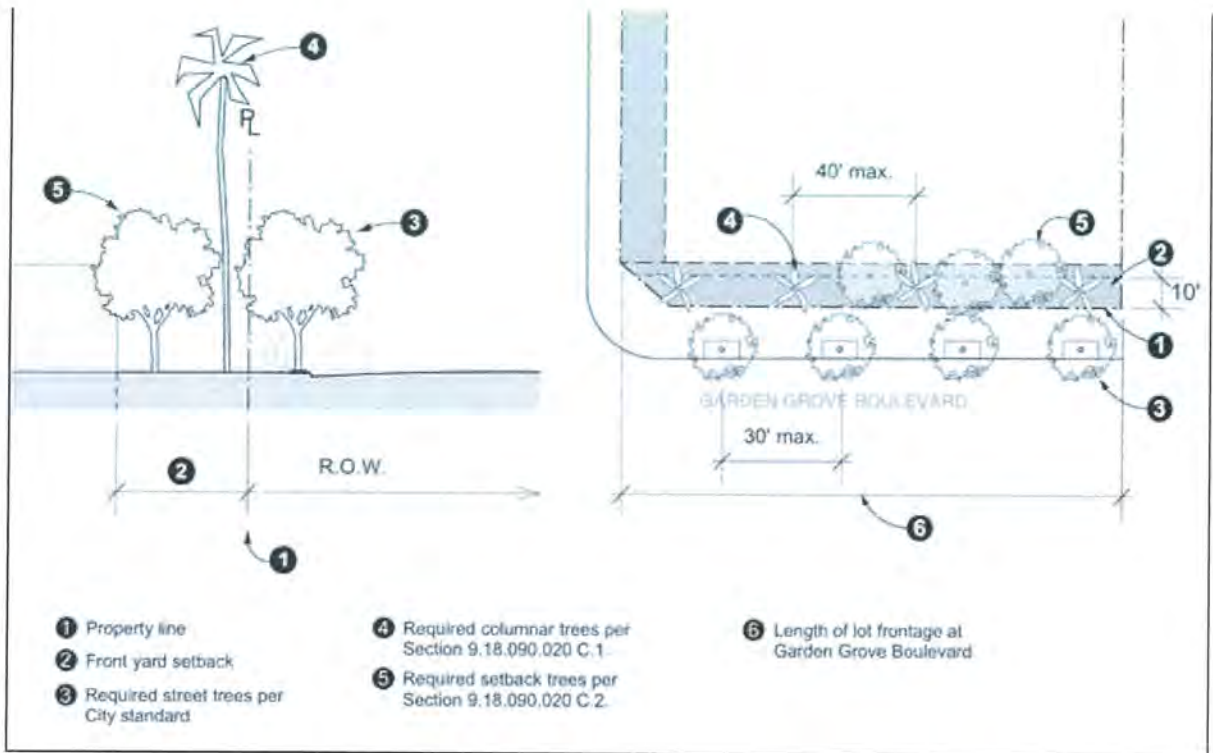


Figure 9.18-2: Garden Grove Boulevard Frontage Tree Requirements

- A. Building Stepback at Garden Grove Boulevard. Any portion of a building or structure located within 45 feet of the Garden Grove Boulevard right-of-way shall not exceed 50 feet in height. Where a building fronting Garden Grove Boulevard is located more than 45 feet away from Garden Grove Boulevard, no additional building stepback is required.
- B. Building Stepback at Side Streets. Any portion of a building or structure located within 25 feet of any public right-of-way other than Garden Grove Boulevard shall not exceed 50 feet in height. Where a building is located more than 25 feet away from another public right-of-way (other than Garden Grove Boulevard), no additional building stepback is required.

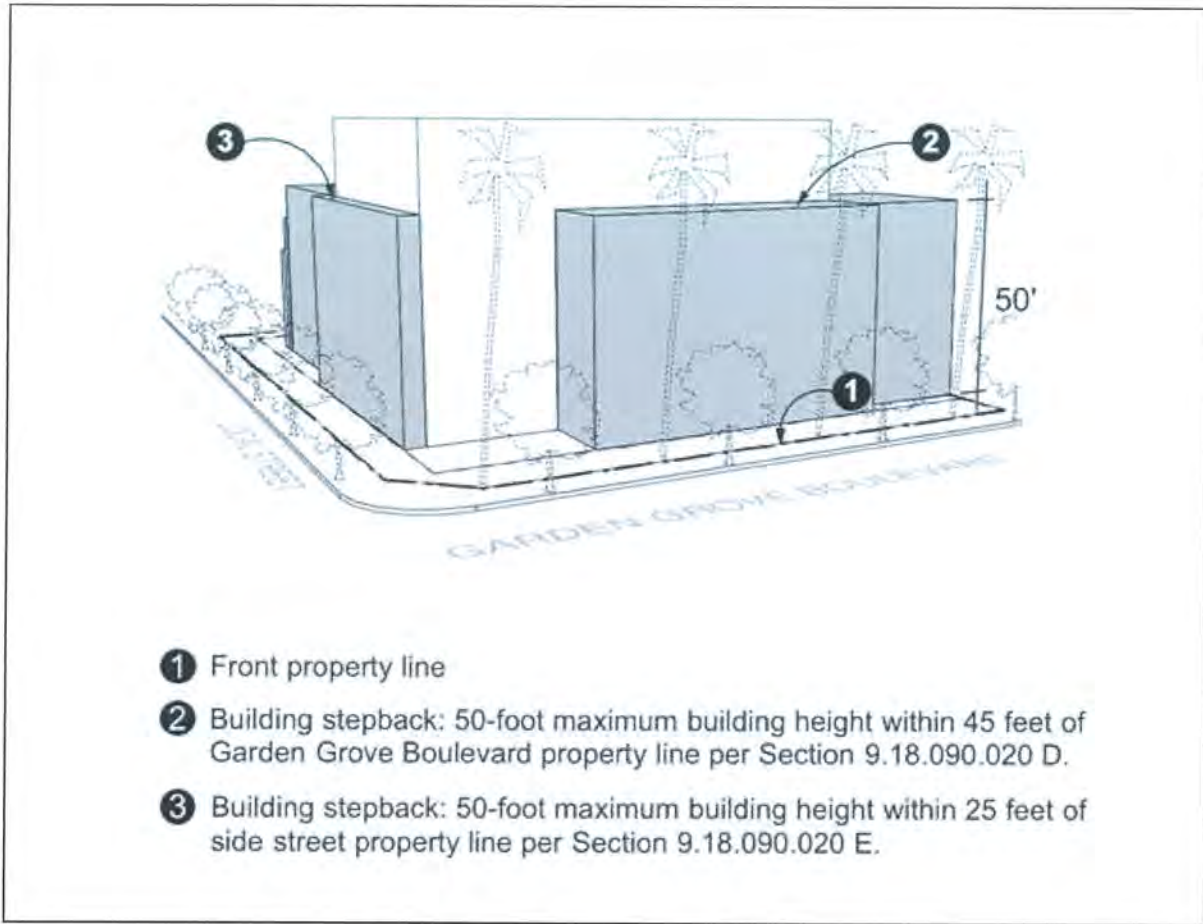


Figure 9.18-3: GGMU Required Building Stepbacks

- F. Boulevard Garden Plaza Requirement. For projects having a property line that abuts the Garden Grove Boulevard right-of-way and where the buildings are clearly oriented immediately toward Garden Grove Boulevard, a boulevard garden plaza shall be provided. New stand-alone multiple-family residential development with no commercial component, in the Garden Grove Boulevard Mixed Use Zone (GGMU) zone, is only permitted on sites that do not have access to a principal, major, primary, or secondary arterial street and are not required to include a pedestrian plaza area. The purpose of this boulevard garden plaza is to provide a place adjacent to the public right-of-way that expands the area for use by pedestrians for passive recreation and public gathering, and that provides area for landscape amenities, display of public art, and similar uses that enhance the appearance and function of development. This boulevard garden plaza shall be provided at grade, and shall comply with the following design standards.
- ~~Where a building or buildings is located toward the rear of a lot and a surface parking lot is located between the public right-of-way and buildings on the site, a pedestrian plaza shall be required in lieu of the boulevard garden plaza, in conformance with the requirements set forth in Section 9.18.100.030.B (Pedestrian-Oriented Plazas).~~
1. Permitted Uses. The required boulevard garden plaza may include landscaped and paved areas, outdoor dining areas, public art display, fountains, or similar uses and amenities permitted in the applicable zone, including nonvehicular sales kiosks and outdoor dining. A minimum of three types of improvements and/or amenities shall be provided.

2. Minimum Area. The boulevard garden plaza area shall comply with the minimum area requirements set forth in Table 9.18-3 (Minimum Boulevard Garden Plaza Area in the GGMU Zones).

Table 9.18-3: Minimum Boulevard Garden Plaza Area in the GGMU Zones

Garden Grove Boulevard Frontage Length	Minimum Plaza Area
Less than 150 feet	600 sf
150—300 feet	1,000 sf
More than 300 feet	1,500 sf

3. Shape and Minimum Dimensions. The boulevard garden plaza area shall have a minimum dimension of 10 feet in width and 10 feet in length. The required open space area may be split into no more than two contiguous areas.
4. Location. The boulevard garden plaza area shall adjoin the front yard setback.
5. Landscaping. A minimum of 25% of the boulevard garden plaza area shall be landscaped with live plant materials. Landscaping provided in raised planters or pots is permissible.

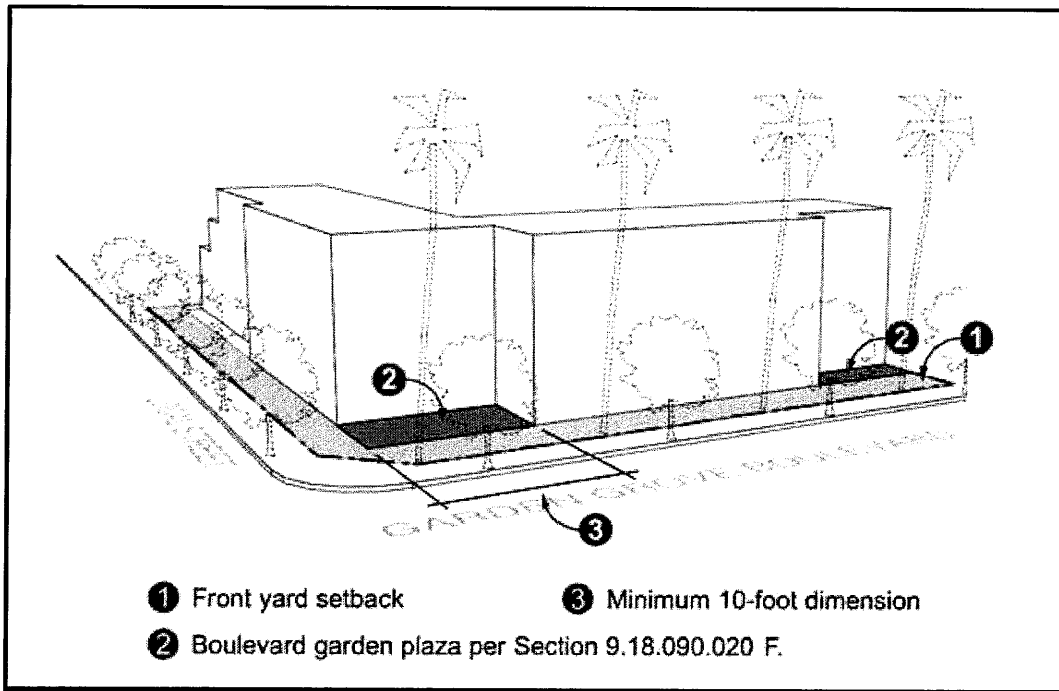


Figure 9.18-4: Required Boulevard Garden Plaza

- 6 Paving. Boulevard garden plazas shall be paved in ~~high-quality materials such as consisting of either~~ pavers, stone or cobblestone, ~~or~~ patterned or scored colored concrete, ~~or similar durable materials.~~ Plain and colored concrete and plain asphalt are prohibited.
- 7. Other Requirement. The boulevard garden plaza area shall not be enclosed or obstructed by fencing or walls and shall be ~~well~~ integrated with the front yard setback area through similar paving and landscaping treatments, except as required for permitted outdoor dining areas.
- G. Where a building or buildings is located toward the rear of a lot and a surface parking lot is located between the public right-of-way and buildings on the site, a pedestrian plaza shall be required in lieu of the Boulevard Garden Plaza, in conformance with the requirements set forth in Section 9.18.100.030.B (Pedestrian-Oriented Plazas).
- H. Examples of Build-out Options for GGMU-1, GGMU-2, and GGMU-3. Figures 9.18-5 through 9.18-7 illustrate development approaches that may result from the application of the development standards for the GGMU zones.

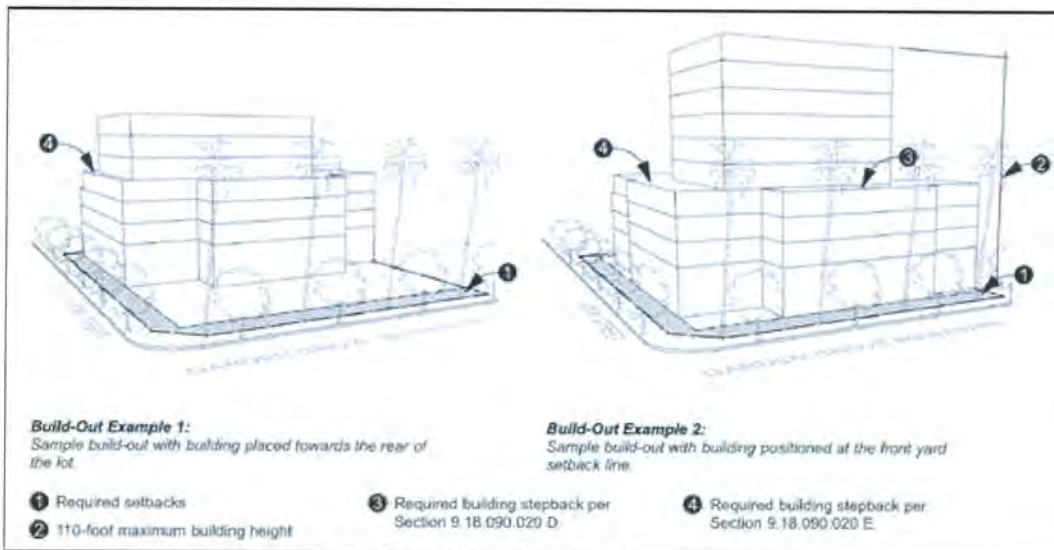


Figure 9.18-5: GGMU-1 Potential Development Examples

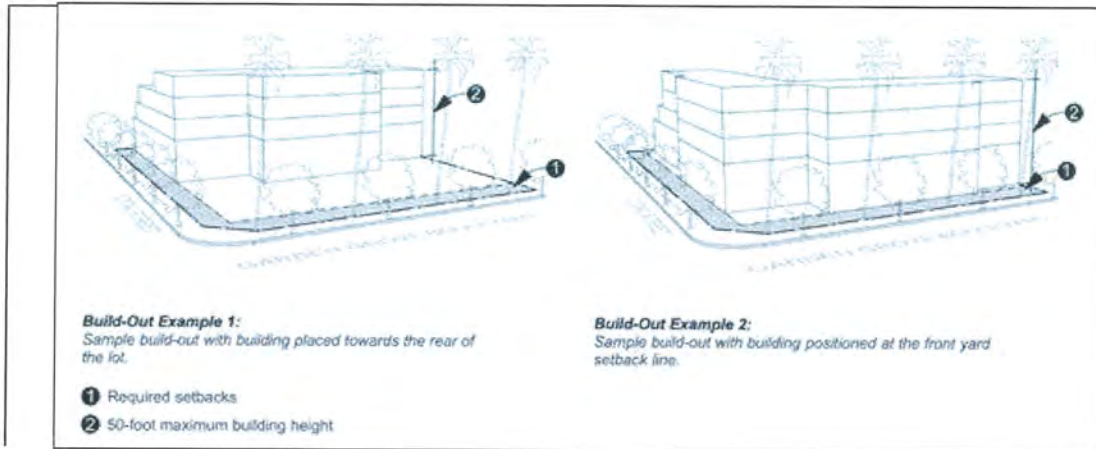


Figure 9.18-6: GGMU-2 Potential Development Examples

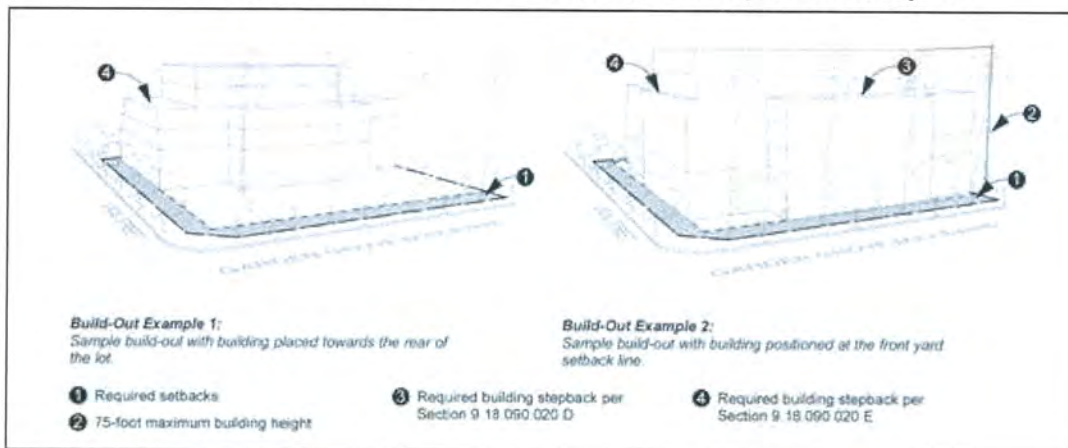


Figure 9.18-7: GGMU-3 Potential Development Examples

9.18.090.030 Civic Center Zone Development Standards

In addition to the other applicable requirements of this chapter, the provisions of this Section 9.18.090.030 apply to proposed development in the CC-1, CC-2, CC-3, and CC-OS zones. Table 9.18-4 (Development Standards for the CivicCenter Mixed Use Zones) and referenced figures establish the general development standards applicable to all development in the CC zones.

Table 9.18-4: Development Standards for the Civic Center Mixed Use Zones

Development Standards	Civic Center Mixed Use Zones			
	CC-1	CC-2	CC-3	CC-OS
Minimum Lot Size	Minimum area and width for new lots. When a lot has less than the minimum required area or width as set forth in the development standards for the zone in which it is located and was of record on November 12, 1960, the lot shall be deemed to have complied with the current minimum required lot area or width.			
Minimum Area	10,000 sf	5,000 sf	15,000 sf	Development standards persite plan review process.
Minimum Width	75 ft	50 ft	75 ft	
Minimum Width (Corner Lot)	75 ft	50 ft	75 ft	
Maximum Density/Intensity				
Maximum Commercial Floor Area Ratio (FAR)	0.5	0.5	0.5	Development standards persite plan review process.
Maximum Residential Density (units/acre)	24 units/acre No commercial component required.	48 units/acre Residential uses permitted above ground floor only (See Section 9.18.090.050.)	60 units/acre Commercial storefronts required per Section 9.18.090.030.C and Figure 9.18-11.	
Setbacks	Minimum setbacks required. See Section 9.18.100 for setback measurement, allowed encroachments and projections into setbacks, and exceptions to setbacks.			
Front	As determined per Figure 9.18-8			Development standards persite plan review process.
Side	<u>Minimum 5 ft None required unless abutting a residentially zoned lot; minimum 5 ft when abutting a residentially zoned lot. See Section 9.18.100.</u>	None required	None required	
Corner Side	As determined per Figure 9.18-8			
Rear	<u>Minimum 20% of lot depth not to exceed 25 ft None required unless abutting a residentially zoned lot; minimum 5 ft when abutting a</u>	None required unless abutting a residentially zoned lot; minimum 10 ft when abutting a residentially zoned lot. See Section 9.18.100.		

Table 9.18-4: Development Standards for the Civic Center Mixed Use Zones

Development Standards	Civic Center Mixed Use Zones			
	CC-1	CC-2	CC-3	CC-OS
	<u>residentially zoned lot. See Section 9.18.100.</u>			
Maximum Height and Building <u>Stepbacks</u>	Maximum building height shall not exceed height limit in feet or stories. See also Section 9.18.100 for rear and side yard encroachment plane requirements which may restrict heights adjacent to a residentially zoned lot.			
	Maximum height and building stepbacks required as determined per Section 9.18.090.030.B, including Figure 9.18-9 and Figure 9.18-10.		Per site plan review process.	
Lot Coverage				
Minimum Lot Coverage	Not applicable	70%	Not applicable	Per site plan review process.
Maximum Lot Coverage	50%*	Not applicable	Not applicable	

* Maximum lot coverage requirement applies to stand-alone residential development only; does not apply to commercial or mixed use developments.

- A. Required Setbacks. All structures shall maintain the minimum required setbacks set forth on Figure 9.18-8 (CC Required Street Frontage Setbacks), below.

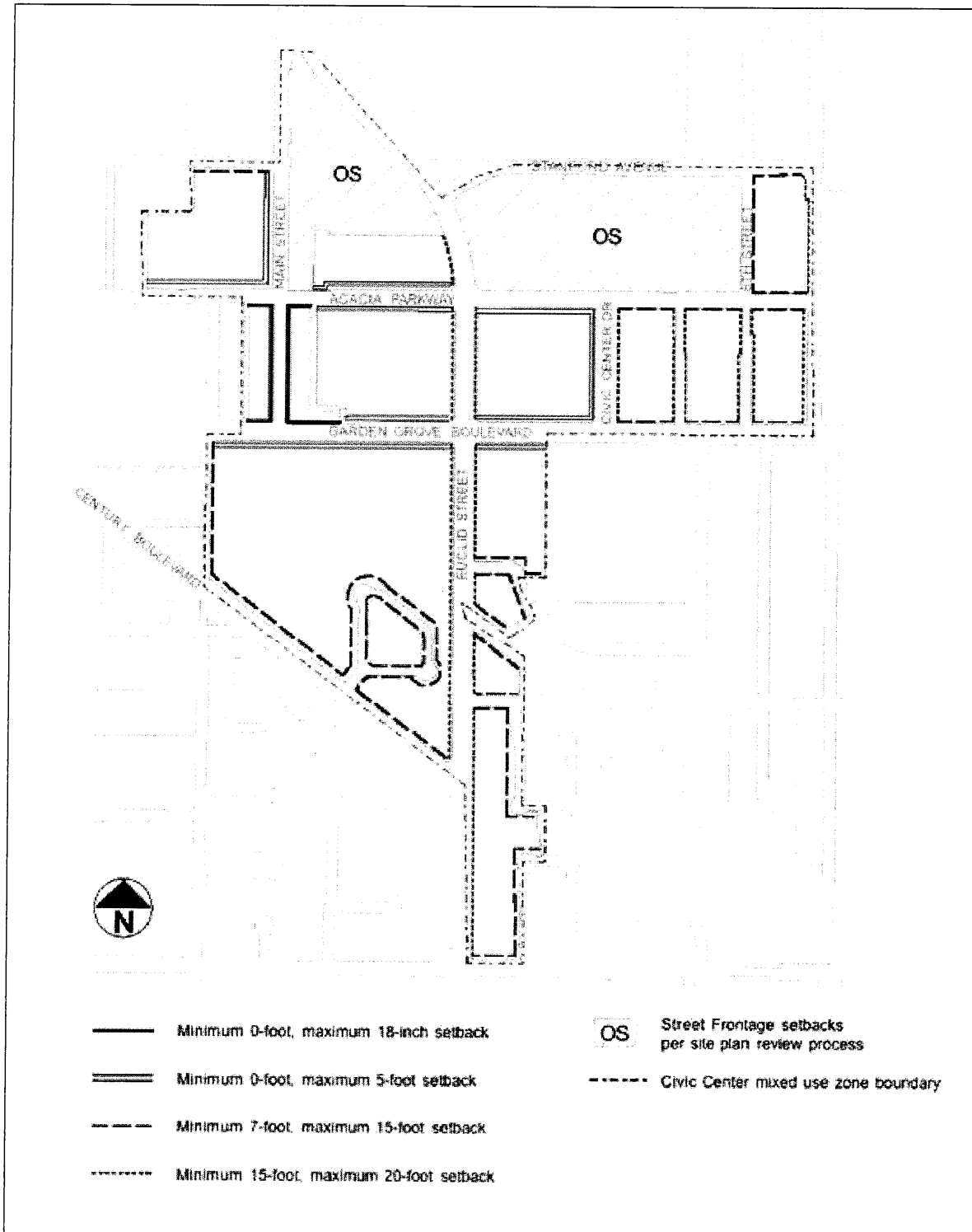


Figure 9.18-8: CC Required Street Frontage Setbacks

- B. Maximum Heights and Required Building Stepbacks. New buildings and structures shall conform to the maximum height and building stepback requirements of this section.
1. In the CC-1 zone, no building stepback shall be required.
 2. In the CC-2 zone, building stepbacks shall be required pursuant to Figure 9.18-9 (CC Maximum Height Limits and Required Building Stepbacks) for any new development with a property line abutting Main Street, Garden Grove Boulevard, or Acacia Parkway and where a building will be located within 10 feet of the subject street.
 3. In the CC-3 zone, building stepbacks shall be required pursuant to Figure 9.18-9 (CC Maximum Height Limits and Required Building Stepbacks) for any new development with a property line abutting Garden Grove Boulevard, Acacia Parkway, Main Street, Civic Center Drive, 8th Street, 9th Street, and Stanford Avenue east of Euclid Street and where a building will be located within 20 feet of the subject street. Where a building with frontage on a subject street is located more than 20 feet from the subject street, no additional building stepback shall be required.
 4. Building stepbacks shall be measured from the property line per Figure 9.18-10 (Required Building Stepbacks), below.

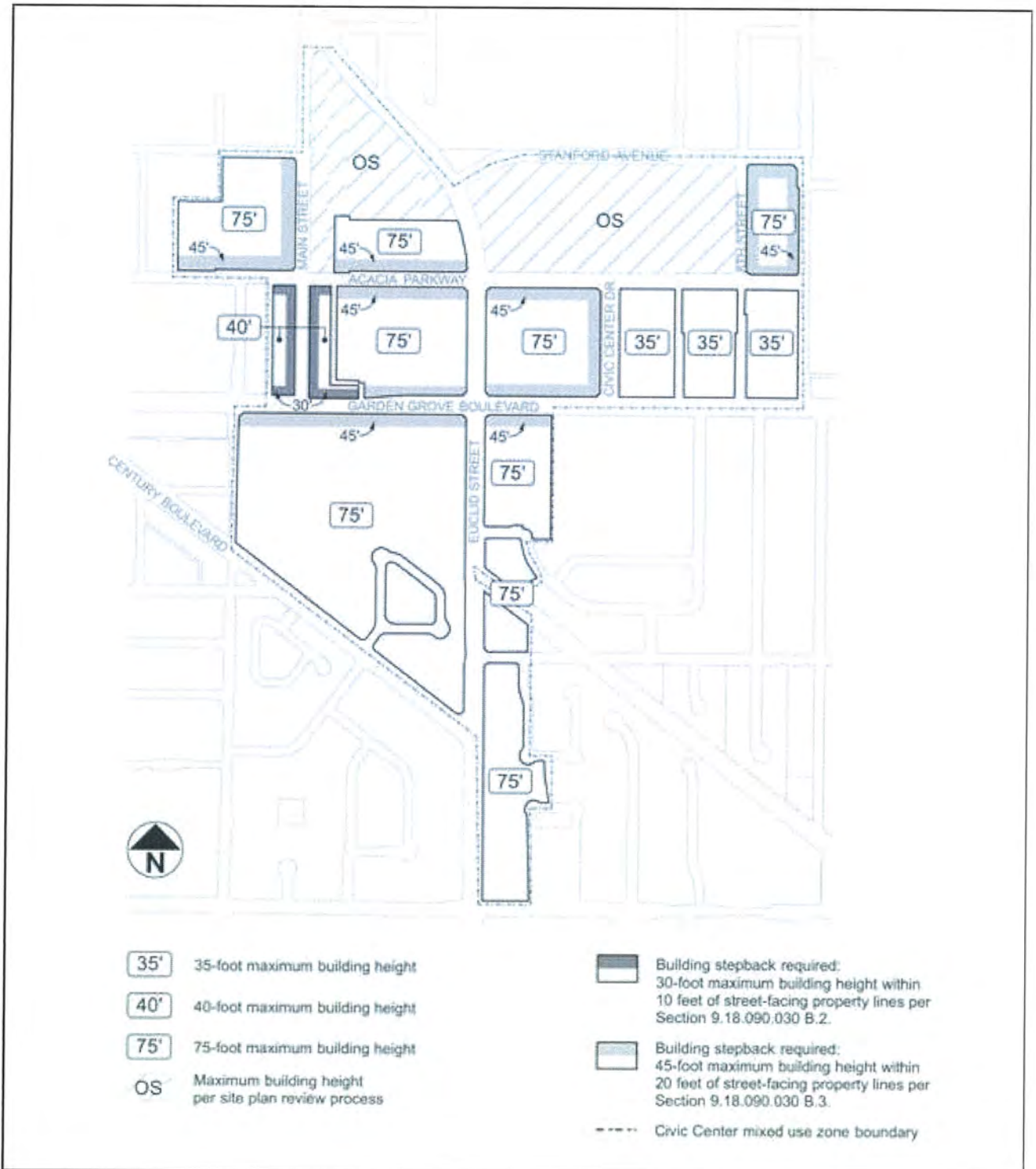


Figure 9.18-9: CC Maximum Heights and Required Building Setbacks

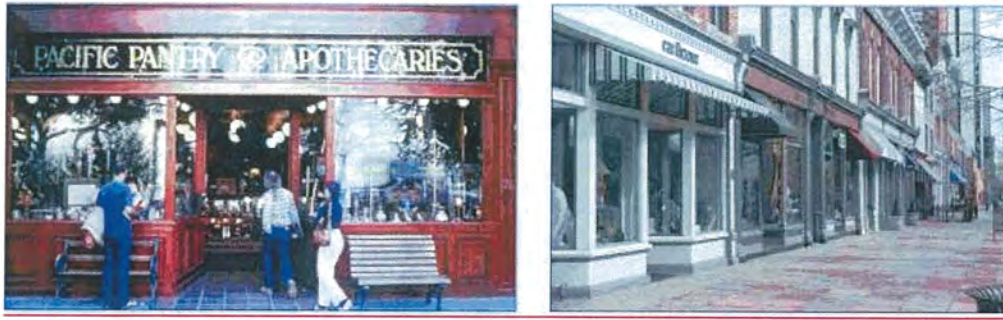
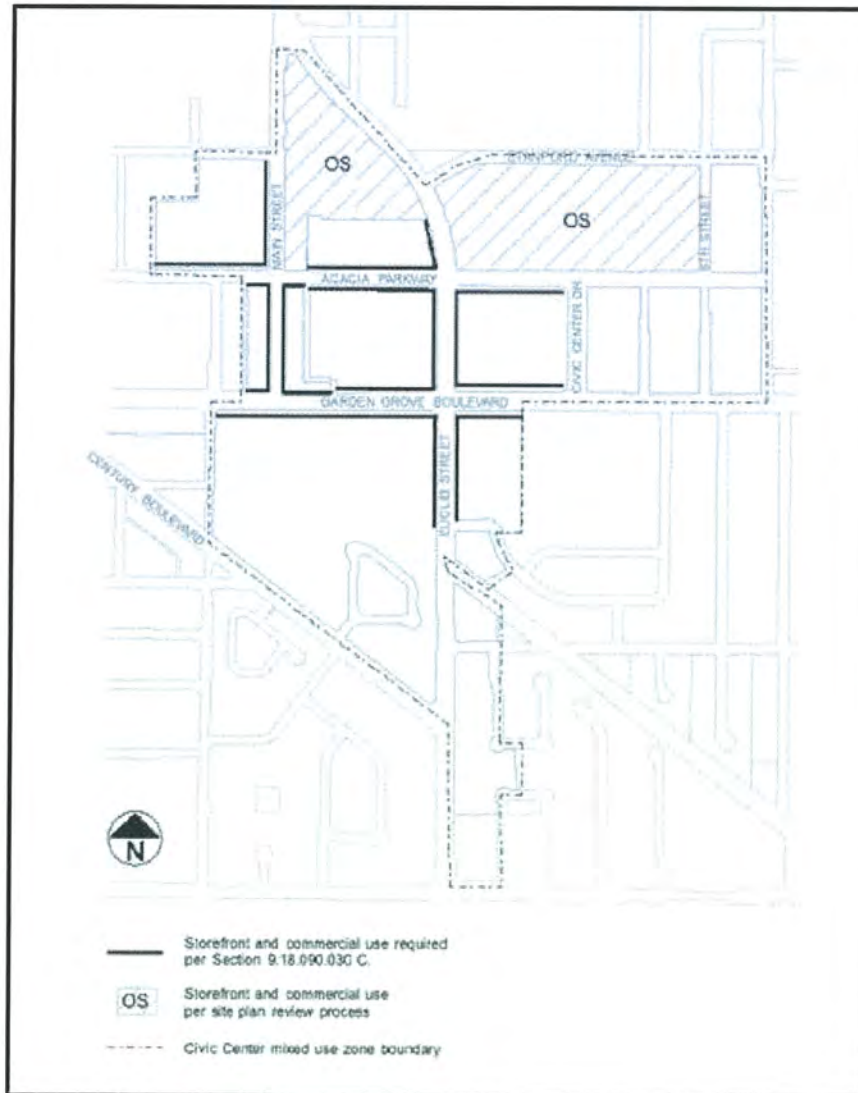


Photo 9.18-3: Examples of Storefronts

Figure 9.18-11: CC Required Storefronts/Ground Floor Commercial Uses



9.18.090.040 Additional Regulations Specific to the CC-1 Zone

- A. Purpose and Applicability. In addition to the other applicable requirements of this chapter, the provisions of this section apply to development in the CC-1 zone. These standards are established to maintain the one-to two-story character of ~~established~~ neighborhoods within the Civic Center East district.
- B. Architectural ~~Character. Architectural character of new buildings and structures shall be compatible with the character and scale of existing neighborhoods.~~ **Components.** New buildings and structures shall incorporate at least four of the following architectural components: 1) variation in building massing and, 2) roofline, variation, 3) utilization of projecting bays or recesses, changes in material, differentiation of color, changes in, along all facades visible from a public right-of-way, 4) at least two types of building materials, 5) at least two building colors, 6) front porch, and 7) architectural detailing or ornament, or similar architectural features. ~~ornamentation.~~
- C. Maximum Length of Building Façade. Façades of buildings and structures facing public ~~rights-of-~~ waysway shall not exceed 50 feet of uninterrupted length measured parallel to the property line. Façades greater than this length shall be interrupted by breaks in façade plane not less than 10 feet in width and five feet in depth.

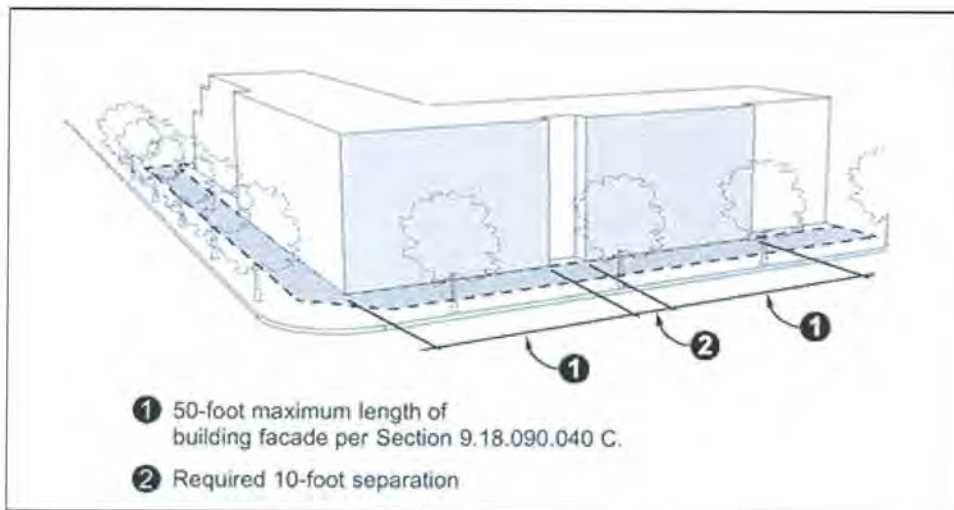


Figure 9.18-12: CC-1 Maximum Length of Building Façade

- D. Porches ~~and Patios~~ at Street-Fronting Setbacks. ~~Porches and patios~~ Where porches are encouraged at used along street-fronting setbacks ~~and, such~~ may encroach within required setbacks for not more than five feet measured perpendicular to the property line.
- E. Existing Single-Family Residential Development. Any legally established single-family residential development existing on the effective date of the ordinance establishing the CC-1 Mixed Use zone that is maintained as a single-family residential use shall be subject to the use regulations and development standards contained in Chapter 9.08 (Single-Family Residential Development Standards) of this title for any additions or modifications.
- F. Conversion of Single-Family Homes to Commercial Structures and Uses. Any legally established single-family home located within the CC-1 zone may be converted to a commercial structure and use, provided that the conversion complies with the following standards and all other applicable

requirements of Chapter 18 (Mixed Use Regulations and Development Standards) of this title and provided that a site plan is approved in accordance with Chapter 9.32. The following shall apply.

1. Compliance With Other Mixed Use Regulations and Development Standards. Except as otherwise provided in this section, all uses shall comply with all other applicable provisions in Chapter 18 of this title.
2. Maintenance of Residential Appearance. Converted homes shall maintain the residential appearance of the structure in order to maintain compatibility with the character and scale of the existing neighborhood.
3. Buffering from Residential Uses. Residential properties converted to commercial uses shall be buffered from existing residential properties in accordance with standards established by the Community Development Director. Buffering measures shall include, but not be limited to, fencing, landscaping, and low level lighting in order to reduce noise and light intrusion.
4. Hours of Operation. Hours of operation for all commercial uses in converted homes within the CC-1 zone shall be limited to 7:00 a.m. to 10:00 p.m. daily, unless located within an integrated development that provides adequate buffering to adjacent residentially developed properties. Extended hours of operation may be approved in conjunction with an approved site plan and/or other land use entitlement.
5. Pedestrian Linkages. When converting existing homes to a commercial use, pedestrian linkages providing a connection between the commercial uses and other streets and remote parking lots shall either already exist or be created in conjunction with the conversion.
6. Parking. Parking for commercial uses shall comply with Section 9.18.140, with the exception that off-site parking is permitted to be located further than 1,500 feet from the site it is serving, provided that it is located in the CC-1 zone or within the CC-3 and CC-OS zones that are located east of Euclid Street, west of 9th Street, north of Garden Grove Boulevard, and south of Stanford Avenue. Off-site parking areas that support commercial uses in converted single-family homes shall be approved in conjunction with the approval of a site plan pursuant to the site plan review procedure set forth in Chapter 9.32.
7. Additions/Modifications of Structures in Conjunction with Conversions. Additions/modifications shall maintain continuity with the architectural style of the remainder of the existing structure.
8. Additional Compatibility Standards. The additional compatibility standards set forth in subsection J of this section shall also apply to single-family homes converted to commercial uses and structures.
9. Conditional Use Permit Required for Uses Involving Entertainment and/or Alcohol Sales. Any home that converts from a residential use to a commercial use that will include entertainment and/or alcohol sales shall be appropriately buffered from adjacent residential uses, be subject to special operating conditions, and require review and approval of a conditional use permit. If entertainment and/or consumption of alcohol is conducted outdoors, buffering measures shall include, without limitation, sound attenuation walls and landscaping in order to protect adjacent residential uses. If the entertainment and/or alcohol sales or consumption is conducted, and the use does not meet the distance requirements for the subject uses as prescribed in Section-
10. 9.18.030 (Special Operating Conditions and Development Standards), a waiver of distance and location provisions may also be requested through the conditional use permit process. In conjunction with the approval of a conditional use permit, the hearing body may grant a waiver to any distance or location provision if it makes all of the following findings:
 - a. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this section will be observed;

- b. That the proposed use will not unreasonably interfere with the use and enjoyment of neighboring property or cause or exacerbate the development of urban blight;
 - c. That the use will not interfere with operation of other businesses or uses within the area;
 - d. That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation or revitalization;
 - e. That the establishment complies with all other distance and pedestrian and vehicular requirements of this code; and
 - f. That all applicable regulations of this code will be observed.
- G. Communal Dining Areas. Communal dining areas may be created between properties and uses. Outside communal dining areas shall be sufficiently buffered from adjacent residential uses in a manner that will protect the peaceful enjoyment of adjacent residentially developed properties. In addition to the other applicable requirements of this chapter, including those prescribed in Section 9.18.090.040.F.9 (Conditional Use Permit Required for Uses Involving Entertainment and/or Alcohol Sales), the following provisions shall apply to uses that include communal dining with entertainment and/or alcohol:
1. A conditional use permit is required for communal dining with entertainment and/or alcohol.
 2. Entertainment shall only be permitted within a confined space with proper sound attenuation or within a wholly enclosed building.
 3. Outdoor communal dining areas where alcohol is served and/or consumed must be located in a controlled area or group of areas with monitored entrances and exits and enclosed by a perimeter barrier.
 4. The conditional use permit shall specify the requirements and the party or parties responsible for monitoring, managing and controlling the communal dining area(s).
- H. Nonvehicular and Vehicular Vending. Both nonvehicular kiosks and vehicular vending may include, without limitation, converted camper trailers, nostalgic vans, and food trucks, and may be temporarily or permanently installed/parked both on-site and off-site. In addition to meeting the requirements of Sections 9.18.070.010 and 9.18.070.020, both nonvehicular and vehicular vending shall comply with the following standards:
1. The design, materials, and colors are to be well crafted and considerate of the immediate surroundings of the proposed installation.
 2. The size of a nonvehicular vending kiosk located within the CC-1 zone may exceed 36 square feet provided that the size of the kiosk is appropriate in scale and massing for the location it is intended for. In no case shall the kiosk be larger than 100 square feet.
 3. Graphics and signs shall be appropriate to the size and design of the cart/trailer/kiosk and shall not cause light or glare on adjacent streets and residentially developed properties. Typical sign area approved is up to six square feet, not including menu boards, which are typically temporary and/or not permanently affixed to the kiosk.
 4. Kiosks may not be placed in any required parking space, driving aisle, or walkway. If installed/parked within the public right-of-way, the kiosk/vehicle shall be appropriately separated and buffered from adjacent vehicular traffic through the use of low fencing, planters, or similar barrier. Any street parking that is lost due to the installation of a vending structure shall be

- replaced elsewhere within the CC-1 zone either within the public right-of-way or within a joint-use parking lot.
5. Wheels located under the cart/trailers/kiosks are preferred (such as casters) and shall be permanently inflated. Projecting wheels must have fenders.
 6. Hitches attached to the cart/trailer/kiosk must be removable and detached during operation hours.
 7. The use of propane tanks may be permitted subject to the City's Fire Department and Building Division review and approval. Propane tanks must be attached to (or within) the kiosk and the kiosk must allow for adequate ventilation and screening.
 8. The location, design, and layout of both nonvehicular and vehicular vending structures shall be subject to the review and approval of the Community Development Director or designee. All vending structures located within the public right-of-way shall meet all requirements of the Public Works Department for encroachments into the public right-of-way and shall be subject to the review and approval of the Public Works Director.
 9. No external power, piping or plumbing is allowed. All vending structures shall be self-contained.
- I. Event Space. Outdoor and indoor event spaces, including banquet facilities, shall comply with the following standards and all other application requirements of Chapter 18 (Mixed Use Regulations and Development Standards) of this title:
1. With the exception as otherwise provided in this section, all uses shall comply with all other applicable provisions in Chapter 18 of this title.
 2. Parking for uses within outdoor and indoor event spaces shall comply with Section ~~9.18.140~~.
 3. Hours of operation shall be determined through the conditional use permit process.
- J. Additional Compatibility Standards. The following standards are intended to ensure the compatibility of uses within the CC-1 zone:
1. Within mixed use developments, residential units shall be designed to ensure the security of residents through the provision of secured entrances and exits that are separate from the nonresidential uses, and are directly accessible to parking areas. Nonresidential and residential uses shall not have common entrance hallways or common balconies. These separations shall be shown on the development plan, and the separations shall be permanently maintained. All commercial development/use shall submit a security plan to the Police Department for review and approval by the Police Chief or designee prior to establishment of the use.
 2. Commercial uses shall be designed and operated, and hours of operation limited where appropriate, so that neighboring residents are not exposed to offensive noise, especially from traffic, trash collection, routine deliveries or late night activity. No use shall produce continual loading or unloading of heavy trucks at the site between the hours of 8:00 p.m. and 6:00 a.m. Hours of operation for all commercial uses within the CC-1 zone shall be limited to 7:00 a.m. to 10:00 p.m. daily, unless located within an integrated development that provides adequate buffering to adjacent residentially developed properties, or otherwise authorized pursuant to a conditional use permit or minor deviation land use permit approved pursuant to Chapter ~~9.32~~. For uses requiring approval of a conditional use permit, extended hours of operation may be authorized pursuant to the conditional use permit. For uses not requiring a conditional use permit or other discretionary land use approval, requests for extended hours of operation shall require approval of a minor deviation land use permit pursuant to Section ~~9.32.030.D.11~~ of Chapter ~~9.32~~ of this title.

3. Residential portions of a mixed use project shall be designed to limit the interior noise caused by the commercial and parking portions of the project, to a maximum of 45 decibels (db) community noise equivalent level (CNEL) on annual basis in any habitable room with windows closed. Proper design may include, but shall not be limited to, building orientation, double or extra strength windows, wall and ceiling insulation, and orientation and insulation of vents. Where it is necessary that windows be closed in order to achieve the required level, means shall be provided for ventilation/cooling to provide a habitable environment.
4. No use, activity or process shall produce continual vibrations or noxious odors that are perceptible, without instruments, by the average person at the property lines of the site or within the interior of on-site residential units.
5. Outdoor lighting associated with commercial uses shall not adversely impact surrounding residential uses, but shall provide sufficient illumination for access and security purposes. Such lighting shall not blink, flash, oscillate, or be of unusually high intensity or brightness. (2888 §§ 7, 8, 2017; 2857 § 6, 2015; 2814, 2012)

9.18.090.050 Additional Regulations Specific to the CC-2 Zone

- A. Purpose and Applicability. In addition to the other applicable requirements of this chapter, the provisions of this section apply to proposed development in the CC-2 zone. These standards are established to maintain the low-scale character and architectural style of development of the early-20th century district located along Main Street.
- B. Limit on Residential Units. Residential units shall be permitted only above ground floor commercial space and shall be further limited as follows:
 1. The maximum allowable number of residential units within the entire CC-2 zone, located on the east and west sides of Main Street between Garden Grove Boulevard and Acacia Parkway, shall not exceed 102 units. As each property is developed with residential units, the number of units that have been approved shall reduce the maximum number of allowable units in the CC-2 zone as a whole. In the event that a commercial development is expanded that would reduce the number of available surplus parking spaces, the maximum allowable number of units will be reduced according to the number of parking spaces encumbered by the commercial development, unless parking has been provided for on site or within a parking structure.
 2. Each unit shall be limited to a maximum of two sleeping rooms.
 3. ~~The design of the individual units shall preserve the historic feel of the Main Street District and shall comply with the standards set forth in this title.~~

Adaptive reuse of above ground floor spaces for residential uses is permitted, provided that alterations to the exterior building facades, including windows, are limited to those required to comply with residential building code requirements.
 4. The design of new mixed use buildings whereby at least two-thirds of the overall floor area is occupied by residential units shall include the following components: 1) roofs of barrel-shaped red tile; 2) recessed entries; 3) building facades consisting of either brick or beige or off-white stucco; the use of stonework on the lower one-third of the first story is allowed; 4) awnings or trellises on the front façade; 5) at least 60% of the first-floor front façade consisting of doors and windows; and 6) upper-story detailing consisting of balconies, projecting windows, shuttered windows, and/or architectural detailing. Aluminum window and door frames are specifically prohibited.

- C. Parking. Parking shall be unassigned throughout the Main Street Parking District unless provided for on site, and any assigned parking shall not be counted toward meeting minimum parking requirements.
- D. General Design Regulations and Site Development Standards. The following site development standards for the CC-2 zone are established to provide for the orderly development, restoration, and revitalization of properties within the CC-2 zone; to provide for the proper relationship of various uses, buildings, structures and open spaces; to allow for the maximum flexibility in design and development within the parameters of the historical theme of Main Street; and to encourage the utilization of recognized economic, cultural, and social values of good environmental planning. The following standards shall apply to buildings used for nonresidential purposes and any mixed use building whereby the residential component constitutes less than two-thirds of the total floor area.
1. Architectural and Design Criteria. ~~In order~~ To ensure that the development, restoration, and revitalization of properties and buildings are completed in accordance with the general historical theme of the CC-2 zone, the Community Development Department shall adopt, by resolution, architectural and design criteria, which shall be filed in the office of the City Clerk. All development projects shall conform to such architectural and design criteria as though listed verbatim in this title.
 2. Site Plan Required. Prior to the issuance of a building permit for any building or structure, a site plan shall be adopted if either of the following conditions apply:
 - a. Floor area in excess of 10% will be added to an existing building or structure.
 - b. A new building or structure will be established. The proposed plan shall be submitted to the Downtown Commission for review and recommendation to the Planning Commission. All required site plans shall be submitted to the Community Development Department and Planning Commission for approval and architectural review.
 3. Building Design Plan. Under the provisions of this subsection, when a structural rehabilitation is requested and a site plan is not required, a building design plan shall be required. The proposed building design plan shall be submitted to the Zoning Administrator for technical review and recommendation to the Downtown Commission. The Downtown Commission shall review the proposed plan and make recommendations to the Community Development Department. All required building design plans shall be submitted to the Community Development Department for approval and architectural review. The specific drawings and contents required in the building design plan shall be determined by the Community Development Department and shall be adopted by resolutions as a portion of the architectural design criteria.
 4. Conformance with Site Plan and/or Building Design Plan Required. All work to be carried out in the development, restoration, or revitalization of any building or structure located within the CC-2 zone shall be performed in accordance with the provisions and conditions of an approved site plan or building design plan.
- D. Signs. All signs shall be regulated by the provisions of Chapter 9.20 (Sign Standards) of this title.
- E. Maintenance Requirements. All buildings and structures within the CC-2 zone shall be maintained in good repair and in a manner consistent with the general historical theme adopted for the zone. Maintenance shall include, but not be limited to, buildings being painted and awnings replaced periodically as required.
- F. The Downtown Commission shall monitor compliance and shall notify property owners and tenants in the event of noncompliance. In the event of continued noncompliance, the Downtown Commission shall make recommendations to the Community Development Department, which shall be empowered to utilize any available means to ensure compliance.

- G. Role of the Downtown Commission. The Downtown Commission shall review proposed building design plans and site plans, monitor the maintenance of the buildings in the CC-2 zone, and advise the City Council regarding the levy of annual assessments for the Main Street Assessment District No. 1.
- H. Outdoor Dining in the Public Right-of-Way on Historic Main Street. Eating establishments located on Main Street between Acacia Parkway and Garden Grove Boulevard may locate and operate incidental and accessory outdoor dining areas on the adjacent public right-of-way, subject to compliance with the provisions of this subsection, approval of a Main Street outdoor dining permit by the Director or applicable hearing body pursuant to Chapter 9.32, and issuance of an encroachment permit by the City pursuant to Title 11. The provisions of this subsection, and not Section 9.18.030.300, shall govern outdoor dining areas in the public right-of-way on Main Street.
1. Definitions. The following definitions shall apply to this section:
 - a. "Barrier" means a fabricated physical barrier that is firmly anchored to the ground meant to demarcate an outdoor dining area in the public right-of-way.
 - b. "Dining alcove" means an outdoor recess opening out of an eating establishment in conjunction with an outdoor dining area in the public right-of-way.
 - c. "Director" means the Director of Economic and Community Development for the City.
 - d. "Encroachment permit" means a temporary revocable permit issued by the City pursuant to Title 11 authorizing use of a portion of the public right-of-way.
 - e. "Main Street outdoor dining permit" means a permit approved by the City in accordance with this subsection and Chapter 9.32 authorizing the owner of an eating establishment that fronts on Main Street between Acacia Parkway and Garden Grove Boulevard to establish and maintain an outdoor dining area in the public right-of-way on Main Street immediately adjacent to the eating establishment.
 - f. "Obstruction" means any object or obstacle, which completely or partially blocks a path of travel on a public right-of-way, including, but not limited to, a sign, lamp post, bench, tree, tree grate, table, chair, umbrella, or other object attendant to an outdoor dining area in the public right-of-way.
 - g. "Outdoor dining area in the public right-of-way" means a specific area within the public right-of-way adjacent to an eating establishment that contains seating for patrons of the eating establishment and where food and/or beverage service and other activities related to dining that are incidental and accessory to operation of the eating establishment may occur.
 1. Application for Main Street Outdoor Dining Permit. An application for a Main Street outdoor dining permit shall be filed on forms provided by the Director, and submitted under penalty of perjury, and shall be accompanied by a fee in the amount established by the City Council for a Director's Review. The application shall be filed concurrently with an application for an encroachment permit and shall include, without limitation, the following information and documents:
 - a. The name and business address of the eating establishment with which the proposed outdoor dining area in the public right-of-way is associated.
 - b. The name, business address, telephone number, and email address of the applicant, which must be the owner of the adjacent eating establishment, and the applicant's responsible managing officer signing the application. An applicant that is a corporation, limited liability company, or partnership shall designate one of its officers, members, managers, or general

partners to act as its responsible managing officer to complete and sign the application and to bind the entity in contract, and shall submit evidence acceptable to the Director that such individual is authorized to act on behalf and bind the applicant.

- c. If the applicant is not the legal or beneficial owner of the adjacent property on which the eating establishment is located, include the name and address of the property owner(s) and a written authorization executed by the property owner(s), or the property owner(s) authorized agent, authorizing the applicant to establish and maintain an outdoor dining area in the public right-of-way and to submit the application. If said authorization is executed by an agent of the property owner(s), written authorization of such agency satisfactory to the Director shall also be provided.
 - d. Plans, drawings, and a description of the proposed outdoor dining area in the public right-of-way and/or dining alcove satisfactory to the Director. At a minimum, the plans shall show in detail the dimensions of the proposed outdoor dining area in the public right-of-way; the locations and dimensions of all existing and proposed obstructions; the proposed locations, number, and arrangement of all barriers, tables, chairs, umbrellas, and other furnishings; and the location and dimensions of the proposed pedestrian path of travel. If construction of a dining alcove is proposed, detailed architectural and building plans for all structural alterations are required. The plans shall also include a description, satisfactory to the Director, of the colors, types, styles, and materials of all barriers, furnishings, umbrellas, and other objects proposed to be utilized within the outdoor dining area in the public right-of-way.
 - e. A description of the anticipated periods of use during the year, the proposed hours of daily use, and whether the service of alcoholic beverages is requested.
 - f. Sufficient evidence to establish, to the satisfaction of the Director, in his or her sole discretion, that the proposed outdoor dining area in the public right-of-way will not be inconsistent with the underlying dedication for public right-of-way or the City's title or estate in the underlying public right-of-way.
3. Design Requirements. Outdoor dining areas in the public right-of-way shall be subject to the following design and locational standards and requirements:
- a. An outdoor dining area in the public right-of-way may only be located adjacent to Main Street. No existing trees, lamp posts, or planters may be removed or relocated. Existing benches and trash receptacles may not be removed, but may be relocated subject to approval of the Public Works Director or designee.
 - b. Each approved outdoor dining area in the public right-of-way may only be located adjacent to the storefront of the eating establishment with which it is associated and may not extend across any portion of the storefront of an adjacent business or structure.
 - c. An outdoor dining area in the public right-of-way shall be arranged and located in such a manner that a four-foot minimum unobstructed path of travel for pedestrians along the right-of-way can be maintained at all times. Possible seating arrangements providing for a four-foot minimum path of travel are depicted in Figures 9.18-12a through d of this subsection.
 - d. In accordance with applicable building code requirements, a minimum three-foot clear width of walking surfaces around dining furniture must be maintained, unless a lesser buffer is otherwise permitted. Where no barrier is installed, a three-foot minimum clearance buffer shall also be maintained between all dining furniture and the parallel parking limit line on Main Street.
 - e. All outdoor dining areas in the public right-of-way must be fully accessible to and useable by the physically handicapped in compliance with applicable law.

- f. The amount of seating that may be permitted within an outdoor dining area in the public right-of-way is subject to applicable occupancy limits set forth in the uniform building codes, requirements of the City's Public Works Department, and any other applicable regulations set forth in this title.
- g. The use of removable table umbrellas is encouraged, provided such umbrellas maintain at least seven feet of clearance above the sidewalk level, do not exceed 10 feet in height, and do not encroach into parking areas, walkways, or vision clearance areas.
- h. Portable heating units acceptable to the Fire Department may be utilized.
- i. Lighting for an outdoor dining area shall be provided. Lighting may be incorporated into the façade of the building and shall complement the style of the building. Lights on buildings shall not be glaring to pedestrian or vehicular traffic and should illuminate only the outdoor dining area. Battery-operated table lamps or candles, or other lighting sources that do not require electrical wiring, are encouraged.
- j. Barriers. Barriers demarcating an approved outdoor dining area in the public right-of-way may be installed, subject to an encroachment permit. A barrier is required if alcoholic beverages are sold, served, and/or consumed in the outside eating area. The following requirements apply where barriers are installed:
 - i. Barriers shall be fabricated from wrought iron or other sturdy materials approved by the City that are consistent with the aesthetic and architectural character of the Historic Main Street area. Barriers may not be fabricated of chain link, cyclone fencing, plastic, vinyl, or chicken wire and may not include fabric or canvas inserts, spears, spikes, and/or finials. An example of an acceptable type of barrier is shown in Photo 9.18-3a, below.



Photo 9.18-3a: Example of a fabricated wrought iron barrier.

- ii. All barriers shall be firmly anchored to the ground. At the time the barrier is removed, the paving shall be returned to its original condition.

- iii. A barrier may be no less than three feet and no more than three feet six inches in height.
- iv. The location of any barrier shall be subject to the approval of the Director or applicable hearingbody and the provisions and conditions of the encroachment permit.
- a. Dining Alcoves. Storefronts may be altered to allow for dining alcoves in conjunction with an outdoor dining area that encroaches into the public right-of-way. In addition to all applicable requirements set forth in this chapter, the following provisions shall apply to dining alcoves:
 - i. No new structural portion of the dining alcove shall encroach into the public right-of-way.
 - ii. The outdoor dining area may be located both within the dining alcove on private property and in the public right-of-way, provided the portion of the outdoor dining area in the public right-of-way complies with all requirements of this subsection, including, but not limited to, the maintenance of a minimum four-foot pedestrian path of travel.
 - iii. The dining alcove must include an entrance from the public right-of-way to the abutting property storefront.
 - iv. The dining alcove may be no more than one story in height.
 - v. The design of the dining alcove, including storefront systems, barriers, and glazing, shall be consistent with the aesthetic and architectural style of the building.
 - vi. The storefront shall completely enclose the abutting property building area behind, with the exception of doors and operable windows. The building area within shall not be open to the outside.
 - vii. Minimum glazing of the storefront shall be consistent with Section 9.18.100.040.F and Table 9.18-8, Storefront Glazing Calculation. The glazing of the storefront shall be clear and unobstructed, with the exception of the allowance under Section 9.20.040.D, Window Displays, to permit views into the establishment.
- l. Any proposed structural rehabilitation or significant alterations of existing building façades proposed in conjunction with an outside eating area in the public right-of-way, including the construction of dining alcoves, shall be subject to review and recommendation by the Zoning Administrator and the Downtown Commission in accordance with this section.
- m. The area subject to the Main Street outdoor dining permit and the size, number, location, orientation, type, and materials of all barriers, tables, chairs, umbrellas, and other furniture shall be limited to that described in the approved Main Street outdoor dining permit. Any changes not otherwise authorized by the conditions of approval to the Main Street outdoor dining permit shall require the filing of an application for a Modification to Approved Plans pursuant to Chapter 9.32 and shall be subject to review and approval by the Director or applicable hearing body.

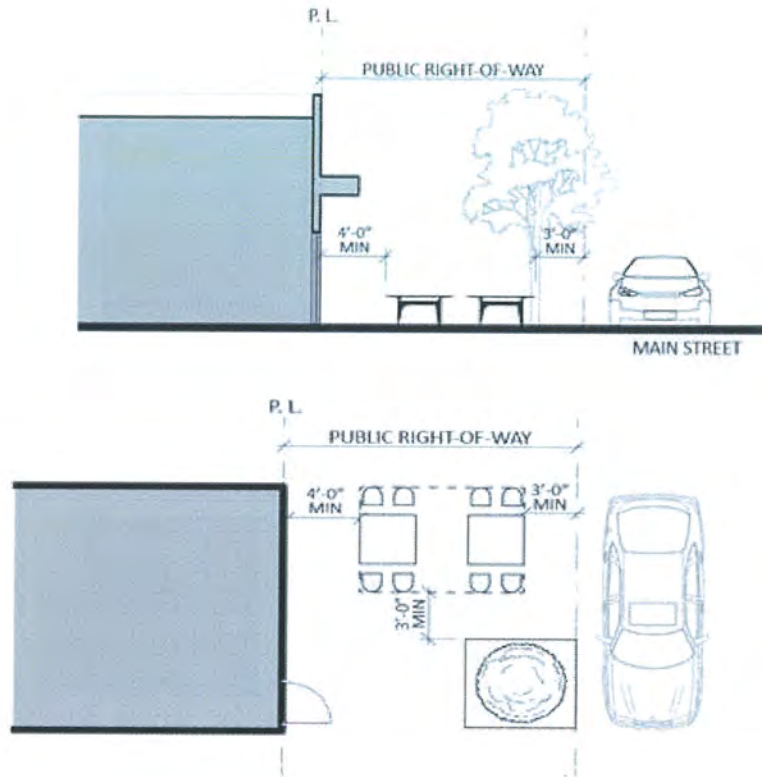
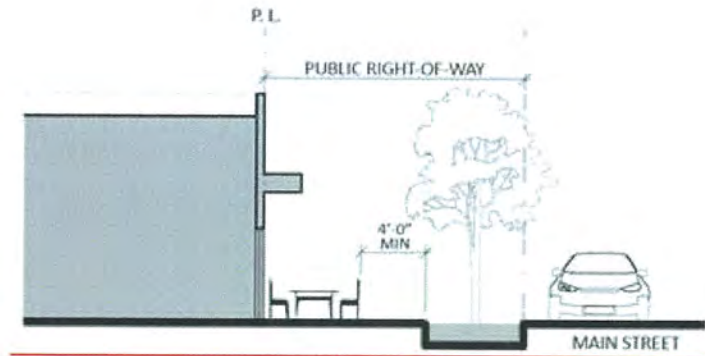


Figure 9.18-12a: Example of an outdoor dining area in the public right-of-way without a barrier.



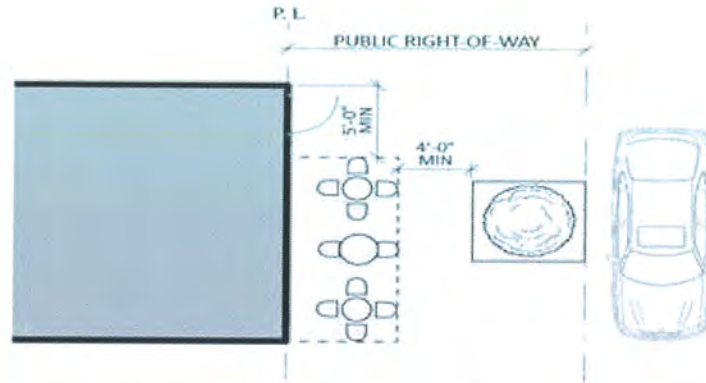


Figure 9.18-12b: Example of an outdoor dining area in the public right-of-way abutting a storefront wall without a barrier.

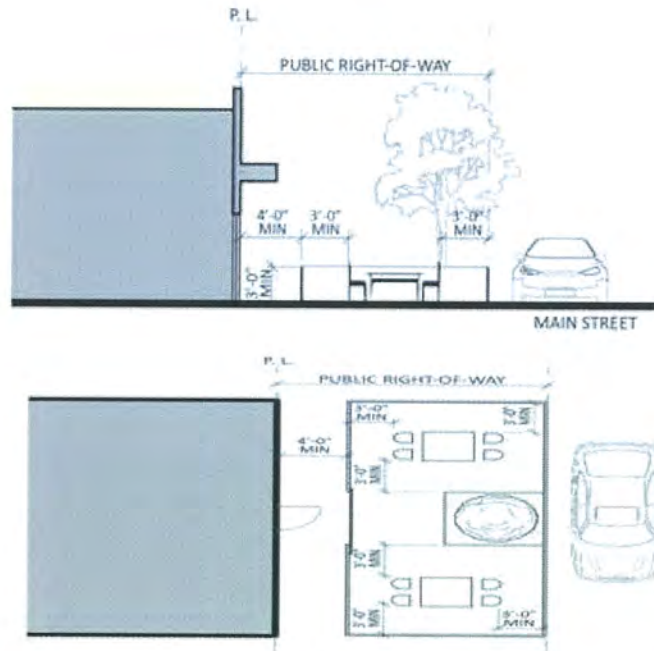


Figure 9.18-12c: Example of an outdoor dining area in the public right-of-way with a barrier.

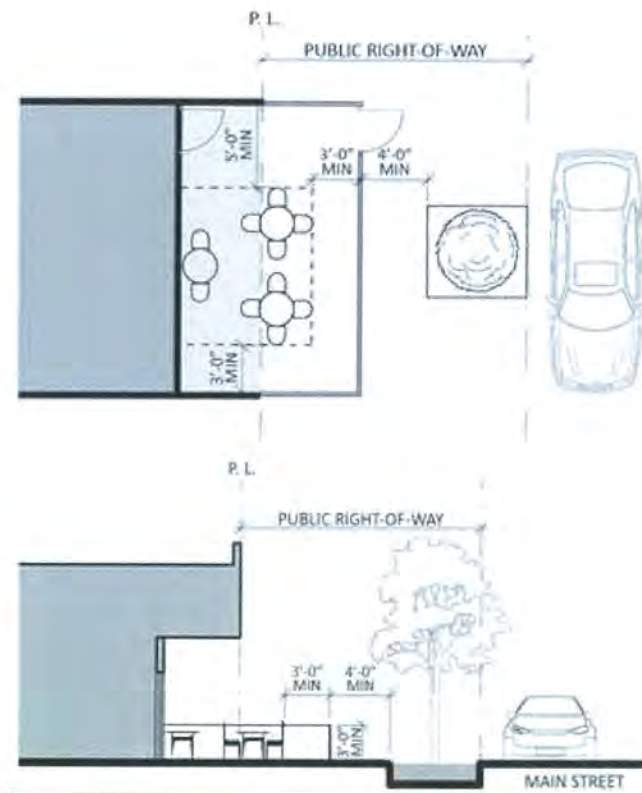


Figure 9.18-12d: Example of a dining alcove in conjunction with an outdoor dining area in the public right-of-way with a barrier.

4. Operational Requirements. All outdoor dining areas in the public right-of-way shall be subject to the following operational standards:
 - a. The business owner and operator shall comply with all provisions of this subsection and all conditions of approval of the encroachment permit, the Main Street outdoor dining permit and any applicable conditional use permit at all times. Failure to comply with any applicable Municipal Code or permit provisions or applicable conditions of approval may result in suspension or revocation of the Main Street outdoor dining permit.
 - b. Hours of operation of an outdoor dining area in the public right-of-way shall not extend beyond 10:00 p.m. during any day of the week.

- c. Tables, chairs, table lamps, umbrellas, portable heaters, and other furniture and related items may not be stored within the public right-of-way and shall be removed and stored inside the building when the business is closed or the outdoor dining area in the public right-of-way is not in operation. Approved barriers do not need to be removed except as otherwise required pursuant to the encroachment permit.
 - d. Outdoor dining areas shall be kept in a good state of repair and maintained in a clean, safe, and sanitary condition and in accordance with applicable Orange County Health Department regulations.
 - e. All building entryways and the required pedestrian path of travel shall remain clear and unobstructed at all times.
 - f. All outdoor dining areas shall be used for sit-down food and beverage service only; no stand-up service is permitted.
 - g. No entertainment shall be permitted within an outdoor dining area.
 - h. The use of mist systems or other devices spraying water over the public right-of-way is prohibited, unless the spraying of water is confined to seating located directly adjacent to the storefront or within a dining alcove. Overspray onto the required path of travel is prohibited.
 - i. All plans and permits for an outdoor dining area in the public right-of-way and/or dining alcove shall be kept on the premises of the eating establishment for inspection at all times the establishment is open for business.
5. Sale and/or Service of Alcoholic Beverages. The service of alcoholic beverages and its consumption by customers in an outdoor dining area in the public right-of-way shall comply with Section 9.18.060 (Alcohol Beverage Sales) and furthermore, shall be restricted as follows:
- a. The sale, service, and/or consumption of alcoholic beverages within an outdoor dining area is prohibited unless authorized pursuant to a conditional use permit approved by the City and a valid license issued by the Department of Alcoholic Beverage Control. All provisions and conditions of such permits and licenses shall be complied with at all times.
 - b. A barrier acceptable to the City and the Department of Alcoholic Beverage Control is required.
 - c. The service of food shall accompany any sale or service of alcoholic beverages.
 - d. All alcoholic beverages shall be served, delivered, and removed to and from the outdoor dining area by the staff of associated eating establishment. (2894 § 3, 2018; 2887 § 3, 2017; 2814, 2012)

9.18.090.060 Additional Regulations Specific to the CC-3 Zone

- A. Intent. It is the City's intent to create a Civic Center district that consists of a several distinct neighborhoods connected to the Civic Core and public park areas by a series of pedestrian pathways, thereby enhancing district cohesion and allowing people to easily walk to uses throughout the Civic Center district, as defined in the General Plan. While public sidewalks provide the primary means of pedestrian mobility within the district, additional connections can be provided via pathways, paseos, trails, and walkways that traverse private properties. This is particularly the case where large blocks either obstruct or are not well integrated into the traditional grid street pattern shaping the historic civic district. Thus, to fully realize the General Plan goal of providing connecting pathways throughout the Civic Center district, these regulations are established to incentivize provision of pedestrian access across private properties to connect one public right-of-way to another. These regulations shall

become effective upon the City's adoption of guidelines and a pedestrian pathway plan for the Civic Center district.



Photo 9.18-4: Example of Pedestrian Pathway with Benches and Landscape Features

- B. Applicability. These regulations shall apply to all new development within the CC-3 zone, as specified in subsections C (Commercial, Mixed Use, Education, and Institutional/Civic Developments) and D (Residential

Developments) of this section for particular types of development. The design and dimensions of such pedestrian pathways shall conform to any guidelines the City may adopt for such.

- C. Commercial, Mixed Use, Educational, and Institutional/Civic Developments. All new commercial, mixed use, educational, and institutional/civic developments, and any additions or improvements to an existing development whereby the new construction equals or exceeds 50% of the replacement value of the existing construction, as determined by the city's Community and Economic Development Director or his/her designee, shall integrate into the development a pathway, paseo, walkway, or similar pedestrian access that connects the primary entrance along an adjacent public street or alley to either another adjacent public street or alley, or to a similar pathway on an abutting property. The area devoted to such pathway can be credited toward any open space requirement of the development.
- D. Residential Developments. All new development projects with a residential component shall integrate into the development a pathway, paseo, walkway, or similar pedestrian access that connects the primary entrance along an adjacent public street or alley to either another adjacent public street or alley, or to a similar pathway on an abutting property. The area devoted to such pathway can be credited toward any open space requirement of the development.
- E. General Requirements. All pathways, paseos, walkways, or similar pedestrian accesses shall be reviewed as part of any required site plan review or discretionary permit review process. The project

may be conditioned to address such issues as, but not limited to, design materials, hours during which such pathway shall be available for general public access, pedestrian safety enhancements, lighting, and security of the businesses and residences with direct access to the pathway.

- F. Conditional Use Permit Required for Uses Involving Entertainment and/or Alcohol Sales. Any mixed use development, or commercial development adjacent to a residential use(s), that will include entertainment and/or alcohol sales, shall be appropriately buffered from adjacent residential uses, be subject to special operating conditions, and require review and approval of a conditional use permit. If entertainment and/or consumption of alcohol is conducted outdoors, buffering measures shall include, without limitation, sound attenuation walls and landscaping in order to protect adjacent residential uses. If the entertainment and/or alcohol sales or consumption is conducted, and the use does not meet the distance requirements for the subject uses as prescribed in Section ~~9.18.030~~ (Special Operating Conditions and Development Standards), a waiver of distance and location provisions may also be requested through the conditional use permit process. In conjunction with the approval of a conditional use permit, the hearing body may grant a waiver to any distance or location provision if it makes all of the following findings:
1. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this section will be observed;
 2. That the proposed use will not unreasonably interfere with the use and enjoyment of neighboring property or cause or exacerbate the development of urban blight;
 3. That the use will not interfere with operation of other businesses or uses within the area;
 4. That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation or revitalization;
 5. That the establishment complies with all other distance and pedestrian and vehicular requirements of this code; and
 6. That all applicable regulations of this code will be observed.
- G. Communal Dining Areas. Communal dining areas may be created between properties and uses. Outside communal dining areas shall be sufficiently buffered from adjacent residential uses in a manner that will protect the peaceful enjoyment of adjacent residentially developed properties. In addition to the other applicable requirements of this chapter, including those prescribed in Section 9.18.090.060.F (Conditional Use Permit Required for Uses Involving Entertainment and/or Alcohol Sales), the following provisions apply to uses that include communal dining with entertainment and/or alcohol.
1. A conditional use permit is required for communal dining with entertainment and/or alcohol.
 2. Entertainment shall only be permitted within a confined space with proper sound attenuation or within a wholly enclosed building.
 3. Outdoor communal dining areas where alcohol is served and/or consumed must be located in a controlled area or group of areas with monitored entrances and exits and enclosed by a perimeter barrier.
 4. The conditional use permit shall specify the requirements and the party or parties responsible for monitoring, managing and controlling the communal dining area(s). (2888 § 9, 2017; 2814, 2012)

9.18.090.070 Neighborhood Mixed Use Zone (NMU) Development Standards

- A. General. In addition to the other applicable requirements of this chapter, the provisions of this section 9.18.090.070 apply to proposed development in the NMU zone. Table 9.18-5 (Development Standards for the Neighborhood Mixed Use Zone) sets forth the general development standards applicable to all development in the NMU zone.

Table 9.18-5: Development Standards for the Neighborhood Mixed Use Zone

Development Standards	Neighborhood Mixed Use Zone (NMU)
Minimum Lot Size	Minimum area and width for new lots. When a lot has less than the minimum required area or width as set forth in the development standards for the zone in which it is located and was of record on November 12, 1960, the lot shall be deemed to have complied with the current minimum required lot area or width.
Minimum Area	15,000 sf
Minimum Width	75 ft
Minimum Width (Corner Lot)	75 ft
Maximum Density/Intensity	
Maximum Commercial Floor Area Ratio (FAR)	0.5
Maximum Residential Density (units/acre)	24 units/acre
	Residential development requires an on-site commercial development component of a minimum 0.2 FAR. <u>Stand-alone multiple-family residential development in the NMU zone is only permitted on sites that do not have access to a principal, major, primary, or secondary arterial street and is not required to include a pedestrian plaza area.</u>
Setbacks	Minimum setbacks required. See Section 9.18.100 for setback measurement, allowed encroachments and projections into setbacks, and exceptions to setbacks.
Front	Minimum 15 ft
Side	<u>None required</u>
Corner Side	<u>Minimum 10 ft</u>
Rear	<u>None required unless abutting a residentially zoned lot; minimum 10 ft when abutting a residentially zoned lot. See Section 9.18.100.</u>
Maximum Height	Maximum building height shall not exceed height limit in feet or stories. See also Section 9.18.100 for rear and side yard encroachment plane requirements which may restrict heights adjacent to a residentially zoned lot.
	<u>50 ft or 4 stories, whichever is less</u>
Lot Coverage	
Minimum Lot Coverage	<u>Not applicable</u>
Maximum Lot Coverage	<u>Not applicable</u>

Side	None required
Corner-Side	Minimum 10 ft
Rear	None required unless abutting a residentially-zoned lot; minimum 10 ft when abutting a residentially-zoned lot. See Section.
Maximum Height	Maximum building height shall not exceed height limit in feet or stories. See also Section for rear and side yard encroachment plane requirements which may restrict heights adjacent to a residentially-zoned lot.
	50 ft or 4 stories, whichever is less
Lot Coverage	
Minimum Lot Coverage	Not applicable
Maximum Lot Coverage	Not applicable

B. Maximum Gross Building Footprint. In the NMU zone, the gross building footprint of any structure at the ground level shall not exceed 40,000 square feet of contiguous floor area.

C. Pedestrian-Oriented Plaza Requirement. Each project in the NMU zone shall provide a pedestrian plaza, ~~except for projects that are 100 percent residential, in which case the plaza shall not be required.~~ The purpose of the pedestrian-oriented plaza is to provide a place for passive recreation, public gathering, landscape amenities, display of public art, and similar uses that enhance the appearance and function of development and integrate multiple uses on a site. For a building that is constructed with orientation toward the street, the pedestrian-oriented plaza shall be in the form of a boulevard garden plaza along the front setback and shall conform to the standards of Section 9.18.090.020.F (Boulevard Garden Plaza Requirement). For other development approaches and types, the plaza shall be a pedestrian plaza that ~~provides enhanced pedestrian circulation and connects the various uses/buildings on the site.~~ In particular, for sites at Brookhurst Street and Chapman Avenue, ~~efforts pedestrian pathways in the form of sidewalks and crosswalks shall be made used to physically and/or visually connect pedestrian pathways to~~ uses across the street from each other.

1. Permitted Uses. The required pedestrian plaza may consist of landscaped and paved areas, outdoor dining, public art display, fountains, or similar uses and amenities permitted in the applicable zone. ~~When the plaza is interior to a property, nonvehicular vending kiosks may be permitted. A minimum of three types of improvements and/or amenities shall be provided.~~
2. ~~When the plaza is interior to a property, nonvehicular vending kiosks are permitted.~~
3. Minimum Area. The pedestrian plaza shall comply with the minimum area requirements set forth in Table 9.18-6 (Minimum Pedestrian Plaza Area in the NMU Zone).

Table 9.18-6: Minimum Pedestrian Plaza Area in the NMU Zone

<u>Right-of-Way Frontage Length</u>	<u>Minimum Plaza Area</u>
<u>Less than 150 feet</u>	<u>600 sf</u>
<u>150—300 feet</u>	<u>1,000 sf</u>
<u>More than 300 feet</u>	<u>1,500 sf</u>

3. Shape and Minimum Dimensions. The required plaza area shall have minimum dimensions of 10 feet inwidth and 10 feet in length. The required area may be split into no more than two contiguous areas.
4. Location. The plaza area may be located anywhere on a site, but ~~in a manner that provides for easy accessibility and maintenance. The plaza area shall be well integrated into other development features and accessible to the public via~~ pedestrian accessways ~~on the site. Proposed locations shall be reviewed through the site plan review process of a minimum five-foot width.~~
5. Other Requirement. The plaza area shall not be enclosed or obstructed by fencing or walls, except asrequired for permitted outdoor dining areas abutting a public right-of-way. ~~(2025 § 5-2021, 2814, 2012)~~

9.18.090.080 Adaptive Reuse Zone (AR) Development Standards

In addition to the other applicable requirements of this chapter, the provisions of this Section 9.18.090.080 apply to proposed development in the AR zone. Table 9.18-7 (Development Standards for the Adaptive ~~Re-use~~Reuse Zone) establishesthe development standards applicable to all development in the AR zone.

Table 9.18-7: Development Standards for the Adaptive Reuse Zone

Development Standards	Adaptive Reuse Zone (AR)
Minimum Lot Size	Minimum area and width for new lots. When a lot has less than the minimum required area or width asset forth in the development standards for the zone in which it is located and was of record on November 12, 1960, the lot shall be deemed to have complied with the current minimum required lot area or width.
Minimum Area	15,000 sf
Minimum Width	75 ft
Minimum Width (Corner Lot)	75 ft
Maximum Density/Intensity	
Maximum Commercial Floor Area Ratio (FAR)	0.5
Maximum Residential Density (units/acre)	48 units/acre All residential units shall be work-live units, per Section 9.18.020.070.
Setbacks	Minimum setbacks required. See Section 9.18.100 for setback measurement, allowed encroachments and projections into setbacks, and exceptions to setbacks.
Front	Minimum 15 ft
Side	None required
Corner Side	Minimum 10 ft
Rear	None required unless abutting a residentially zoned lot; minimum 10 ft when abutting a residentially zoned lot. See Section 9.18.100.
Maximum Height	Maximum building height shall not exceed height limit in feet or stories. See also Section 9.18.100 for rear and side yard encroachment plane requirements which may restrict heights adjacent to a residentially zoned lot.
	50 ft or 4 stories, whichever is less
Lot Coverage	
Minimum Lot Coverage	Not applicable

Table 9.18-7: Development Standards for the Adaptive Reuse Zone

Development Standards	Adaptive Reuse Zone (AR)
Maximum Lot Coverage	Not applicable

Section 9.18.100 Development and Design Standards Applicable to All Mixed Use Zones

9.18.100.010 Purpose and Applicability of Development and Design Standards in Mixed Use Zones

- A. Purpose. These development and design standards are established to achieve General Plan goals of encouraging local and regional commerce in the Mixed Use zones, creating attractive districts, and enhancing city image. The city’s goal is to ensure that developments interact with each other and provide a consistent pattern and urban form along boulevards and within mixed use districts, rather than exist as stand-alone, individual projects. Developments within the Mixed Use zones are intended to harmonize with adjacent residential uses by maintaining a pedestrian scale and compatible architectural styles, and by providing inviting and attractive access, well-designed landscaping, and pedestrian amenities that encourage walking throughout the districts. While vehicular access is important to support broad-based use of businesses within the Mixed Use zones, parking areas and driveways shall be considered as an integral part of project design, with detailed attention to quality and accommodation of pedestrian movement.
- B. Application of Design Standards. Sections 9.18.100.030 (Site Design Standards) and 9.18.100.040 (Enhanced Building Design Standards) establish standards for the design of sites and buildings in all Mixed Use zones. ~~If, through the discretionary review process, a finding is made that the project substantially meets the intent of the design standards of these subsections, an alternative design may be approved. However, approvals of alternatives shall not be permitted for any of the general development standards set forth in Section (Development Standards Applicable to All Mixed Use Zones).~~

9.18.100.020 Development Standards Applicable to All Mixed Use Zones

- A. Applicability. Subdivisions, new land uses and structures, and alterations to existing land uses and structures shall be designed, constructed, and established in compliance with the requirements set forth in Section 9.18.090 (Development Standards Specific to Individual Mixed Use Zones) and Section 9.18.100 (Development and Design Standards Applicable to All Mixed Use Zones), in addition to all applicable standards of Title 9.
- B. Lot Area. No lot area shall be reduced or diminished so that the setbacks or other open spaces shall be less than prescribed for the zone in which it is located.

Setbacks. Setbacks, as required by Section 9.18.090 (Development Standards Specific to Individual Mixed Use Zones) and Section 9.18.100 (Development and Design Standards Applicable to All Mixed Use Zones), are diagrammed in Figure 9.18-13 (Required Setbacks).

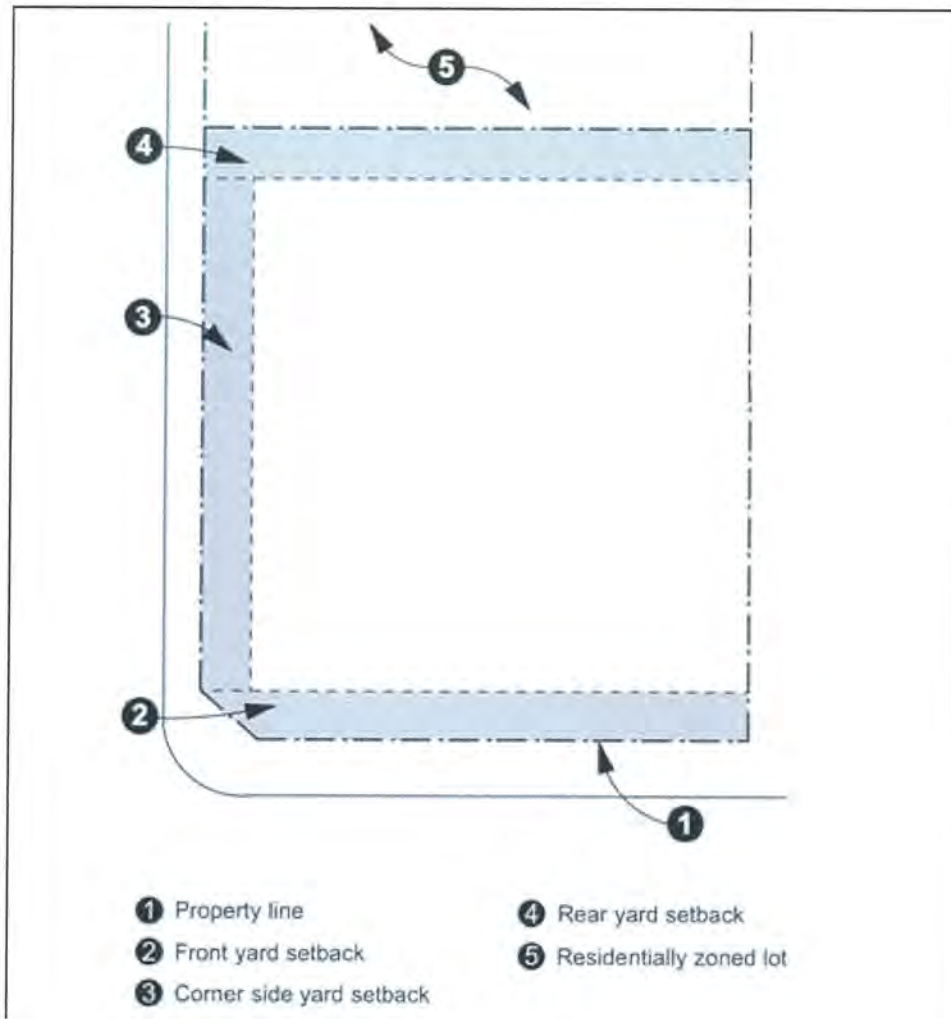


Figure 9.18-13: Required Setbacks

1. Garden Grove Boulevard Adjacent Setbacks. For properties with any property line abutting the Garden Grove Boulevard right-of-way, said property line shall be considered the front line for the purpose of determining required setbacks.
2. Setbacks Unobstructed. Required setbacks shall be open and unobstructed from the ground to the sky except for trees and other plant material. No building, parking space, or turning aisle to any parking space shall occupy any portion of any required setback. Notwithstanding this section, parking spaces, and turning aisles to parking spaces, within the CC-1 (Civic Center East), CC-2 (Civic Center Main Street), and CC-3 (Civic Center Core) zones may be located within required setbacks, ~~subject to Site Plan approval,~~ and shall require a landscaped buffer between the property line and parking space(s) and/or turning aisle(s) to any parking space(s) fronting along a street. Any landscaped buffer shall have a minimum depth of five feet. This excludes the depth of any driveway throat, ~~which shall be as determined by the Traffic Engineering Division, Public Works Department.~~ The depth of the driveway throat shall be 20 feet unless alternative standards have been adopted by Public Works. Easements for utilities (e.g., electrical, communications) are exempt from the requirements of this section.

3. Permitted Intrusions in Setbacks. The following may project into any required setback a maximum of two feet: cornices, eaves, belt courses, sills, buttresses, planter boxes, masonry planters, guard railings, chimneys, or similar architectural features.
4. Setback Point of Measurement. All building setbacks shall be measured from the ultimate street right-of-way.
5. Landscaping Required in Setbacks. A minimum of 60% of the surface area of required setbacks shall be landscaped in all Mixed Use zones, with the exception of the required front and corner side yard setbacks in the GGMU-1 and CC-2 zones. In the GGMU-1 zone, a maximum of 60% and a minimum of 15% of the surface area of required setbacks shall be landscaped. In the CC-2 zone, landscaping in setbacks is not required. Any non-landscaped area within a required setback shall be paved per the requirements of Section 9.18.100.020.C.6 (Paved Areas in Setbacks), below.
6. Paved Areas in Setbacks. Areas not landscaped shall be paved in high-quality materials such as consisting of either pavers, stone or cobblestone, or patterned or scored colored concrete, or similar durable materials as otherwise indicated in section 9.08.040.060 (Landscaping Requirements). Plain and colored concrete and plain asphalt are prohibited.
7. Limited Outdoor Dining/Seating Permitted in Setbacks. Outdoor seating may be allowed in accordance with the requirements of Section 9.18.030.300 (Outdoor Dining at Eating Establishment/Restaurant) in the front yard setback. No more than 30% of the required front yard setback area may be occupied by outdoor dining/seating.
8. Vending Permitted. Nonvehicular vending kiosks and vehicular vending may be allowed in accordance with the requirements of Section 9.18.070 (Outdoor Sales of Goods and Merchandise).



Photo 9.18-5: Example of Landscaping and Paving and a Vending Kiosk in Required Setback Areas

A. Rear or Side Yard Setback and Encroachment Plane Required when Abutting a Residentially Zoned Lot. Where the rear lot line and/or side lot line of a Mixed Use zoned lot abuts an “R” zoned property or a PUD established exclusively for residential uses, the following standards shall be met in addition to all other required setbacks:

1. Ten-Foot Rear Yard Setback. A 10-foot rear yard setback or side yard setback, as applicable, shall be provided.
2. Encroachment Plane. No buildings or structures shall be located within an encroachment plane sloping upward and inward to the site at a 45-degree angle, commencing 15 feet above the existing grade at the property line (see Figure 9.18-14: Rear or Side Yard Setback and Encroachment Plane at Residentially Zoned Lot).

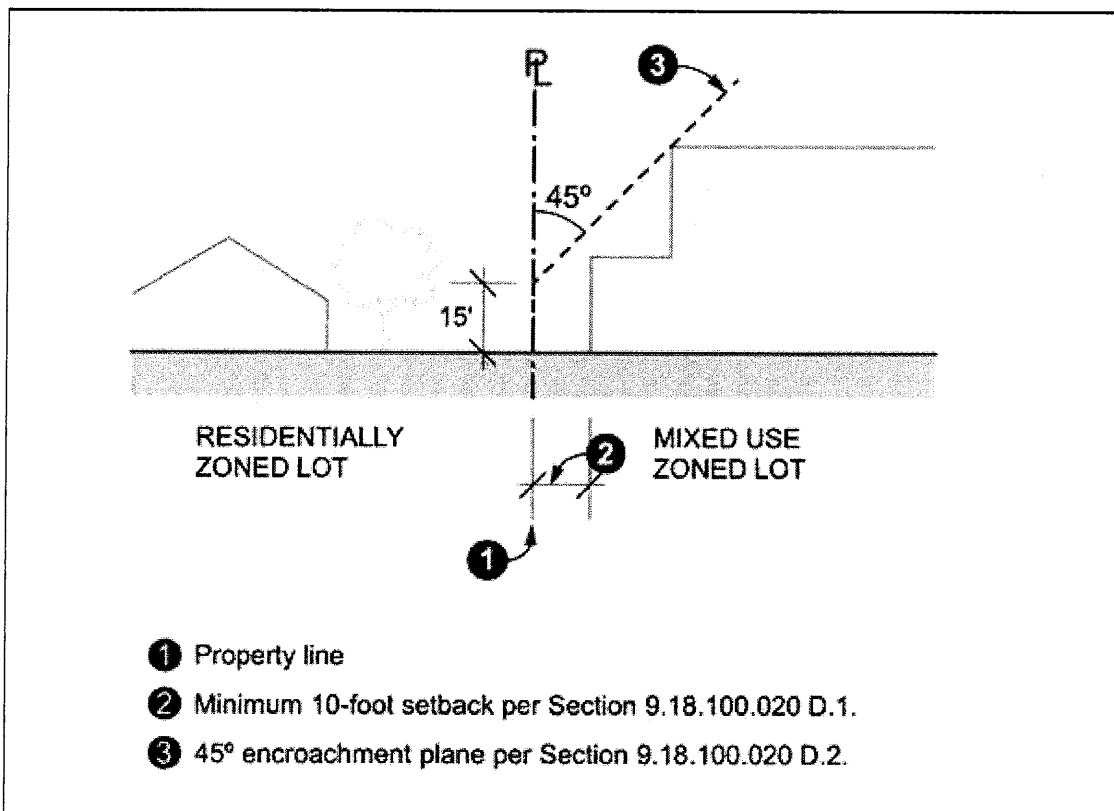


Figure 9.18-14: Rear or Side Yard Setback and Encroachment Plane at Residentially Zoned Lot

4. Encroachment Plane at Alley. Where an alley separates the rear lot line of a Mixed Use zoned lot from a property zoned exclusively for residential uses, no building or structure shall be located within an encroachment plane sloping upward and inward to the site at a 45-degree angle, commencing 15 feet above the existing grade at the centerline of the alley (see Figure 9.18-15: Rear Yard Setback and Encroachment Plane at Alley Abutting Residentially Zoned Lot).

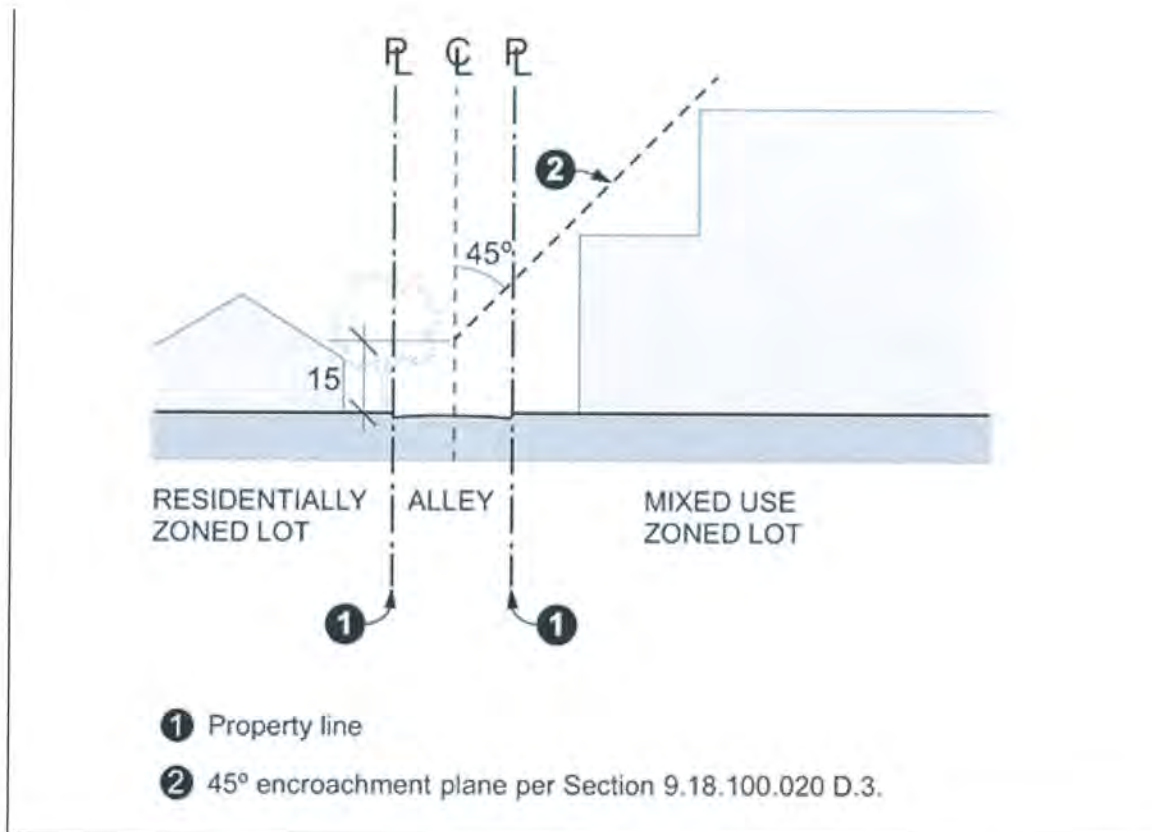


Figure 9.18-15: Rear Yard Setback and Encroachment Plane at Alley Abutting Residentially Zoned Lot

4. **Property Line Wall Required.** A solid decorative masonry wall or concrete block wall shall be provided at the property line. The wall shall be at least six feet in height but shall not exceed eight feet in height.
- D. **Access to Nonresidential Uses.** Primary access to any nonresidential use shall be taken from a primary, major, or principal arterial street classification, as defined by the General Plan Circulation Element. No access shall be provided to a nonresidential use from local residential streets, as defined by the General Plan Circulation Element, unless specifically allowed through the site plan review process. Emergency access from local residential streets shall be permitted only where no other feasible emergency access to a primary arterial or higher street classification is possible. On through lots, no access to nonresidential uses shall be provided on local residential streets, unless specifically allowed through the site plan review process.
 - E. **Building Height Exceptions for Uninhabited Penthouses and Roof Structures.** Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, fire or parapet walls, skylights, towers, flagpoles, chimneys, smokestacks, wireless masts, and similar structures may be erected above the height limits established by this chapter by no more than 15 feet. No penthouses, roof structure, or other space above the height limit shall be allowed for the purpose of providing additional usable floor space.

- F. Outdoor Lighting. All on-site lighting shall be stationary and directed away from adjoining properties and public ~~rights~~-of-ways.
- G. Modification of Required Front Yards on Lots Fronting on the Curves of Cul-de-Sacs or Knuckles. Where the street pattern of a subdivision includes lots fronting upon cul-de-sac turnarounds or knuckle widenings at right angles or approximate right angle turns in a street, and where such fronting lots by reason of the cul-de-sac or knuckle creating a greater street width with the resultant reduced depth of fronting lots, the required front yard may be reduced in the following manner:
1. Any lot fronting entirely on an arc formed by a knuckle or cul-de-sac, the front setback shall be no less than one-half the required setback for that zone; however, no setback shall be less than 10 feet. ~~The prescribed setback shall be measured by maintaining a constant parallel arc to the front property line. The prescribed setback shall be measured by maintaining a constant parallel arc to the front property line.~~
 2. Where lots have only a portion of the property located on a cul-de-sac, knuckle, reverse curve, or where the street widens from the established parallel right-of-way, that portion where the reduction occurs may have the front yard setback reduced in the following manner: The setback shall be determined by first locating a point of reference on the property line, of the subject lot, that establishes the required setback for that zone in which the property is located. The second point of reference shall be established by locating a point on the property line establishing the property's depth from street's arc, by locating the point one-half the required setback for that zone and in no instance shall the setback at any point along the property street frontage be less than 10 feet. Once the two points are established, a line is drawn from one point to the other, thus reflecting the front yard setback.
- H. Vision Clearance and Driveway Site Design.
1. Vision Clearance at Street Intersections. All corner and reverse corner lots shall maintain, for safety vision purposes, an open to the sky and unobstructed triangular area at the intersection of the front and side street property lines. One angle and two sides of the triangular area shall be formed by the intersection of the front and the side street property lines or their projection to a point of intersection. The third side of the triangle shall be a straight line connecting those points on the front and side street property lines measured 25 feet from the point of intersection.
 2. Vision Clearance at Street Intersections Paving and Landscaping. The area comprising an open and unobstructed triangular area for vision clearance shall be paved and landscaped in accordance with Section 9.18.120 (Landscaping) and other applicable tree and landscaping standards required for specific zones, except that no trees, shrubs, fences, or other physical obstructions higher than 36 inches above existing grade shall be permitted.
 3. Maximum Number of Driveways and Total Allowable Driveway Width. The number of permitted driveways and the width of driveways shall comply with Public Works standards established in Ordinance No. 2155.
 4. Vision Clearance at Driveways. On corner lots or reverse corner lots, if a vehicular entrance is provided from the side street side, an area for safety vision clearance shall be maintained on each side of the driveway. Such area for vision clearance shall be defined by a diagonal line beginning at the intersection of the edges of the driveway and the inside line of the required side yard and extending away from the driveway at an angle of 45 degrees to the edge of the driveway toward the side street property line of the lot. (2888 § 10, 2017; 2814, 2012)

9.18.100.030 Site Design Standards

- A. Pedestrian Walkways.

1. **Pedestrian Walkway Location.** Pedestrian walkways shall be provided and located ~~on the site in a manner that allows easy and to allow~~ clearly identifiable pedestrian access from sidewalks at public rights-of-way to building entrances, publicly accessible amenity areas, any required pedestrian-oriented plaza (including boulevard garden plazas and pedestrian plazas), and similar on-site uses. Pedestrian walkways shall also provide access between building entrances and uses on the same site.
2. **Pedestrian Walkway Design.** Pedestrian walkways shall have a minimum width of four feet. Pedestrian walkways shall be paved in ~~high-quality materials such as consisting of either~~ pavers, stone or cobblestone, ~~or~~ patterned or scored colored concrete, or similar durable materials. Plain and colored concrete and plain asphalt are prohibited.

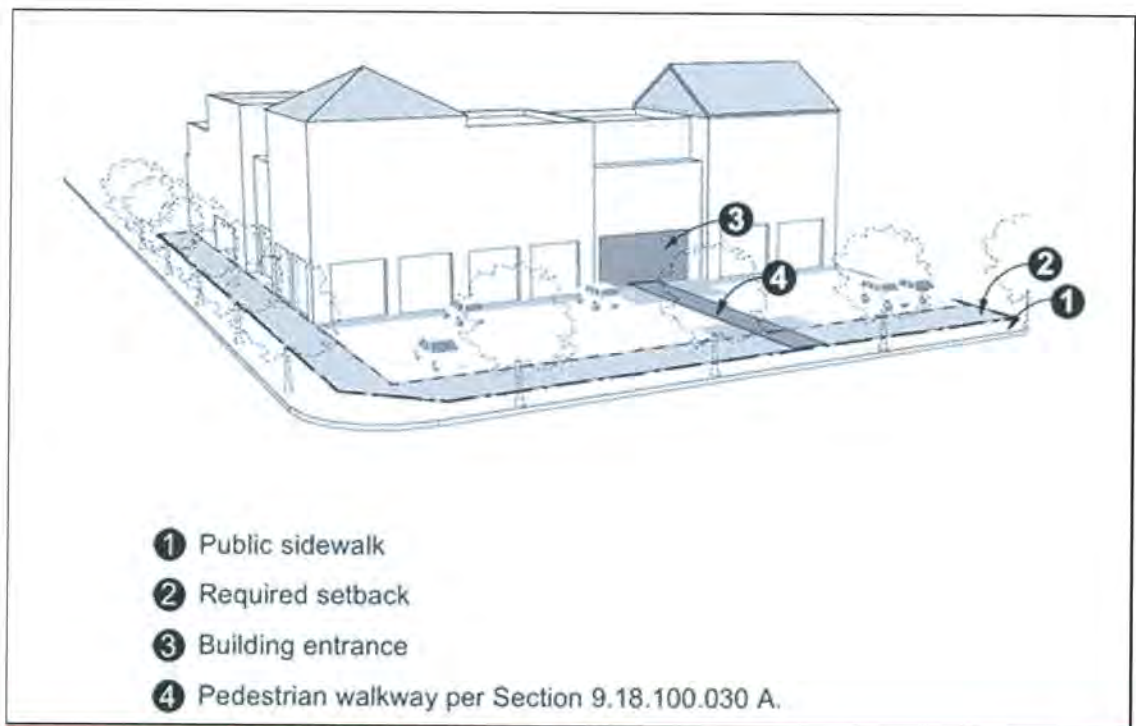


Figure 9.18-16: Pedestrian Walkway

3. **Pedestrian Walkway Visibility and Site Features.** Pedestrian walkways shall be located so that they are clearly visible from sidewalks at the public right-of-way. Additional site features shall include but not be limited to directional signage (as permitted by this code), placement of markers, landscape planters, or vegetation. These features shall be used to emphasize the location of the pedestrian walkway at the public right-of-way and throughout the development.
4. **Pedestrian Walkways within Parking Areas.**
 - a. Where parking areas are located between public sidewalks and buildings, publicly accessible amenity areas, and similar on-site uses, pedestrian walkways shall be located to provide the most direct access from public sidewalks to building entrances, publicly accessible amenity areas, and similar on-site uses.

- b. Where pedestrian walkways pass through parking areas, they shall be differentiated from parking areas using raised walkways, raised curbs, enhanced paving clearly differentiated from the parking area paving, and/or landscape buffers.
- c. Pedestrian walkway requirements shall apply in addition to the landscaping standards of Section 9.18.120 (Landscaping) and the parking design standards of Section 9.18.140.070 (Parking Design Standards).



Photo 9.18-6: Example of Enhanced Pedestrian Walkway in a Parking Area

- B. Pedestrian-Oriented Plazas. Pedestrian-oriented plazas, whether required pursuant to Section 9.18.090.020.F (Boulevard Garden Plaza Requirement) or 9.18.~~09090~~.070.C (Pedestrian-Oriented Plaza Requirement), or provided as a non-required on-site improvement, shall follow the following standards:
 - 1. Pedestrian-Oriented Plaza Design. Pedestrian-oriented plazas shall have minimum dimensions of 10 feet in any direction. Pedestrian-oriented plazas shall be visible and easily accessible from ~~areas of pedestrian activity, including public rights-of-way~~, required pedestrian walkways, building entrances, and parking lots. ~~Pedestrian-oriented plazas shall include elements including but not limited to enhanced paved areas, benches and seating, landscape planters, gazebos, or similar amenities. Pedestrian-oriented plazas shall be located so as to be convenient for a diversity of users of a development.~~
 - 2. Paving. Pedestrian-oriented plazas shall be ~~paved in high-quality materials such as improved~~ with pavers, stone or cobblestone, patterned or scored colored concrete, or ~~similar durable materials, stonework~~. Plain and colored concrete and plain asphalt are prohibited. ~~Landscaping. A minimum of 25% of the pedestrian-oriented plaza shall be landscaped with live materials. Pedestrian-oriented plazas shall feature landscape amenities including but not limited to landscape planters, low hedges, and shade-providing trees, water features, or unique features that enhance the appearance, desirability, and usability of the plaza.~~
 - 3.

Pedestrian-Oriented Plazas Abutting Parking Areas. Pedestrian-oriented plazas abutting parking areas shall be separated from drive aisles and parking stalls with raised curbs. Additional safety features creating a sense of safety such as to include either decorative bollards, low and well-maintained hedges, or landscaped planters are strongly encouraged shall be provided.

- Count towards Open Space Requirement. Pedestrian-oriented plazas that are accessible to both commercial and residential components of an integrated mixed use development and not allocated to specific uses or tenants may be counted towards open space, recreation, and leisure area requirements per Section 9.18.110.030.F (Open Space, Recreation, and Leisure Area Requirements for Residential Components of Integrated Mixed Use Developments).



Photo 9.18-7: Example of Pedestrian Plaza Featuring Paving, Landscaping, and Pedestrian-Oriented Amenities

9.18.100.040 Enhanced Building Design Standards

New buildings and structures shall be designed and constructed in compliance with the following standards and as illustrated in Figure 9.18-17 (Enhanced Building Design Standards).

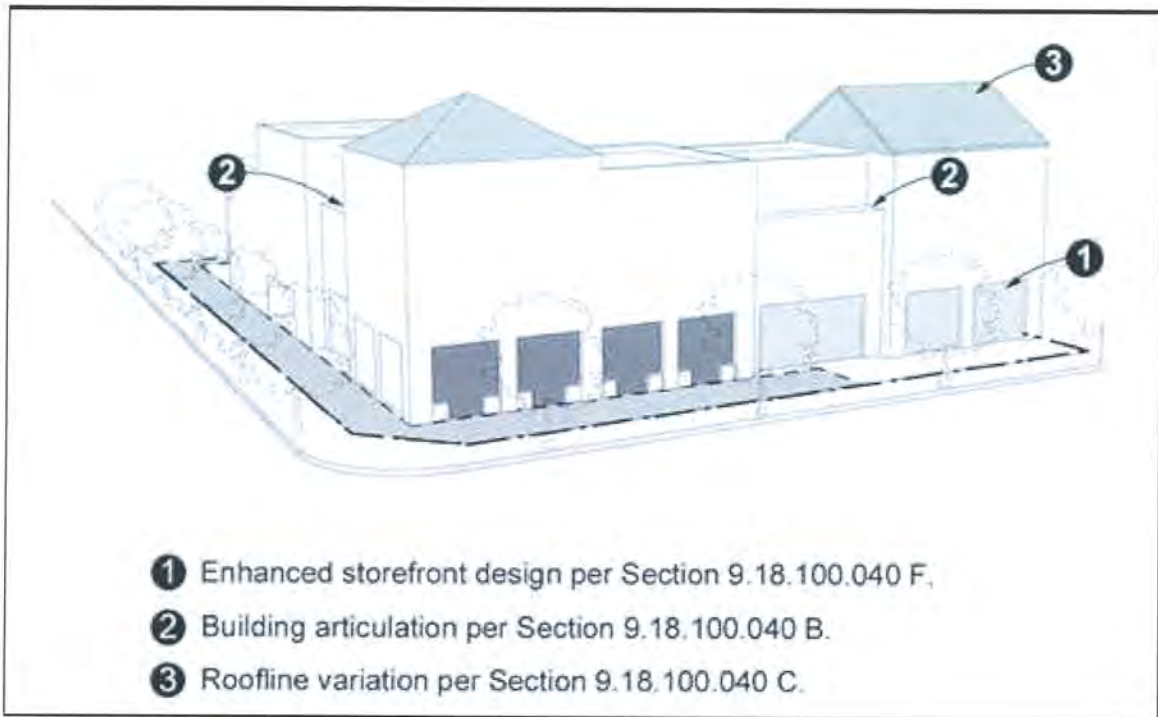


Figure 9.18-17: Enhanced Building Design Standards

- A. Architectural Character. The architectural character of all new construction and additions as established by subparagraphs B through G in this subsection 9.18.100.040 shall be consistently utilized and expressed at all faces of buildings visible from public rights-of-way.
- B. Building Articulation. Façades shall be modulated to create visual and architectural interest. Architectural elements including shall include: 1) bays and recesses, 2) balconies and terraces, 3) inset windows that allow for the expression of wall thickness, 4) patterns of shade and shadow at facades, 5) changes of material and color use of architectural details such as horizontal and vertical banding, cornices, door and window surrounds, and 6) use of high-quality materials, such as smooth finished stucco, brick, and stone are encouraged. A minimum of four of the six components listed here shall be employed.
- C. Roofline Variation. Variation of roof forms shall be used to create visual distinction between buildings and to incorporate human-scale modulation that breaks down the bulk of structures and buildings, and at the same time, creates a sense of common identity unified style throughout the development.



Photo 9.18-8: Example of Architecturally Treated and Human-Scaled Buildings

- D. Maximum Length of Building Façade. Façades of buildings and structures facing public rights-of-way shall not exceed 7560 feet of uninterrupted length measured parallel to the property line. Façades greater than this length shall be interrupted by breaks in façade plane, ~~major changes~~ a change in building massing, and utilization of projecting bays or recesses, along with changes in material, differentiation of color, or changes in architectural detailing or ornament.

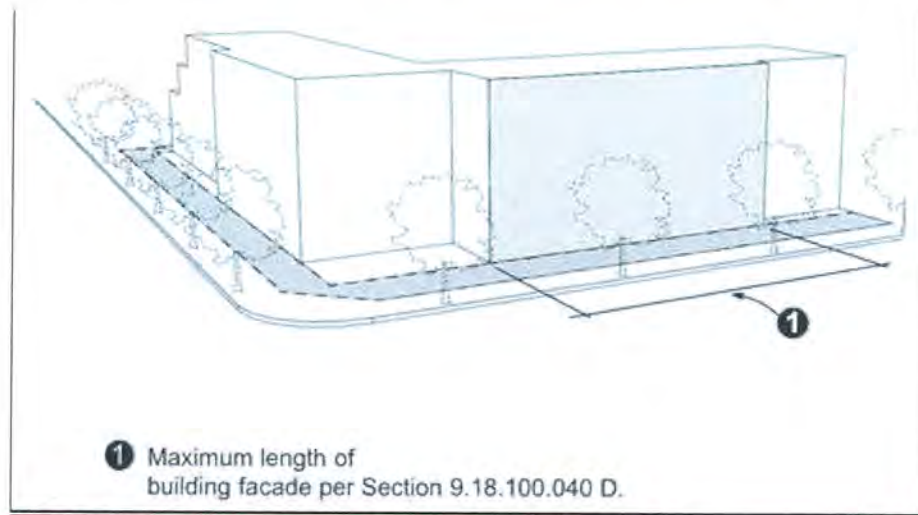


Figure 9.18-18: Maximum Length of Building Façade

- E. Entrance Frequency. At street frontages, ground-related entrances shall occur at least once every 150 feet, as measured along the street-facing property line. In addition to entrances to ground-related uses, entrances to residential units, clusters of residential units, lobbies, or private courtyards may be applied towards meeting this requirement.
- F. Enhanced Storefront Design. For nonresidential street frontages, glazing at the ground floor adjacent to or facing a front property line shall comprise a minimum of 40% of the ground floor height at the façade of the building. The glazing at the ground floor height of other façades that face public and private streets at side yards shall comprise a minimum of 20% of the ground floor height. Minimum storefront glazing shall be calculated per Table 9.18-8 (Storefront Glazing Calculation).

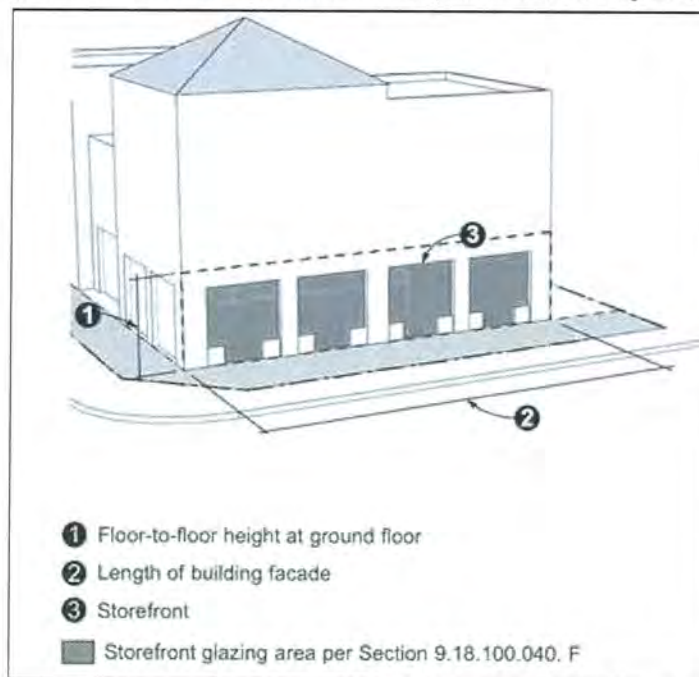


Figure 9.18-19: Required Storefront Glazing

Table 9.18-8: Storefront Glazing Calculation

Storefront Glazing at Front Property Line					
Ground Floor Floor-to-Floor Height	X	Length of Building Façade	X	40%	= Minimum Glazing Area Required
Storefront Glazing at Other Façades Facing Public and Private Streets					
Ground Floor Floor-to-Floor Height	X	Length of Building Façade	X	20%	= Minimum Glazing Area Required

G. Window Design and Glazing. Storefronts and windows shall be inset from exterior façade planes and/or adjoining exterior wall planes a minimum of two inches to realize increased shade, shadow, and visual texture along the building face. Alternatively, windows shall be articulated by adjacent and adjoining projecting sills, jambs, heads, frames, and/or ornamental surrounds that project a minimum of one inch from the exterior building plane. Curtain walls and storefronts shall incorporate mullions and/or vertical and horizontal dividers that permit glazing placement a minimum of two inches behind the plane of the curtain wall, as measured from the exterior face of the mullions and dividers. Glazing at the ground plane and first level of buildings shall be clear, colorless, and transparent. Use of reflective glazing is prohibited. (2814, 2012)

Section 9.18.110 Development Standards for Specific Uses in Mixed Use Zones

9.18.110.010 Purpose and Applicability

Certain categories of uses vary in their needs for unique development requirements. For example, residential uses require on-site open space to achieve a high level of livability create indoor and outdoor spaces for residents to recreate. The development standards applicable to all buildings housing residential and commercial uses in the Mixed Use zones are provided in this Section 9.18.110. Standards for existing nonconforming single-family dwellings located in the Mixed Use zones are also provided in this Section 9.18.110. (2814, 2012)

9.18.110.020 Development Standards for Commercial Uses within All Mixed Use Zones

In addition to the other applicable requirements of this chapter, the provisions of this Section 9.18.110.020 apply to all commercial developments and commercial portions of residential/commercial mixed use developments, with the exception of the conversion of single-family homes to commercial structures and uses in the CC-1 zone, which shall comply with the provisions of Section 9.18.090.040.

A. Commercial Ground Floor Design Standards.

1. Elevation of First Floor. The ground floor elevation shall be located no more than one foot above the existing grade and no more than one foot below existing grade.
2. Minimum Ground Floor Height. The minimum height of commercial ground floor spaces shall be ~~12~~ 12 feet. This height shall be measured from the floor of the at-grade level to the floor of the second story. If there is no second story, the height shall be measured to the top of the roof.
3. Building Entrances to Commercial Uses. Commercial uses shall provide at least one entrance facing the front property line, which shall serve as the primary entrance to the business. Walkways, architectural elements, directional signage, or similar means shall be used to emphasize and direct persons toward that entrance. Interior space shall be arranged to orient towards the primary entrance. Street-facing entrances shall be unlocked and accessible to the public during business hours. (2857 § 9, 2015; 2814, 2012)

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

In addition to the other applicable requirements of this chapter, the provisions of this Section 9.18.110.030 apply to all multifamily residential developments and residential portions of residential/commercial mixed use developments.

- A. Minimum Dwelling Unit Area. New dwelling units shall have a minimum floor area established in Table 9.18-9 (Minimum Dwelling Unit Size) excluding garages.

Table 9.18-9 Minimum Dwelling Unit Size

Number of Bedrooms	0	1	2	3 or more
Minimum Floor Area per Unit	500 sf	750 sf	900 sf	1,050 sf

- B. Maximum Number of Bedrooms per Unit. No single dwelling unit shall have more than four bedrooms.
- C. Residential Building ~~Separation~~Setbacks. In addition to the setback requirements set forth in Section 9.18.090 (Development Standards Specific to Individual Mixed Use Zones) and Section 9.18.100 (Development and Design Standards Applicable to All Mixed Use Zones), residential portions of residential developments and residential portions of residential/commercial mixed use developments shall meet the minimum building ~~separation~~setback requirements set forth in Table 9.18-10 (Building ~~Separation~~Setback Requirements).

Table 9.18-10: Building Separation<u>Setback</u> Requirements	
Minimum Building Separation<u>Setbacks</u>	
From Rear Property Line	10 feet
From Interior Side Property Line	10 feet

- D. Elevation of First Floor. The first habitable floor of a residential-only building shall be located no more than four feet above the existing grade and no more than one foot below existing grade along the required front yard setback.
- E. Minimum Floor-to-Floor Height. The minimum floor-to-floor height of residential spaces shall be nine feet six inches. This height shall be measured from the floor of one story to the floor of the next story. Where a building has only one story, the height shall be measured to the top of the roof.
- F. ~~Private and Common~~ Open Space, ~~and Recreation, and Leisure Area~~ Requirements for Residential Components of Integrated Mixed Use Developments. Residential components of integrated residential/commercial mixed use developments shall provide a combination of private and common open space, ~~recreation, and leisure area~~ equal to a minimum 300 square feet per dwelling unit. The following spaces shall contribute to the private and common open space, ~~recreation area, and leisure area requirement~~ requirements:
 1. Private Open Space. Private open space shall be provided at each unit. Private open space may be provided in the form of a patio, yard, balcony, immediately adjacent deck, or combination thereof and shall be directly adjacent to and accessible from each unit. Private open space shall

have a minimum area of 9060 square feet and a minimum dimension of six feet in any direction and a minimum vertical clearance of eight feet.

~~Active Recreation Areas. Active recreation areas shall include one or more of the following: spa, pool, tennis, volleyball, racquetball courts, basketball half court, or other similar usable recreational activities. Active recreation areas shall be open to and accessible to all residents. The required active recreational amenities shall be based on a needs assessment evaluation of the proposed project. The evaluation shall take into consideration the following criteria:~~

2.

Active Common Open Space/Recreation Area. Common open space/recreation areas shall be designed to provide specific amenities as shown in the table below based on the number of units to be provided. The list of amenities is additive, meaning that up to the first five units, the amenity noted shall be provided (barbeque with table seating). Then for the next five units up to 10 units, in addition to the barbeque with table seating, a community garden area shall be provided. Then for the next five units up to 15 units, in addition to the barbeque with table seating and community garden area, an outdoor active use area shall be provided, and so on. An applicant may substitute an amenity further down the list for the one listed for the project size under consideration; for example, for a 15-unit project, a substitution may be made for the required barbeque with table seating, community garden area, or outdoor active use area.

The selection of amenities shall take into consideration the following criteria:

- a. Size and shape of active recreation area;
- b. Location and placement of buildings;
- c. Diversity of recreational amenities; and
- d. Number of units and or lot size.

Active recreation areas-

Multifamily Residential Development Amenity Standards

<u>Number of Units</u>	<u>Base Amenity Type and Minimum Size</u>	<u>Additive Amenity Ratio</u>
<u>0-5</u>	<u>Barbeque with Table Seating</u>	<u>1 per 10 units, but at least 1 in all cases</u>
<u>up to 10</u>	<u>Community Garden Area – 32 sf minimum</u>	<u>8 sf/4 units</u>
<u>up to 15</u>	<u>Outdoor Active Use Area – 400 sf minimum</u>	<u>50 sf/unit</u>
<u>up to 20</u>	<u>Provide One of Two:</u> <ul style="list-style-type: none"> • <u>Business Center with Workstations – 2 minimum</u> • <u>Indoor or Outdoor Gym – 250 sf minimum</u> 	<ul style="list-style-type: none"> • <u>1 Workstation/8 Units</u> • <u>5 sf/1 Unit</u>
<u>up to 35</u>	<u>Provide Two of Three:</u> <ul style="list-style-type: none"> • <u>Business Center with Workstations – 2 minimum</u> • <u>Indoor or Outdoor Gym – 250 sf minimum</u> • <u>Clubhouse with 400 sf Kitchen</u> 	<ul style="list-style-type: none"> • <u>1 Workstation/8 Units</u> • <u>5 sf/1 Unit</u> • <u>5 sf/1 Unit</u>
<u>up to 45</u>	<u>One In-Ground Outdoor or Indoor Spa</u>	<u>1 - 64 sf Spa at 65 Units</u> <u>2 - 36 sf Spas at 80 Units</u> <u>2 – 64 sf Spas at 100 Units</u> <u>1.5 sf Increase/ 1 Unit > 100 Units</u>
<u>up to 80</u>	<u>Provide One of Two:</u> <ul style="list-style-type: none"> • <u>Pool - 20,000-gallon minimum</u> • <u>Children’s Play Area¹ – 500 sf minimum</u> 	<ul style="list-style-type: none"> • <u>10 sf/1 Unit</u> • <u>50 sf/1 Unit</u>

Multifamily Residential Development Amenity Standards

<u>Number of Units</u>	<u>Base Amenity Type and Minimum Size</u>	<u>Additive Amenity Ratio</u>
<u>up to 100+</u>	<u>One additional amenity from the list not otherwise provided</u>	<u>Same Rates for All Apply</u>

Notes:

1. Substitute 400 sf Wellness Facility 55+ Age Restricted Development, with an Additive Amenity Ratio calculated at 5 sf/1 unit.
2. Allows Wellness Facility Substitution for 55+ Age Restricted Development

3. Common Open Space Dimensions. Common open spaces shall never have a minimum horizontal dimension in any direction of 20 feet on the ground floor level. Upper story decks shall be no less than 20 feet. Increased dimensions may be required through the site plan review process based upon specific project circumstances and the intended use of that active recreation area. 10 by 10 feet in horizontal dimension. Roof decks shall be no less than 15 by 15 feet in horizontal dimension. The minimum vertical dimension shall be 15 feet.

4. Common Open Space Location. Active recreation areas common open spaces shall not be located in any required setback area and shall be buffered at the ground level from adjacent residentially zoned lots by minimum six-foot high block wall. Active recreation areas common open spaces may be located indoors, at the outdoor portions of habitable levels, or at ground level, on upper story decks, on roof decks, indoors, or outdoors. Areas located at upper story decks or on roof decks may contribute 100 percent towards the required common open space area. Areas located indoors or on roof decks shall not contribute more than 50% percent of the required open space, recreation, and leisure areas. Active recreation areas that feature such activities as pools, spas, court activities shall be placed common open space area.

5. Passive Common Open Space. Up to 50 percent of the required common open space areas may be developed and operated so as not to infringe upon the peacefulness of nearby residential properties maintained as passive common open space consisting of landscape areas that incorporate pathways, waterscapes, and hardscape areas. Such passive open space shall have dimensions of no less than 10 feet in any direction and shall be located at least three feet clear of any onsite structure. Such passive open space areas shall be improved with at least three types of the amenities in the following list.

Passive Recreation Areas. Passive recreation areas shall consist of landscape areas that incorporate pathways, waterscape, hardscape (i.e., large rocks or boulders, benches, gazebos, raised planters constructed on site of bricks, concrete or rocks, railroad ties) and unique features that enhance the appearance, desirability and usability of the area. The intent is to provide landscaped areas that can be utilized for walking, sitting, viewing plants and vegetation, reading, and similar types of activities. Passive recreation areas shall have a minimum dimension of 10 feet in width and 30 feet in length. Said areas shall not contribute more than 50% of the required open space, recreation, and leisure areas.

a.

Pathways

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

- ~~6. Residential/Commercial Shared Passive Recreation Areas/Common Open Spaces. Passive recreation areas common open spaces and joint use patios and plazas may contribute toward the requirement for open space, recreation, and leisure areas, the use of which is shared with the commercial components of a residential/commercial mixed use development, may contribute toward the requirement for common open space, provided that such areas are not used for outdoor dining by the commercial tenants, fenced, or otherwise restricted to use by a single business or residential tenant. These areas may include required front and corner side yard setbacks designed and landscaped to meet the requirements for passive recreation areas common open spaces above and the requirements for minimum setbacks per Section 9.18.090 (Development Standards Specific to Individual Mixed Use Zones) and Section 9.18.100 (Development and Design Standards Applicable to All Mixed Use Zones). Shared passive common open spaces shall have a minimum dimension of 10 feet in in any direction. Such areas shall not contribute more than 25 percent of the required residential common open space. (Development and Design Standards Applicable to All Mixed Use Zones). Shared passive recreation areas shall have a minimum dimension of 10 feet in width and 30 feet in length. Such areas shall not contribute more than 25% of the required open space, recreation, and leisure areas.~~
- G. Open Space Requirements for Stand-Alone Multifamily Developments. All stand-alone multifamily residential developments shall comply with the open space standards for the R-3 zone, as established in Chapter 9.12 (Multifamily Residential Development Standards) of this title.
- H. Additional Residential Unit Requirements. Each residential unit in a multiple family development shall comply with the following requirements.
1. Laundry Facilities. Each unit shall be provided with washer and dryer hookups and laundry space within the unit or garage. For apartment units, common laundry facilities may be provided.
 2. Storage Facilities. Each unit shall be provided with a separate storage area having a minimum of ~~300~~150 cubic feet of private and secure storage space. This storage may be provided within the parking garage provided it does not interfere with garage use for automobile parking. Closet and cupboard space within the dwelling unit shall not count towards meeting this requirement.
- I. Residential Parking Requirements.
1. Enclosed Parking Required. Required residential parking, per Section 9.18.140 (Parking), shall be provided within a parking structure or enclosed one- and two-car garages. Parking spaces shall be assigned to each individual unit.
 2. Individual One- and Two-Car Garages. Individual one- and two-car garages shall maintain a minimum clear parking area of not less than 10 feet by 20 feet for a one-car garage and not less than 20 feet by 20 feet for a two-car garage. 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. (2814, 2012)

9.18.110.040 Existing Nonconforming Single-Family Dwellings

Single-family dwellings existing as of October 27, 2011 in any Mixed Use zone that allows residential uses shall be considered a permitted use and shall be subject to R-1 property standards for modifications and additions, as set forth in Chapter 9.08 (Single-Family Residential Development Standards) of this title.

9.18.120.020 Water Efficiency Requirements

- A. **Applicability.** Beginning January 1, 2010, the following Landscape Water Efficiency Provisions shall apply to all planting, irrigation, and landscape-related improvements for projects included within the following categories:
1. New landscape installations or landscape rehabilitation projects by public agencies or private nonresidential developers, except for cemeteries, with a landscaped area, including pools or other water features, but excluding hardscape, equal to or greater than 2,500 square feet, and which are otherwise subject to a discretionary approval of a landscape plan, or which otherwise require a ministerial permit for a landscape or water feature.
 2. New landscape installations or landscape rehabilitation projects by developers or property managers of single-family and multifamily residential projects or complexes with a landscaped area, including pools or other water features, but excluding hardscape, equal to or greater than 2,500 square feet, and which are otherwise subject to discretionary approval of a landscape plan, or which otherwise require a ministerial permit for a landscape or water feature;
 3. New landscape installation projects by individual homeowners on single-family or multifamily residential lots with a total project landscaped area, including pools or other water features, but excluding hardscape, equal to or greater than 5,000 square feet, and which are otherwise subject to a discretionary approval of a landscape plan, or which otherwise require a ministerial permit for a landscape or water feature.
- A. **Exceptions.** The water efficient landscape regulations do not apply to the following:
1. Registered local, state, or federal historical sites; or
 2. Ecological restoration projects that do not require a permanent irrigation system; or
 3. Mined-land reclamation projects that do not require a permanent irrigation system; or
 4. Plant collections, as part of botanical gardens and arboreta open to the public.
- B. **Irrigation Design Criteria.** Water-efficient irrigation design criteria, as set forth in this section shall apply to: all landscaped areas, whether installed prior to or after January 1, 2010; and all landscaped areas installed after January 1, 2010 to which this Section 9.18.120.020 is applicable.
1. **Runoff and Overspray.** Soil types and infiltration rate shall be considered when designing irrigation systems. All irrigation systems shall be designed to avoid runoff, low-head drainage, overspray or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes (walks, etc.), roadways or structures.
 2. **Runoff on Slopes.** Special attention shall be given to avoid runoff on slopes and to avoid overspray on narrow and irregularly shaped areas, including turf, less than eight feet in width in any direction. Such narrow and irregularly shaped areas shall be irrigated with subsurface irrigation or a low volume overhead irrigation system.
 3. **Irrigation Efficiency.**
 - a. For applicable landscape installations or rehabilitation projects subject to Section 9.16.120.020.A (Applicability), the estimated applied water use allowed for the landscaped areas shall not exceed the MAWA calculated using an ET adjustment factor of 0.7, except for special landscaped areas where the MAWA is calculated using an ET adjustment factor of 1.0;

- or the design of the landscaped areas shall otherwise be shown to be equivalently water-efficient in a manner acceptable to the city; as provided in the *Guidelines*.
- b. Irrigation of all landscaped areas shall be conducted in a manner conforming to the rules and requirements, and shall be subject to penalties and incentives for water conservation and water waste prevention as determined and implemented by the Water Department, or as mutually agreed by the Water Department and the local agency.
 - c. The project applicant shall understand and implement the requirements in the City of Garden Grove, Water Conservation Ordinance.
4. Equipment. The *Guidelines* provide design criteria for irrigation equipment in Section 2.5 “Irrigation Design Plan.”
- D. Documentation Required. The following shall be required for all landscape projects subject to these landscapewater efficiency provisions:
1. Prior to installation, a landscape documentation package shall be submitted to the City for review and approval of all landscape projects subject to the provisions of this section and the landscape water efficiency provisions. Any landscape documentation package submitted to the City shall comply with the provisions of the *Guidelines*.
 2. The landscape documentation package shall include a certification by a professional, appropriately licensed in the State of California, stating that the landscape design and water use calculations have been prepared by, or under, the supervision of the licensed professional and are certified to be in compliance with the provisions of this section and the *Guidelines*.
 - a. Landscape and irrigation plans shall be submitted to the City for review and approval with appropriate water use calculations. Water use calculations shall be consistent with calculations contained in the *Guidelines* and shall be provided to the Water Department, as appropriate, under procedures determined by the City.
 - b. Verification of compliance of the landscape installation with the approved plans shall be obtained through a certification of completion in conjunction with a certificate of use and occupancy or permit final process, as provided in the *Guidelines*.
- E. Landscape Water Efficiency *Guidelines*. *Guidelines* for implementation of the City of Garden Grove landscapewater efficiency provisions referenced in this chapter have been adopted as an Appendix to Title 9 (Land Use Code) and are maintained on file in the offices of the Planning Division of the Community Development Department. (2814, 2012)

9.18.120.030 Landscaping Requirements

All landscaping shall comply with the provisions of this section in addition to any other applicable landscaping requirements of this chapter. Where landscaping provisions conflict, the stricter standard shall prevail.

- A. Minimum Landscaped Area. Ten percent of the total net developable site area shall be landscaped. Required setbacks shall be excluded from the calculation of the minimum landscaped area and landscaping provided in required setbacks shall not contribute towards the required minimum landscaped area. Minimum landscaped area that may be counted is 24 square feet.
- B. Paved Areas. Only those portions that are required by the chapter or by the site plan to be used directly for structures, parking spaces, aisles, refuse storage areas, drives, or walkways shall be paved. All other areas not needed for the above shall be landscaped or provided with complementary hardscape materials and fountains consistent with this chapter.

C. Ground Cover. All landscaped areas shall be covered with turf, non-deciduous groundcover, or other types of plantings. All plant spacing shall be as indicated on the landscape plans. Substitute landscaping such as crushed rock, redwood chips, pebbles, and stone may not be used in lieu of live plant materials. 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 30 percent of the groundcover area shall have the mulch substitute.

D. Artificial Plants Prohibited. Artificial plants, with the exception of artificial turf, are prohibited.

E. Artificial Turf. Artificial turf ~~may~~ shall be ~~approved by the hearing body through the site plan review process. Artificial turf, where permitted, within the front and rear yards and~~ shall comply with the following criteria:

~~Artificial turf shall not be located in front yards, corner side yards, or portions of side yards visible from a public right-of-way.~~

1.

Artificial turf shall have a minimum eight-year no fade warranty.

2. Artificial turf shall be installed by a licensed professional and shall be installed pursuant to manufacturer's requirements.

3. Artificial turf shall be installed and maintained to effectively simulate the appearance of a well-maintained lawn. The turf shall be maintained in a green fadeless condition and shall be maintained free of weeds, debris, tears, holes, and impressions.

4. The use of indoor or outdoor plastic or nylon carpeting as a replacement of artificial turf or natural turf ~~is~~ shall be prohibited. Artificial shrubs, flowers, trees, and vines in-lieu of living plant material shall be prohibited.

5. Areas of living plant material (i.e., flower beds, tree wells, etc.) ~~within the front yard, side, rear, and common areas~~ shall be included within the overall landscape design ~~within the front, side, and rear yards, as well as common areas~~ when installing artificial turf. Living plant material shall include shrubs, vines, trees, and flowering ground covers.

6. Artificial turf shall be separated from flowerbeds by a concrete mow strip, bender board, or other barrier acceptable to the City in order to prevent intrusion of living plant material into the artificial turf.

7. Three sets of detailed landscape and irrigation plans shall be submitted to the planning division for review and approval prior to installation of the artificial turf in order to confirm compliance with the City Code and any valid land use entitlement for the property.

F. Trees.

1. Tree Location. No trees shall be planted under any eave, balcony, or overhang.

2. Root Barriers Required. Trees in landscape planters measuring 10 feet or less in width or depth shall be provided with tree root barriers.

3. Tree Staking. All trees shall be staked in accordance with standards maintained by the City Manager or designee.

4. Visibility. All trees whether singularly placed or placed on clusters shall not inhibit standard visibility parameters.

5. Required Site Trees. One tree shall be provided for every 1,000 square feet of site area that is not a required setback, occupied by buildings, or used for parking or pedestrian walkways. Trees shall conform to the matrix of plant materials established by the City Manager or designee. Minimum tree size at planting shall be 24-inch box.
6. Street Trees. Street trees shall be provided per City standards.
- G. Substantial Landscaping. All required landscaped areas and planters shall be landscaped with a mix of shrubs, perennials, ornamental grasses, vines, and ground cover to create a dense and layered design. A substantial quantity ~~of plants shall be planted to create a naturalistic setting. (2814, 2012)~~ of plants shall be planted to create a naturalistic setting. (2814, 2012)

9.18.120.040 Landscaping Compliance

- A. Modifications. Any modification to an approved landscape or irrigation plan must be approved by the hearing body prior to installation of the landscaping or irrigation.
- B. Approvals. All approvals of such plans are subject to and dependent upon the applicant complying with all applicable ordinances, codes, regulations, adopted policies and the payment of all applicable fees and assessments.
- C. Consistency with Approved Plans. No final inspection or occupancy clearance will be granted until all of the landscaping and irrigation is installed in accordance with the approved plans.
- D. Location and Design. Landscaping and irrigation systems shall be located and designed as specified on the approved plans. (2814, 2012)

9.18.120.050 Maintenance Requirements and Violations

- A. Maintenance. All landscaping shall be maintained in a neat and healthy condition. Maintenance of landscaping areas shall include, but not be limited to, the following:
 1. Irrigation equipment shall be in working condition at all times.
 2. Litter shall be removed from all landscaped areas in a timely manner.
 3. All sod areas shall be mowed on a regular basis. Sod areas shall at all times be kept green. Accumulation of leaves, bark and other similar plant materials shall be removed in a timely fashion. Planting areas must be kept in a weed free fashion.
 4. Landscaping maintenance shall include pruning, cultivating, weeding, fertilizing, replacement of plants and watering on a regular basis.
 5. Landscape maintenance shall also include pruning or removal of overgrown vegetation, cultivated or uncultivated, that is likely to harbor rats, vermin or other nuisances, or that causes detriment to neighboring properties or property.
 6. Landscape maintenance shall also include the removal of dead, decayed, diseased or hazardous trees, weeds and debris constituting unsightly appearance, dangerous to public safety and welfare or detrimental to neighboring properties or property values. Compliance shall be by removal, replacement or maintenance requirements.
 7. Any removal of mature landscaping must be replaced with landscaping of similar size and maturity as that which was removed.

- B. Prohibition on Use of Landscaped Areas. Use of landscaped areas for purposes other than for landscaping as approved in the landscape plan and as authorized in the amenity area in the GGMU zones shall be a misdemeanor. Willful failure to maintain the landscaping shall be punishable by fine, or by imprisonment, or both fine and imprisonment.
- C. Delegation. The City may delegate to, or enter into a contract with, a local agency to implement, administer, and/or enforce any of the Landscape Water Efficiency Provisions on behalf of the City. (2814, 2012)

Section 9.18.130 Walls, Fences, and Hedges

9.18.130.010 Location and Height

Walls, fences, or hedges may be maintained in the following locations:

- A. General. A wall, fence, or hedge no more than 36 inches in height may be located and maintained on any part of a lot in any Mixed Use zone except within a required front yard setback of a commercial or mixed use development and within the required pedestrian-oriented plaza area in the GGMU and NMU zones. However, in the CC and AR zones, a residential component of a mixed use development may include a wall, fence, or hedge within the front yard setback if approved by the hearing body.
- B. Interior Lots. On interior lots, a fence, wall, or hedge not exceeding eight feet in height above the adjacent natural grade may be located anywhere on the lot behind the required front yard setback line.
- C. Corner and Reverse Corner Lots. On corner and reverse corner lots, a fence, wall, or hedge not exceeding eight feet in height above the adjacent natural grade may be located anywhere on the lot behind the required front yard setback line and behind the required corner side yard setback line.
- D. Retaining Wall below Natural Grade. Where a retaining wall protects a cut below the natural grade and is located on the line separating lots or parcels, the retaining wall may be topped by a wall, fence, or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed.
- E. Retaining Wall Containing Fill. Where a retaining wall contains a fill, the height of the retaining wall built to retain the fill shall be considered as contributing to the permissible height of a wall, fence, or hedge, provided that in any event, a protective fence or wall not more than 36 inches in height may be erected at the top of the retaining wall. Any portion of a fence above the maximum height shall be an open-work fence. An openwork fence means a fence in which the component solid portions are evenly distributed and constitute not more than 60% of total surface area of the face of the fence.
- F. Open Space. No wall, fence, or hedge exceeding 42 inches in height may be located in open space required between buildings used for human habitation when the buildings are situated front to front, front to rear, or front to end.
- G. Freeway Right-of-Way Adjacent. A wall or fence not exceeding eight feet in height may be constructed along that portion of a lot or parcel that abuts a freeway right-of-way, provided that:
 - 1. The wall or fence does not extend into any front yard.
 - 2. A wall or fence exceeding six feet in height shall be subject to the review and approval of the hearing body, which shall consider the effect of such wall or fence on other property in the vicinity.
 - 3. Walls used for sound attenuation purposes along arterial roadways shall be attractive and subject to approval by the hearing body.
- H. Residential Zone Adjacent. Any other provision of the Chapter notwithstanding, a wall, fence, or hedge that is provided along a common boundary line separating property used for commercial or

industrial purposes from an "R" zoned property or any PUD established exclusively for residential use, and that is permitted or required to maintain a height of six feet, may be extended to a height not to exceed eight feet. However, no wall, fence, or hedge shall extend more than six feet above the highest existing grade elevation on a subject lot.

- I. Railroad or Flood Control Channel Adjacent. When commercial or industrial property has a common property line with an "R" zoned property or any PUD established exclusively for residential use, and that is a right-of-way for a railroad or flood control channel, the hearing body may waive the requirement for a zone separation wall or fence.
- J. Setback Area. Notwithstanding the above requirements, no fence, wall, or hedge shall be permitted within any required street-fronting setback area for any commercial or residential/commercial mixed use development, with the exception of any fence or wall required for any outdoor dining area. (2814, 2012)
- K. Any walls or fences facing a street or alley shall include clinging vines, low- or shrubs, or other landscaping treatment to deter graffiti.

9.18.130.020 Fences at Public Utility Installations, Schools, and Public Playgrounds

The provisions of this section shall not apply to fences required by the state to surround and enclose public utility installations, or to chain link fences enclosing school grounds and public playgrounds. (2814, 2012)

Section 9.18.140 Parking

9.18.140.010 Purpose

- A. Purpose. These regulations are established to define the regulations applicable to on-site parking and circulation, and to ensure that parking facilities are properly designated and located to meet the parking needs created by specific uses within the respective zones.
- B. Intent. The intent of these regulations is to:
 1. Ensure adequately designed parking areas with sufficient capacity and adequate circulation to minimize traffic congestion;
 2. Ensure the usefulness of the facilities by providing on-site circulation patterns that facilitate client/business relationships;
 3. Contribute to public safety and health;
 4. Promote efficient use of land and, where appropriate, buffer and transition land uses from foreseeable impacts; and
 5. Utilize landscaping as an effective buffer between different uses and to promote an aesthetic quality within the parking area and site. (2814, 2012)

9.18.140.020 General Provisions

- A. Applicability. In all districts, off-street parking shall be provided subject to the provisions of this chapter for:

1. Any new building or structure constructed;
 2. Any new use established;
 3. Any structural addition or enlargement of an existing building or use; however, additional parking spaces may be required for the entire building or use as a condition of approval of a conditional use permit, site plan or other discretionary permit granted by the City; or
 4. Any change in the occupancy or use of any building that would result in a requirement for additional parking spaces pursuant to this section.
- B. Restriction within Reserved Right-of-Way. Property within the ultimate right-of-way of a street or highway shall not be used to provide required parking or loading or unloading facilities.
- C. Restriction on Streets, Driveways, and Drives. On-street parking within public or private streets, driveways, or drives shall not be used to satisfy the off-street parking requirements.
- D. Garages to Be Used for Parking Only. For developments required to provide garages, each such garage shall only be utilized for the parking of vehicles. No garage shall be used for storage, rental, or lease or for any use other than the parking of vehicles related to the unit or development for which the garage is required by this section and storage areas required by Section 9.18.110.030.H.2 (Storage Facilities).
- E. Parking Must Remain Accessible. All off-street parking spaces and areas required by this section shall be designed and maintained to be fully usable for the duration of the use requiring such areas and spaces. All required off-street parking spaces shall be designated, located, constructed and maintained so as to be fully available for use by patrons and employees of commercial, industrial, public or semi-public premises during operating hours.
- F. Compliance with Design Standards. Parking facilities constructed or substantially reconstructed subsequent to the effective date of the ordinance codified in this title, whether or not required, shall conform to the City's design standards set forth in Parking Design Standards, Section 9.18.140.070.
- G. Requirements for Uses not Listed. The parking requirement for uses not specifically listed in the parking schedule shall be determined by the Planning Commission for the proposed use on the basis of the requirements for similar uses and on any traffic engineering and planning data that is appropriate to the establishment of a minimum requirement.
- H. Surfacing Required. All parking spaces, driveways, and maneuvering areas shall be fully paved and maintained with asphalt, concrete, or other City approved material.
- I. Tandem Parking Restricted. Tandem parking is expressly prohibited, except in the following circumstances:
1. Valet Parking. Parking associated with valet services may be provided in tandem format through the discretionary permit review process. If an approved valet parking arrangement ceases, the use for which the valet parking was approved shall be considered in violation of the provisions of this title. Also, no new use shall be allowed to use the buildings with which the valet parking was provided unless that use meets the requirements of this title and this section in particular.
 2. Work-Live Units. Parking provided for each unit may be provided in tandem format subject to conditional use permit approval.
 3. Residential/Commercial Mixed Use Development. Parking for the residential component of a residential/commercial mixed use development may be provided in tandem format subject to conditional use permit approval.

- J. Restriction on Commercial Vehicles in Residential Developments. Commercial vehicles shall not be parked or stored on properties used exclusively for residential purposes, except while the operator of the vehicle is making normal deliveries or providing services to the residential premises.
- K. Restriction on Commercial Vehicle Parking in Residential/Commercial Mixed Use Developments. No commercial vehicle shall be parked on any property zoned Mixed Use except while the operator of the vehicle or trailer is patronizing or serving a business or residential use, or unless that vehicle is associated with the day-to-day operations of an on-site business.
- L. Restrictions on Recreational Vehicle Parking. The parking or storing of trailers, vessels, campers, camper shells, motor homes, and similar recreational vehicles shall be prohibited in all Mixed Use zones, except for such vehicles associated with single-family dwellings established prior to the effective date of the ordinance codifying these provisions, in which case the applicable standards contained in Chapter 9.08 (Single-Family Residential Development Standards) shall apply.
- M. Parking of Vehicles for Sale or Hire Prohibited. No person shall park a vehicle, camper, camper shell, or vessel upon a public or private street, parking lot, or any public or private property for the purpose of displaying such vehicle thereon for sale, hire or rental, unless the property is duly zoned and permitted by the City to transact that type of business at that location. However, this section shall not prohibit persons from parking vehicles displayed for sale on private residential property belonging to or resided on by the registered owner of the vehicle. For purposes of this section, a vehicle, camper, camper shell, or vessel shall be presumed to be for sale if there is a price, or phone number, or a contact person, or address displayed thereon. Any person violating the provisions of this section shall be guilty of an infraction.
- N. Restriction of Vehicle Repair. No person shall repair, grease, or service, or cause to be repaired, greased, or serviced, any vehicle or any part thereof in a parking lot, or anywhere outside of a wholly enclosed building.
- O. Camping in Parked Vehicles Prohibited. No person shall occupy or use any camp car, camper, mobile home, recreational vehicle, camper shell, trailer, vessel, or other vehicle or trailer as a dwelling or for living or sleeping quarters upon any public street, right-of-way, alley, private street or alley, or any private property except in an approved trailer, mobile home, or recreational vehicle park.
- P. Parking in Required Yards. No above-grade or surface parking shall be allowed in required yards and setbacks. However, partially subterranean and fully subterranean parking shall be permitted beneath required yards.
- Q. Parking Prohibited in Rear Yards Abutting a Residentially Zoned Lot. No above-grade, surface, partially subterranean, or fully subterranean parking shall be located in rear yards abutting any "R" zoned lot.
- R. Parking Height. Where any part of a building is over parking, the parking shall be considered a full story. Partially subterranean and fully subterranean parking shall not be considered a story.
- S. Maintenance Required. Any development requiring parking lot improvements will be required to file with the City conditions, covenants, and restrictions requiring maintenance of the parking area. The conditions, covenants, and restrictions shall run with the land. (2814, 2012)

9.18.140.030 Parking Spaces Required

- A. General. The number of off-street parking spaces required shall be no less than as set forth in Table 9.18-11 (Required Parking Spaces). Parking shall be calculated by the maximum building occupancy and/or the gross floor area, as applicable. Where the application of these schedules results in a fractional space, then the resulting fraction shall be rounded up to the higher whole number.

B. Residential/Commercial Mixed Use Developments. The calculation of required parking spaces for residential/commercial mixed use developments shall be based upon the parking required for each individual use within the development. Through the site plan review process or review of any required discretionary permit, the hearing body may reduce the total number of spaces required by up to 10% of the total requirement in recognition of the shared nature of the parking facilities and in particular, by allowing parking spaces provided for a commercial component to satisfy the guest parking needs of the residential component. If an applicant seeks relief greater than 10%, the provisions regarding shared parking and the requirements for provision of a parking management plan pursuant to Section 9.18.140.060 (Joint Use and Parking Management) shall apply.

Use	Required Minimum Parking Spaces
Residential Uses—Single Family	
1—4 sleeping rooms	2 spaces in an enclosed garage plus 2 open spaces
5—7 sleeping rooms	3 spaces in an enclosed garage plus 3 open spaces
More than 7 sleeping rooms	4 spaces in an enclosed garage plus 4 open spaces
Residential Multiple Family—Stand Alone	
Developments with fewer than 50 units, and adjacent to any principal, major, primary or secondary arterial street	
Fewer than 3 sleeping rooms	2.75 spaces per dwelling unit within a parking structure or enclosed garage
3 or more sleeping rooms	3.5 spaces per dwelling unit within a parking structure or enclosed garage
Developments with fewer than 50 units and <u>not</u> adjacent to any principal, major, primary or secondary arterial street	
Fewer than 3 sleeping rooms	2.5 spaces per dwelling unit within a parking structure or enclosed garage
3 or more sleeping rooms	3.25 spaces per dwelling unit within a parking structure or enclosed garage
Developments with 50 or more units, and adjacent to any principal, major, primary or secondary arterial street	

Table 9.18-11 Required Parking Spaces

Use	Required Minimum Parking Spaces
Residential Uses—Single Family	
1—4 sleeping rooms	2 spaces in an enclosed garage plus 2 open spaces

Table 9.18-11 Required Parking Spaces

Use	Required Minimum Parking Spaces
<u>5—7 sleeping rooms</u>	<u>3 spaces in an enclosed garage plus 3 open spaces</u>
<u>More than 7 sleeping rooms</u>	<u>4 spaces in an enclosed garage plus 4 open spaces</u>
<u>Residential Multiple Family—Stand Alone</u>	
<u>Developments with fewer than 50 units, and adjacent to any principal, major, primary or secondary arterial street</u>	
Fewer than 3 sleeping rooms	2.75 spaces per dwelling unit within a parking structure or enclosed <u>garage</u>
<u>3 or more sleeping rooms</u>	<u>3.5 spaces per dwelling unit within a parking structure or enclosed garage</u>
	<u>garage</u>
<u>Developments with fewer than 50 units and not adjacent to any principal, major, primary or secondary arterial street</u>	
<u>Fewer than 3 sleeping rooms</u>	<u>2.5 spaces per dwelling unit within a parking structure or enclosed garage</u>
3 or more sleeping rooms	<u>3.25 spaces per dwelling unit within a parking structure or enclosed garage</u>
	<u>garage</u>
<u>Developments with more than 50 units and not adjacent to any principal, major, primary or secondary arterial street</u>	
<u>Developments with 50 or more units, and adjacent to any principal, major, primary or secondary arterial street</u>	
Fewer than 3 sleeping rooms	<u>2.575 spaces per dwelling unit within a parking structure or enclosed garage</u> <u>3 spaces per dwelling unit within a parking structure or enclosed garage</u>
<u>3 or more sleeping rooms</u>	
	<u>garage</u>
<u>Developments with more than 50 units and not adjacent to any principal, major, primary or secondary arterial street</u>	
<u>Fewer than 3 sleeping rooms</u>	<u>2.5 spaces per dwelling unit within a parking structure or enclosed garage</u>
3 or more sleeping rooms	2.75 spaces per dwelling unit within a parking structure or enclosed <u>garage</u>
	<u>garage</u>

Table 9.18-11 Required Parking Spaces

Use	Required Minimum Parking Spaces
Residential Multiple Family—Part of Mixed Use Development	
Developments with fewer than 50 units Fewer than 1 sleeping room 1 sleeping room sleeping rooms or more sleeping rooms	Within a parking structure or enclosed garage: 2 spaces per dwelling unit 2.25 spaces per dwelling unit 2.75 spaces per dwelling unit 3.5 spaces per dwelling unit
Developments with 50 units or more Fewer than 1 sleeping room 1 sleeping room sleeping rooms or more sleeping rooms	Within a parking structure or enclosed garage: 2 spaces per dwelling unit 2.25 spaces per dwelling unit 2.75 spaces per dwelling unit 3 spaces per dwelling unit
Use	Required Minimum Parking Spaces
2 sleeping rooms	2.75 spaces per dwelling unit
3 or more sleeping rooms	3 spaces per dwelling unit
Other Residential Uses and Uses Incidental to Residential	
Community residential care facility	0.5 spaces per bed
Senior Citizen Housing Apartment Congregate general care Congregate general care with on-site transportation provided	1 space per unit 0.5 spaces per bed or unit 0.3 spaces per bed or unit
Work-live	2 spaces per unit plus one additional space per unit
Day Care	1 space per care provider and staff member, plus 1 space for each 6 children

<u>Use</u>	<u>Required Minimum Parking Spaces</u>
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Table 9.18-11 Required Parking Spaces

Use	Required Minimum Parking
Commercial Uses	
Retail	
Under 40,000 square feet	1 space per 200 square feet gross floor area
40,000—100,000 square feet	1 space per 225 square feet gross floor area
100,000+ square feet	1 space per 250 square feet gross floor area
Restaurants Eating, Drinking	
Establishments, Cafes, Coffeehouses, Bars Attached 0—16 seats with less than 300 square feet of customer/dining area	1 space per 200 square feet of gross floor area
Attached 16+ seats	1 space per 100 square feet of gross floor area, with a minimum of 10 spaces
Freestanding	1 space per 100 square feet of gross floor area (seating and service), plus 1 space per 35 square feet of entertainment area, plus 1 space per 7 square feet of dance floor
With entertainment	No additional parking required for the first 500 square feet of outdoor dining area. For any area in excess of 500 square feet, parking shall be provided as required above for the applicable use. Where outdoor dining is covered by a roof structure, all parking shall be provided as required for the above applicable use.
Outdoor Dining	
Service Station	
With convenience store	1 space per pump, plus 1 space per 200 square feet of gross floor area of sales area, plus 3 spaces per service bay
Without convenience store	1 space per employee, plus 3 spaces per service bay
Financial institutions	
	1 space per 200 square feet of gross floor area if a drive-up window exists. If no window, 1 space per 150 square feet of gross floor area
Funeral home/mortuary with no crematorium	
Fixed seats in viewing room(s):	1 space per each 3 fixed seats in area(s) designated for assembly purposes
No fixed seats in viewing room(s):	1 space for each 21 sq. ft. of area designated for assembly purposes
	All usable ancillary area(s) shall provide 1 space for each 250 sq. ft. of gross floor area
Massage establishment	
	1 space per 200 sq. ft. of gross floor area
<u>Use</u>	<u>Required Minimum Parking Spaces</u>
Nursery, home improvement center, building materials, furniture, general appliance stores (large display area)	1 space per 200 square feet gross floor area

<u>Use</u>	<u>Required Minimum Parking Spaces</u>
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Hotel, motel, bed and breakfast	1 space per room/unit plus 2 spaces for hotel manager unit, plus any parking required for restaurant, assembly, or other permitted ancillary use
Personal service	1 space per 200 square feet of gross floor area
Professional studios and galleries Art gallery/retail business with tattoo art studio Art, music, dance, martial arts Photography, portrait, radio, TV, recording Karaoke studios Art studios and galleries	The art gallery portion of the business and service areas shall be parked at 1 space for every 500 square feet of gross floor area and the tattoo art studio shall be parked at 1 space for every 200 square feet of gross floor area 1 space per employee, plus 1 space per 2 student capacity 1 space per 200 square feet of gross floor area 1 space per 200 square feet of gross floor area 1 space per 500 square feet of gross floor area
Automatic car wash	5 times the internal washing capacity for stacking and drying, plus 1 space per employee based on the maximum shift, not less than 3 (internal capacity is defined as conveyor length divided by 20 feet)
Auto rental Office only Vehicle storage	1 space per 250 square feet of gross floor area 1 space per 350 square feet of gross floor area of office, plus 1 space per vehicle
Auto and boat sales, leasing	1 space per 400 square feet of gross floor area of inside display, plus 1 space per 2,000 square feet of outside display, plus 1 space per 500 square feet of gross floor area of repair, plus 1 space per 300 square feet of gross floor area of parts storage and sales area
Auto repair and maintenance	1 space per 200 square feet of gross floor area including auto paint and body of office space, plus 3 spaces per service bay
Office Uses	
General business offices	1 space per 250 square feet of gross floor area
Medical, dental and related service support facilities	1 space per 170 square feet of gross floor area
Industrial Uses	
Buildings with less than 20,000 sq. ft. of gross floor area	2.25 spaces per 1,000 square feet of gross floor area 2 spaces per 1,000 square feet of gross floor area
Buildings 20,001 to 100,000 sq. ft. of gross floor area	1 space per 1,000 square feet of gross floor area
Buildings with more than 100,000 sq. ft. of gross floor area	
Use	Required Minimum Parking Spaces

Incidental Office:	
Under 30% of gross floor area	No additional requirements
30 to 50% of gross floor area of a building	1 space per 250 square feet of gross floor area
Public and Semi-Public Uses	
Hospital	4 spaces per bed
Private school—elementary through high school	1 space per each employee, plus 1 space for each 6 student capacity
College or university	1 space per employee, plus 1 space per 3 student capacity
Use	Required Minimum Parking Spaces
Trade school; adult education	1 space per employee, plus 1 space per 3 students capacity (based on maximum occupancy allowable by building code), or 1 space per 35 square feet of instructional area, plus 1 space per 250 square feet of office space
Churches/religious facilities Fixed seats: No fixed seats:	1 space per each 3 fixed seats 1 space for each 21 square feet of area designated for assembly purposes All ancillary area(s) shall provide 1 space for each 250 square feet of gross floor area
Commercial Recreation Uses	
Golf driving range	1.5 spaces per tee
Bowling alley	3 spaces per alley plus spaces for other uses on-site
Movie theaters Single screen Multi screen	0.5 space per seat 0.3 space per seat
Arcades, pool hall	1 space per 200 square feet of gross floor area
Night clubs	1 space per 7 square feet of dance floor, plus 1 space per 35 square feet of additional gross floor area
Assembly halls and dance floors	1 space per 7 square feet of dance floor or assembly area, plus 1 space per 35 square feet of additional gross floor area
Spa/health clubs/gyms	1 space per 200 square feet of gross floor area
Private clubs	1 space per each 15 square feet of assembly area
Skating rinks	1 space per 100 square feet of gross floor area, plus spaces required for other uses on-site

(2883 § 10, 2017; 2861 § 16, 2015; 2850 § 7, 2014; 2814, 2012)

9.18.140.040 Parking Requirements

The following parking requirements are applicable to all land uses, unless stated otherwise in this chapter.

A. Parking Space Size. All parking spaces shall conform to the minimum dimensions:

1. Open Parking Spaces and Parking Spaces Within a Parking Structure.

Standard Space: 9 feet wide by 19 feet long

Compact Space: 8 feet wide by 15 feet long

Parallel Space: 8 feet wide by 22 feet long

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

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

B. Compact Car Parking Spaces.

1. Up to 20% of the required commercial parking stalls may be compact parking spaces. The determination of the percentage to be allowed will be made through the site plan review or applicable discretionary permit review process.
2. Compact stall size is subject to Public Works Department standards for compact car spaces.
3. Compact spaces, where provided, shall be consolidated into a specific area of a parking lot or structure. The area shall include signage designating the spaces by signs, colored lines, or other appropriate indicators for compact vehicles only.

C. Automated Parking Systems and Mechanical Parking Lifts. Parking spaces in automated parking systems and vertical parking lifts may be utilized to meet the required number of parking spaces pursuant to Section 9.18.140.030 (Parking Spaces Required), as well as additional/supplemental parking, provided that all of the following conditions can be met.

1. The use of automated parking systems and mechanical parking lifts does not increase the building bulk and mass, in that the area occupied by the automated parking system or mechanical parking lift is no greater in volume than a parking structure that would be configured exclusively with conventional structured parking.
2. The parking system shall be located entirely within the confines of a building and shall not be visible from the public right-of-way.
3. Systems may be self-service or fully automated.
4. Sufficient vehicle queuing distance for the area accessing the parking system shall be provided, as determined through the site plan review or discretionary permit review process.

~~Motorcycle Parking Spaces. Commercial and industrial facilities with 25 or more parking spaces shall provide at least one paved designated parking area for use by motorcycles.~~

D.

~~Bicycle Parking. For all new developments where parking is not provided in the form of individual garages, secure and convenient short- and long-term bicycle parking shall be provided at a rate of~~

~~one bicycle space for every 10 required parking spaces pursuant to the applicable requirements of the building code.~~ (2814, 2012)

9.18.140.050 Location of Parking Spaces

- A. Located On-Site. All required open parking spaces and garages shall be located on the same building site or within the same development, except where allowed by Section 9.18.140.050.B (Off-site Parking), below.
- B. Off-Site Parking. Off-site parking for new uses or new construction may be permitted on either a privately owned property or public property through the site plan review process or other applicable discretionary review permit process for an individual use or development project.
 - 1. Joint Use Off-Site Parking. Where more than one use is involved, joint use or shared parking shall require preparation of a parking management plan in accordance with Section 9.18.140.060 (Joint Use and Parking Management).
 - 2. Location of Off-Site Parking. In no event shall any off-site parking facility be located more than 1,500 feet from the use it is intended to serve.
 - 3. Deed Restriction Required. Where off-site parking for an individual use or development project is approved, a deed restriction, subject to the review and approval of the City Attorney, shall be recorded against all affected properties. Such deed restriction shall indicate the restrictions on the properties relative to future use and development due to the off-site parking arrangement.
 - 4. Irrevocable Access and/or Parking Easement. If parking is provided on a site other than the subject site, an irrevocable access and/or parking easement shall be obtained on the other site for use and benefit of the site in issue. Such access and/or parking agreement, when fully exercised, shall not diminish the available parking capacity of the site subject to the easement to less than required by this section.
- C. Accessibility. All off-street open and enclosed parking spaces shall be located and maintained so as to be accessible and usable for the parking of motor vehicles.
 - 1. All motor vehicles must be parked or stored on a fully paved surface with approved entrances and exits to the street.
 - 2. For projects approved and developed after April 25, 1991, where security gates are proposed to be provided, 70% of the guest parking spaces shall be located outside the secured area. (2814, 2012)

9.18.140.060 Joint Use and Parking Management

- A. Applicability and Where Allowed. These regulations apply in situations where two or more separate uses or developments look to share parking and/or loading facilities due to staggered hours of operation or other varying operational characteristics that would allow parking and loading facilities to provide for joint use. If an applicant seeks to provide for shared or joint use parking, preparation of a parking management plan shall be required to allow any deviation from parking requirement standards established by this section, as set forth below. When prepared, a parking management plan shall provide applicable parking standards that address current development trends and the benefits of parking alternatives.

Where off-site parking is requested, the provisions in Section 9.18.140.050.B (Off-Site Parking), above, shall also apply.

- B. Parking Management Plan Required. A parking management plan shall be required as follows:

1. Where parking is to be shared or jointly used among the same or different developments or uses.
 2. Where the number of parking spaces required is proposed to be reduced, except as provided in Section 9.18.140.030.B (Residential/Commercial Mixed Use Developments) regarding required parking for residential/commercial mixed use developments, where a 10% reduction shall be permitted as part of the site plan review or conditional use permit process for that development. However, any reduction beyond 10% shall require a parking management plan.
- C. **Limitation on Parking Space Reduction and Distance.** No proposed reduction in parking spaces due to joint or shared use may exceed 25% of the parking required pursuant to this section. Also, no joint use or shared facility shall be located more than 1,500 feet from the use it is intended to serve.
- D. **Plan Contents.** The parking management plan shall be prepared by a qualified transportation engineer, in accordance with Planning Commission policy, and shall include, at minimum, the following elements:
1. Breakdown and description of the proposed uses, including their functional and spatial components.
 2. Statement of the functional area square footage based on the proposed plan.
 3. Statement of parking demands by uses for morning, midday, and evening periods, and a statement of employee parking demands.
 4. A peak-demand calculation by adding the various components together to determine the midday and evening demands with the higher figure represents the minimum number of spaces to be provided.
 - a. A 10% increase in the minimum number of spaces shall be added to the peak demand calculation to allow for future changes in the types of uses proposed in the original development plan, and
 - b. Use changes throughout the life of the project requiring more than the 10% figure shall require the submittal and approval of an amended parking management plan.
 1. A cross-check analysis for functional and operational aspects.
 2. Parking management plans shall include a copy of proposed easements or conditions, covenants, and restrictions tying the parking agreement to the project in perpetuity, prohibiting revision without City approval. Pre-existing, shared parking proposals shall be accompanied by a recorded off-site parking covenant running with the land. The City Attorney shall have the authority to review and dictate the contents of the CC&Rs and any deed restrictions or easement language proposed.
- A. **Shared Loading Spaces.** Loading spaces may be shared in compliance with this section. However, the loading spaces shall only be shared if located on an adjoining lot.
- B. **Review Process.** For development projects involving new construction, a parking management plan for joint or reduced parking shall be considered by the appropriate review authority at the same time the project is considered. Where a new use is proposed to occupy an existing building and where a parking management plan is required, the parking management plan shall be subject to Community Development Director's review.
- C. ~~Required Findings-Requirements for Approval.~~ Where a shared parking facility serving more than one use will be provided, the total number of required parking spaces may be reduced only if the ~~Planning Commission~~ hearing body finds that all of the following are ~~true~~ met:

1. The peak hours of use will not overlap or coincide to the degree that peak demand for parking spaces from all uses will be greater than the total supply of spaces;
2. The adequacy of the quantity and efficiency of parking provided will equal or exceed the level that can be expected if parking for each use were provided separately;
3. A parking demand study prepared by an independent traffic engineering professional approved by the City supports the proposed reduction; and
4. The applicant submitted a signed contract between the applicant and the other property owner(s) providing the off-street parking spaces subject to the shared parking arrangement. The contract shall be subject to the approval of the ~~Planning Commission~~ hearing body and shall also be subject to review by the City Attorney as to form and content. (2814, 2012)

9.18.140.070 Parking Design Standards

A. Parking Improvements.

1. **Paving.** Parking and loading facilities and pedestrian pathways shall be surfaced and maintained with asphalt concrete, concrete, or other permanent surfacing material acceptable to the Community Development Director or designee and sufficient to prevent loose surfacing materials and other nuisances.
2. **Striping.** Parking lot striping shall be maintained at all times consistent with City standards.
3. **Drainage.** All parking and loading facilities shall be graded and provided with permanent storm drainage facilities.
 - a. Surfacing, curbing and drainage improvements shall be sufficient to preclude free flow of water onto adjacent properties or public streets or alleys.
 - b. Measures listed above shall be taken to preclude standing pools of water within the parking facility.
4. **Safety Features.** Parking and loading facilities shall meet the following standards:
 - a. Safety barriers, protective bumpers, or curbing and directional markers shall be provided to assure pedestrian and vehicular safety, efficient utilization, protection to landscaping, and prevent encroachment onto adjoining public or private property.
 - b. Unobstructed visibility shall be maintained at all times while vehicles are circulating within the parking area.
 - c. Internal circulation patterns and the location and traffic direction of all access drives shall be designated and maintained in accordance with accepted principles of traffic engineering and traffic safety.
 - d. Striping of parking lots must at all times be clearly visible and maintained throughout the life of the facility.
5. **Lighting.** Lights provided to illuminate any parking facility or paved area shall be designed with automatic timers (photovoltaic cells) and maintained in accordance with the provisions of this title. Parking lot security lights shall be maintained and shall be operated during all hours of darkness.
 - a. All nonresidential parking area lighting shall be provided during the hours of darkness the establishment is open at a minimum of two footcandles of light on the parking surface.

- b. A minimum of one footcandle of light shall be provided during all other hours of darkness.
 - c. Lighting in the parking area shall be directed, positioned, or shielded in such a manner so as not to unreasonably illuminate the window area of nearby residences.
 6. Noise. Areas used for primary circulation, or for frequent idling of vehicular engines or for loading facilities, shall be designed and located to minimize impacts on adjoining properties, including sound attenuation to adjacent property and visibility screening from adjacent property.
 7. Screening. Open off-street parking areas shall be screened from view of public streets and adjacent landuses that are more restrictive.
 8. Walls. High walls shall not block or otherwise impair visual access from adjacent residential properties.
- B. Surface Parking Lot Landscaping. In addition to the Site Design Standards of Section 9.18.100.030, the following landscaping standards shall apply to all surface parking lot areas:
 1. Surface Parking Lots Visible from Streets. Surface parking lots that are visible from public and private streets, and in particular surface parking lots located between the public right-of-way and buildings and structures shall meet the following landscaping, paving, and tree requirements:
 - a. Landscaping. At least 10% of the total area of any surface parking lot shall be landscaped.
 - b. Paving Area. At least five percent of the total area of any surface parking lot shall be paved in ~~high-quality materials~~ such as consisting of either pavers, stone or cobblestone, patterned or scored concrete, or similar durable materials. Paving is encouraged at highly visible locations such as main drive aisles, parking areas adjacent to required front and corner side yard setbacks, enhanced stall demarcations throughout the parking lot, or pedestrian walkways.
 - c. Trees. One tree shall be provided for every four parking spaces. Trees shall be shade-producing trees and shall be evenly distributed throughout the parking lot so as to shade the parking area. Trees shall be located in landscape planters. Trees shall conform to the matrix of plant materials established by the Planning Division. Minimum tree size at planting shall be 24-inch box.
 2. Surface Parking Lots Not Visible from Streets. Surface parking lots that are not visible from public and private streets and are located towards the rear and interior of the site shall meet the following landscaping and tree requirements:
 - a. Landscaping. At least five percent of the total area of any surface parking lot shall be landscaped.
 - b. Trees. One tree shall be provided for every 10 parking spaces. Trees shall be shade-producing trees and shall be evenly distributed throughout the parking lot so as to shade the parking area. Trees shall be located in landscape planters. Trees shall conform to the matrix of plant materials established by the Planning Division. Minimum tree size at planting shall be 24-inch box.
 3. Landscape Buffer. Where a surface parking lot abuts a parking structure or is adjacent to a surface parking lot on another lot, a landscape buffer not less than 10 feet in depth shall be provided between the lots or structures. Where adjacent surface parking lots allow common parking to serve multiple businesses and pedestrian walkways provide access to all businesses served, no landscape buffer shall be required.

4. Wheel Stops at Landscaping. Concrete wheel stops shall be installed in parking areas to protect landscaping. Any broken or damaged wheel stops shall be replaced. Alternatively, parking may be designed to overhang landscaped areas. Parking shall overhang landscaping no more than two feet with a minimum planter dimension of five feet.
 5. Landscape Planters. All landscape planters shall have a minimum width of four feet.
 6. Screening Required. Storage areas, trash enclosures, public utilities, and other similar land uses or elements that do not contribute to the enhancement of the surrounding area shall be screened with landscaping. Landscape screening shall consist of evergreen shrubs, vines, or closely spaced trees.
- C. Architectural Treatment of Parking Structures. All façades of a parking structure shall include architectural and landscaping treatment pursuant to the standards established in [9.18.090](#) (Development Standards Specific to Individual Mixed Use Zones), [9.18.100](#) (Development and Design Standards Applicable to All Mixed Use Zones), and [9.18.120](#) (Landscaping) of this chapter. The intent is to ensure that parking structures have the same quality treatment as the buildings and uses they serve, that such structures are well integrated into a development project, and that their design contributes to the overall character and function of the area in which they are located. In particular, any façade that can be viewed from a public right-of-way shall include treatments that make the structure resemble a habitable building.



Photo 9.18-9: Example of Parking Structure Architectural Treatment

9.18.140.080 Loading Areas

All nonresidential developments must provide loading berths in accordance with this section.

- A. Retail Stores, Warehouses, Wholesaling, Manufacturing and Other Goods Handling Uses. Loading spaces shall be provided as set forth in Table 9.18-12 (Required Loading: General Commercial and Industrial).

Table 9.18-12: Required Loading: General Commercial and Industrial

Gross Floor Area of Building or Use	Number of Loading Berths Required
Less than 100,000 sf	0
100,001—200,000 sf	1
200,001—500,000 sf	2
More than 500,000 sf	3 plus 1 for each additional 400,000 sf

- B. Offices and Hotels/Motels. Where loading facilities are provided, the standards in Table 9.18-13 (Required Loading: Offices and Lodging) shall apply.

Table 9.18-13: Required Loading: Offices and Lodging

Number of Berths	Width	Length	Height
1	10 feet	25 feet	12 feet
2 or more	10 feet	35 feet	14 feet

- C. Minimum Size of Berths. All berths must be provided with an on-site maneuvering area to the loading berth that provides a turning radius of not less than 48 feet.

- B. Screening. All loading areas shall be screened from view of adjacent streets.

- C. Access.

1. Access to the loading docks shall be provided without the necessity of vehicle maneuvers in the public right-of-way.
2. The dock approach may not be encumbered by parking stalls or physical obstructions.
3. All loading must be conducted in loading berths when berths are provided. Loading and unloading operations shall not be conducted so as to be a nuisance to adjacent residential areas.
4. Loading areas shall not interfere with parking or with vehicle and pedestrian access. (2814, 2012)

Section 9.18.150 Collection of Recyclable Materials

9.18.150.010 On-Site Accommodation for Recyclable Materials Containers and Collection Areas

- A. Purpose. These standards are established to ensure that all developments in the Mixed Use zones are provided with convenient and appropriately sized areas for the collection of recyclable materials so that residents and businesses in Garden Grove can contribute toward the achievement of city goals

relating to solid waste diversion, recycling, and greenhouse gas reduction, pursuant to state law. The city recognizes that in lieu of providing separate areas for the collection of recyclable materials, development projects can provide convenient and adequately sized areas where collection bins for both solid waste and recyclables can be maintained.

- B. Area Required; Applicability. Any new development project, including a public facility, for which a building permit application has been filed, or any addition or modification to an existing development whereby the addition or modification exceeds 1,000 square feet or 10% of the existing floor area (whichever is less), shall include adequate, accessible, and convenient areas for the collection and loading of recyclable materials. These areas, to the maximum extent possible, shall be provided as part of the collection areas for solid waste. Construction of an addition to an existing single-family unit, or less than one full unit to multiple-family residential development, shall be exempt from this requirement.
- C. Minimum Collection Areas. Areas for solid waste and recyclable materials storage shall be adequate in capacity, number, and distribution to serve the development where the project occurs, and shall be based on the following requirements:
 - 1. Office, Commercial, Industrial, and Institutional. Collection bins of a minimum size of three cubic yards shall be provided. A storage enclosure shall be provided sufficient to hold one or more standard three-cubic-yard bins or similar collection bins available from approved haulers. Each enclosure shall provide sufficient area for the collection of solid waste and recyclable materials. Where appropriate, separate collection bins for food waste associated with food service uses shall also be provided consistent with other City regulations. The area must accommodate, at a minimum, the bins indicated in Table 9.18-14 (Recyclable Collection Areas), below, or as otherwise may be approved through the discretionary permit review process.

Table 9.18-14 Recyclable Collection Areas

Building Square Footage	Types of Receptacles	Number of Receptacles
0—5,000	Bin	1
5,001—10,000	Bin	2
10,001—15,000	Bin	3
15,001—20,000	Bin	4
20,001—25,000*	Bin	5

* Each additional 5,000 square feet requires one additional bin, or more than one pickup per week, per bin

- 1. Residential Developments.
 - a. For developments consisting of five or fewer residential units, and if containers are utilized, the exterior collection area shall consist of an area sufficient in size for the storage of containers for each residential unit consistent with city contract requirements with approved waste haulers. The suggested area for each container is a minimum of 38 inches by 38 inches.
 - b. For developments with more than five residential units, ~~sufficient area to accommodate at least one three-cubic-yard bin or similar all refuse container storage and collection bins available from approved haulers areas shall be provided. Each enclosure shall provide sufficient area for meet the collection requirements of refuse and recyclable materials City of Garden Grove Standard B-502 and State-mandated commercial organic recycling regulations set forth in Public Resources Code Sections 42469.8-42469.86, as it may be amended from time to time, as well as any other applicable State laws related to refuse, recyclables, and/or organics.~~

- c. No unit shall be located more than 300 lineal feet from a common refuse storage area; such distance shall be measured by a clear pedestrian path to such areas.
2. Mixed Use Developments.
 - a. To the greatest extent practicable, separate solid waste and recyclable materials collection areas shall be provided for residential and nonresidential components of a residential/commercial mixed use development. Where separate facilities can be and are provided, the areas shall meet the standards specified above for nonresidential and residential uses.
 - b. Where it is not practicable to separate such areas, as determined through the development review process, the recyclable materials collection area shall provide aggregate space sufficient to accommodate the minimum requirements specified above for each individual use. Such areas shall be conveniently located to all users.
 - c. Recycling and solid waste storage facilities for nonresidential uses shall be located as far as possible from residential units and shall be completely screened from view from the residential portion of the development. Recycling and solid waste storage facilities for nonresidential uses shall be compatible in architectural design and details with the overall project. The location and design of enclosures shall mitigate nuisances from odors when residential uses might be impacted. Trash areas for food service and sales uses, when occupying the same building as residential uses, shall be refrigerated or otherwise designed to control odor.
 - D. Design Standards. The following standards shall apply to all developments utilizing three-cubic-yard bins or similar collection bins available from approved haulers.
 1. All solid waste and recyclable material storage areas shall be readily accessible to the users they serve, as well as for collection operations, and shall be enclosed by a solid masonry or concrete block wall.
 2. Recycling bins or containers shall provide protection against adverse environmental conditions that might render the collected materials unmarketable. Solid waste and recyclable materials must be stored within the bins or containers.
 3. Driveways or travel aisles shall provide unobstructed access for collection vehicles and personnel and provide at least the minimum clearance required by the collection methods and vehicles utilized for the particular project.
 4. A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted shall be posted adjacent to the storage areas.
 5. The design and construction of solid waste and recyclable materials storage areas shall be compatible with surrounding land uses.
 6. The storage area shall be shielded from public view by a wall that matches the exterior building material and color.
 7. The storage area shall be designed as per the Garden Grove design guidelines, as approved by City Council resolution.
 8. Storage areas shall not be located in any required front, side, or rear setback or any area required to be maintained as unencumbered according to any public safety laws as adopted.
 9. Where collection of solid waste and recyclable materials is separated, whenever feasible, areas for collecting and loading recyclable materials should be adjacent to the refuse storage areas. (2814, 2012)

Exhibit F (Procedures and Hearings)

Garden Grove Focused Code Updates – Procedures and Hearings Public Hearing Draft – Sept 2022

Amend Section 9.32.010 as follows:

9.32.010 General Provisions

A. Purpose. The purpose of this chapter is to consolidate all applications of land use actions in the City, to provide an outline of the procedures for making these applications and the procedures by which the appropriate hearing body receives the appropriate applications. This chapter also consolidates the procedures that appeals of decisions made by the hearing body are to follow.

B. Interpretation. The Department Director shall have the responsibility and authority to interpret the meaning and applicability of all provisions and requirements of this title. In interpreting and applying the provisions of this title, the development ~~project standards~~ shall be held to be the minimum requirement for the promotion of the public health, safety, comfort, convenience and general welfare. It is not the intent of this title to interfere with or abrogate or annul any easement, covenant or other agreement between parties. When this title imposes a greater restriction upon the use of buildings or land or upon the height of buildings, or requires larger open spaces than are required by other ordinances, rules, regulations, by easements, covenants, or agreements, the provisions of this title shall control.

C. Form of Application Blanks, Type of Required Information.

1. The City Manager or designee may prepare application forms and provide blanks for such purposes and may prescribe the type of information to be provided in the application by the applicant pursuant to direction from the hearing body.
2. No application shall be accepted unless it is completed as prescribed.

D. Fees Required. All ~~applications~~~~applicants~~ described in Section 9.32.030 shall require fees paid in accordance with a resolution adopted by the City Council.

1. A copy of the resolution and information may be obtained from the office of the City Clerk.
2. The City Council, or any member thereof, may appeal any decision of the Planning Commission or the Zoning Administrator. If an appeal is filed by the council or any member thereof, the appeal fee shall be waived.
3. Planning actions listed in Section 9.32.030 shall not be construed to exclude any other planning action.

E. Limitation of Refiling of Applications. A final action denying an application for a land use action shall prohibit the further filing of the same type application on a property until not less than one year shall have elapsed from the date of denial of any application.

F. Development Agreement. The City shall be empowered to enter into a binding development agreement with a developer in the instance that the developer has a legal and equitable interest in real property for which it has submitted a plan to develop such property. The City shall adopt rules and regulations establishing procedures and requirements for implementing and approving such development agreements and shall require any developer to pay a development impact mitigation payment in accordance with a resolution adopted by the City Council.

G. Environmental Review. All applications for land use actions to be submitted for review and approval by the City Council, the Planning Commission or the Zoning Administrator, shall be reviewed upon their submittal in accordance with the provisions of the California Environmental Quality Act (CEQA) ~~and the City's own environmental review guidelines (Public Resources Code Sections 21000 et seq.; California Code of Regulations, Title 14, Sections 15000 et seq).~~

~~1.— When the application is not exempt from review as required by the California Environmental Quality Act, as amended, the applicant shall submit an initial study to the public agency (in this case, the City Manager or designee) as required by CEQA.~~

~~2.— The public agency shall then conduct its own initial study as required by CEQA, and determine if a full environmental impact report, a focused environmental impact or a negative declaration, as defined by CEQA, is required.~~

~~3.— All procedures and notifications shall be done in accordance with the requirements of the California Environmental Quality Act, and all required documentation of these actions shall be provided according to the required schedule to the appropriate agencies.~~

~~4.— All environmental reviews shall be conducted by the Planning Coordinating Committee, Environmental Review Board. The Environmental Review Board shall make recommendations to the hearing body on environmental applications. In case of a tie in votes cast for the approval of the use of a negative declaration, a focused environmental study, or an environmental impact report, the more stringent of these requirements shall be considered approved.~~

H. Design Guidelines. The hearing body shall review from time to time development standard guidelines pertaining, but not limited to, the following categories: site planning, architecture, landscape architecture, parking design, signage and other special items. The hearing body shall approve or deny all such design guideline standards by resolution.

Amend Section 9.32.030 as follows:

9.32.030 Land Use Actions

A. The Planning Commission, ~~and~~ Zoning Administrator, and Department Director / City Manager or designee are empowered to make the final decision on all land use actions, as described in this section, except for the following actions that shall be transmitted to the City Council, along with the hearing body recommendation, for final action:

1. General plan amendments;
2. Specific plans;
3. Planned unit developments;
4. Zone changes;
5. Ordinance amendments;
6. Tract maps (final);
7. Parcel maps (final);
8. Development agreements.

B. The Threshold of Review Table below identifies the full range of land use permit options and applicable final review authority, except that where a land use action also requires approval of an action by the City Council, the City Council shall be the final review authority for such land use action, and the Planning Commission shall transmit a recommendation to the City Council. The following provisions specify the applicability of the land use actions listed on the Threshold of Review Table and list the required findings for each. Notwithstanding the following provisions, the findings required for approval of a site plan, conditional use permit, or other quasi-judicial land use permit for a housing development project, as defined in subsection (h)(2) of Section 65589.5 the Government Code, shall be as specified in chapter 9.60.

THRESHOLD OF REVIEW

Type of Application	Hearing Body			
	Director	Zoning Administrator	Planning Commission	City Council
General Plan Amendments			I	X
Ordinance Amendments			I	X
Zone Change			*I	X
Specific Plans			I	X*
Planned Unit Developments			I	X
Site Plan		*	X	
Conditional Use Permits		X	A	
Variances/Waivers		X	A	
Tract Maps			X	
Parcel Maps			X	
Lot Line Adjustments		X	A	
Interpretation of Use		X	A	
Home Occupations Permits		X	A	
Temporary Event Permits	X		A	
Special Events Permits	X		A	
Modifications to Approved Plans		X	X	
Time Extensions		X	X	
Revocations		X	X	
Code Enforcement—Abandoned Vehicles		X	A	
Extensions of Time for Nonconforming Uses			X	
City Manager or Designee Review	X		A	A
Reasonable Accommodation Request	X			A

I = Initial review recommendation

A = Appeal body

X = Final hearing body

* = Alternate hearing body

*I = Denial of zone change by Planning Commission is final unless appealed. Approval by Planning Commission is recommendation for final action by City Council.

All decisions of the Planning Commission are appealable to the City Council.

C. The procedures for the following Land Use ~~Commission~~ approval actions are contained in separate sections of the zoning code, as noted:

Land Use Action	See
Specific Plans	Specific Plans—Separate Documents
Planned Unit Development	Chs. 9.08, and 9.12, <u>9.16, and 9.18</u> —Special Uses/ Districts
Tract Maps	<u>Chap. 9.40 Div. II</u> —Subdivisions
Parcel Maps	<u>Chap. 9.40 Div. II</u> —Subdivisions
Lot Line Adjustments	<u>Chap. 9.40 Div. II</u> —Subdivisions
Home Occupation Permit	Chs. 9.08, and 9.12, <u>9.16, and 9.18</u> —Uses
<u>Cottage Food Operation Permit</u>	<u>Chs. 9.08, 9.12, and 9.18—Special Operating Conditions and Development Standards</u>
Temporary Event Permit	Chs. 9.08, 9.12, and 9.16, <u>and 9.18</u> —Temporary Uses
Special Events Permit	Chs. 9.08, 9.12, and 9.16, <u>and 9.18</u> —Temporary Uses
Floodplain Variance	Chs. 9.08, 9.12, and 9.16, <u>and 9.18</u> —Special Uses
<u>Accessory Dwelling Units and Junior Accessory Dwelling Units</u>	<u>Ch. 9.54</u>
<u>SB 9 Two-Unit Residential Developments and Urban Lot Splits</u>	<u>Ch. 9.56</u>
<u>Supportive Housing for the Homeless and Low-Barrier Navigation Centers</u>	<u>Ch. 9.60</u>

D. Land Use Action Procedures.

1. General Plan Amendment/Code Amendment.

a. Applicability.

i. An amendment to any element of the City’s general plan or zoning code may be initiated by the City Council, the Planning Commission or the City Manager.

ii. If the following findings are met, a citizen may request an amendment to any element of the City’s general plan or zoning code, and shall pay an amount equal to the estimated cost of preparing the amendment.

b. Required Findings. All the following findings must be made in the affirmative by the hearing body in order for this application to be approved:

- i. That the amendment is internally consistent with the goals, objectives and elements of the City’s general plan;
 - ii. That the amendment is deemed to promote the public interest, health, safety and welfare;
 - iii. That in the case of an amendment to the general plan land use map or the zoning map, the subject parcel(s) is physically suitable for the requested land use designation(s), compatible with surrounding land uses, and consistent with the general plan.
 - c. The hearing body shall deny the application where the information submitted by the applicant and/or presented at the public hearing fails to substantiate such findings to the satisfaction of the hearing body.
d. General plan and zoning code amendments are also subject to the “no net loss” provisions of Government Code Sections 66300 and 65863, and, if applicable, the no net loss findings described in section 9.60.030 shall be made prior to or concurrently with approval of the proposed amendment.
2. Zone Change.
 - a. Applicability.
 - i. A change of zoning classification for any parcel(s) of land in the City may be initiated by the City Council, the Planning Commission or the City Manager.
 - ii. An owner of a parcel of land in the City or the owner’s designee may request a change of zoning classification for that (those) property(ies) by filing the proper application and paying all applicable fees.
 - iii. A change of zoning classification shall be initiated by the City for any parcel(s) that is found to be inconsistent with the land use designation for the property as designated in the general plan—land use map.
 - b. Required Findings.
 - i. That the proposed zone change is consistent with the City’s general plan;
 - ii. That the proposed zone change will ensure a degree of compatibility with surrounding properties and uses.
c. A change of zoning classification is also be subject to the “no net loss” provisions of Government Code Sections 66300 and 65863, and, if applicable, the findings required pursuant to section 9.60.030 shall also be made prior to or concurrently with approval of the proposed change of zoning classification for any parcel.
3. Site Plan.
 - a. Applicability. Except as otherwise provided by state law or another provision of this title, Aa site plan application shall be required prior to the issuance of a building permit for:
 - i. Residential and Open Space Zones. Any building or structure to be constructed in a residential or open space zone or expansion of any of the following uses:
 - (A) Single-family subdivision;
 - (B) New limited multiple-family residential units or additions to existing limited multiple units; and

(C) New multiple-family residential units or additions to existing multiple units.

(D) Exceptions:

- (1) An addition to a single-family residence, including the construction of new accessory structures;
- (2) An addition to a duplex or triplex, that meets the current setback requirements, is less than 50% of the original living area, and does not create additional units. Any such additions shall be subject to a City Manager or designee review;
- (3) The development of three or fewer contiguous, residentially-zoned, unimproved legal lots with single-family dwellings; and
- (4) The construction of a duplex or triplex that complies with all the development standards of the municipal code, and does not require approval of any discretionary action, which shall be subject to a director's review;

ii. All Other Zones. Any new building or structure, or any addition to an existing structure or building that exceeds 10% of the existing floor area, or 1,000 square feet, whichever is less.

(A) Exception: Unless the following exceed 10% of the floor area of an existing structure or 1,000 square feet, whichever is less, a site plan shall not be required for the addition of mechanical equipment or any accessory structure(s) necessary for the safe operation of a facility, including, but not limited to:

- (1) Roof-mounted air conditioning units;
- (2) Freezer/cold storage units;
- (3) Attached exterior silos;
- (4) Exterior elevators;
- (5) Paint spray booths;
- (6) Utility cabinets; and
- (7) Incidental storage sheds.

iii. All Zones. Conversion of a single-family home to any other use.

iv. Specific Plan Zones. See individual specific plan requirements.

b. Required Findings. For any project other than a housing development project, as defined in subsection (h)(2) of Section 65589.5 the Government Code, the hearing body shall approve an application for a site plan when the information submitted by the applicant and/or presented at public hearing substantiates the following findings:

- i. That the submitted site plan complies with the spirit and intent of the provisions, conditions and requirements of the general plan and this chapter title, and that other applicable ordinances and policies of the City are complied with;
- ii. That the proposed development does not adversely affect essential on-site facilities, such as off-street parking, loading and unloading areas, traffic circulation and points of vehicular and pedestrian access;
- iii. That the proposed development does not adversely affect essential public facilities, such as streets and alleys, utilities and drainage channels;

- iv. That the proposed development will not adversely impact the City’s ability to perform its required public works functions;
 - v. That the proposed development ~~shall~~will be compatible with the physical, functional and visual quality of the neighboring uses and desirable neighborhood characteristics; ~~and~~
 - vi. That through the planning and design of buildings and building placement, the provision of open space, landscaping and other site amenities will attain an attractive environment for the occupants of the property;:-
- c. Applications. A site plan application may be submitted by:
- ~~i. The owner of a parcel(s) of land within the City, or the owner’s designees, for that (those) parcel(s) in which the owner has a legal or equitable interest;±~~
 - ~~ii. The executive director of the Garden Grove agency for community development, or his or her designee, in connection with development and/or redevelopment projects undertaken and/or assisted by the agency for community development; provided, however, any site plan application submitted by the agency executive director, or his or her designee, and approved by the hearing body shall only become effective and shall be contingent upon the agency for community development, or the agency’s designee, obtaining ownership of the property that is the subject of the site plan application.~~

4. Conditional Use Permit.

- a. Applicability. A conditional use permit shall be required:
 - i. Prior to issuance of any permits or certificates for the uses indicated in Chapters 9.08, 9.12, ~~and~~ 9.16 and 9.18, or where a conditional use permit is required pursuant to any applicable overlay zone regulations, specific plan provisions, or planned unit development requirements;
 - ii. If a use, as controlled by the State Alcoholic Beverage Control Board, that allows the wholesale or retail sale of alcoholic beverages is added, or the consumption of alcoholic beverages is allowed, on or off site, or if an existing ABC license type is changed;
 - iii. For any expansion in floor area of a use currently under provisions of an approved conditional use permit;
 - iv. For any new use or intensification of uses at a facility currently being operated under provisions of an approved conditional use permit.
- b. Required Findings. The hearing body shall approve an application for a conditional use permit when the information submitted by the applicant and/or presented at public hearing substantiates the following findings:
 - i. That the proposed use will be consistent with the City’s adopted general plan ~~and redevelopment plan;~~
 - ii. That the requested use at the location proposed will not:
 - (A) Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
 - (B) Unreasonably interfere with the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or

- (C) Jeopardize, endanger or otherwise constitute a menace to public health, safety or general welfare;
 - iii. 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;
 - iv. That the proposed site is adequately served:
 - (A) By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such as to be generated, and
 - (B) By other public or private service facilities as required.
 - c. The hearing body shall deny the application when the information submitted by the applicant and/or presented at the public hearing fails to substantiate such findings.
 - d. The conditional use permit and all discretionary land use permits under this title (including site plan, if applicable) shall be issued or denied within the time periods proscribed by the Permit Streamlining Act, the Subdivision Map Act, the California Environmental Quality Act, and other applicable state law, unless a reasonable time, not to exceed 90 days, unless an environmental impact report is required. If an environmental impact report is required, and the project is not subject to the Permit Streamlining Act, the time limit for action shall not exceed six months. Said time periods may only be extended by actions of the applicant or his or her agents.
 - e. Procedures for processing the application and times for processing steps shall be established by the City Manager or designee ~~with approval of the Planning Commission.~~
- 5. Waiver.
 - a. Applicability. A waiver application to the provisions of Title 9 shall be required for waiver procedures as contained in the Subdivision Map Act and in Chapter 9.40 of this code.
 - b. A waiver procedure as contained in the Subdivision Map Act and Chapter 9.40 of this code may be granted if it is possible to find that the waiver:
 - i. Will not create a subdivision or satisfy the requirements applicable to the division of a parcel of land;
 - ii. Will comply with city requirements as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability and environmental protection;
 - iii. Will satisfy any other requirements pertaining to the Subdivision Map Act, this code and any other applicable city ordinance;
 - iv. Will not create any unnecessary conditions or situations that will be incompatible with existing and possible future uses of adjacent properties.
- 6. Variance.
 - a. Applicability. A variance to the provisions of Title 9 shall be required for any deviation from the development standards contained therein.
 - b. Required Findings. A variance may be granted only if all of the following findings are made:

- i. That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to other property or classes of use in the same vicinity or zone;
- ii. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone, but which is denied to the property in question;
- iii. That the granting of such variance will not be materially detrimental to the public welfare, or injurious to the property or improvements in such vicinity and zone in which the property is located;
- iv. That the granting of such variance will not adversely affect the comprehensive general plan; and
iv. That approval of the variance is subject to such conditions as will assure that it does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.

7. Interpretation of Use.

a. Applicability.

- i. Any use not specifically listed as a permitted use, incidental use, or conditional use shall be prohibited; provided, however, that whenever a use has not been specifically listed as a permitted use, incidental use, or conditional use in a particular zone district, but similar uses are found to exist in that zone, the hearing body shall be responsible for interpreting whether or not the use is permitted in that zone district, and under what conditions.
- ii. Any use determined to be inconsistent or not similar to other uses shall be required to file an application for an ordinance amendment.

b. Required Finding. That the proposed use is:

- i. Similar in scale and operational characteristics to other uses permitted in that zone;
- ii. Consistent with the intent of the general plan and the zone district;
- iii. Compatible with other permitted uses.

8. Modification to Approved Plans.

a. Applicability. Whenever a change is proposed to an approved land use action.

b. Required Findings. Modifications to approved plans shall be granted when the following findings are made:

- i. That the change would not require the filing of an application for waiver or variance to the zoning code;
- ii. That the change would not adversely affect the quality or design of the original plan;
- iii. That the change would not adversely affect the use or enjoyment of adjacent properties;

9. Time Extensions.

a. Required Findings. A time extension may be granted when the following findings are made:

i. A request for a time extension, including the reasons therefore, has been submitted prior to the permit expiration date, or the hearing body finds that, due to special circumstances demonstrated by the property owner or the applicant, a late-filed request should be considered;

ii. That there has been no change in the general plan designation or zoning of the site that would render the development or use nonconforming;

iii. That there is no land use action or study currently underway that would have the potential to render the development or use nonconforming.

b. Limits of Extensions. Unless otherwise provided by a development agreement, a time extension shall be limited to one year or less. A request for a time extension beyond the term provided in a development agreement shall require City Council approval of an amendment to the development agreement.

10. Revocation.

a. Applicability. The City Council, hearing body or City Manager may initiate revocation procedures for any land use action designated by this title.

b. Required Findings. The hearing body may revoke or modify a land use action if any one of the following findings is made:

i. That the approval was obtained by fraud;

ii. That the approved use has ceased to exist or has been suspended for one year, or a lesser time as established by land use ordinance;

iii. That the approved use is being, or recently has been, exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, or regulation;

iv. That the approved use was so exercised as to be detrimental to the public safety or so as to constitute a public nuisance.

11. City Manager or Designee Review—Minor Deviations.

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

i. To allow ground-mounted mechanical equipment including, but not limited to, heating, cooling or ventilating equipment, swimming pool or spa heaters, pumps or filters, to be located in the side or rear setbacks on any property improved with a multiple-family residential project, provided that the equipment is screened from view from public rights-of-way and an unobstructed path at least three feet wide is provided between the equipment and the property line;

ii. To allow mechanical equipment including, but not limited to, water heaters, FAUs etc., to encroach into the minimum interior dimensions of existing garages for single-family residential dwellings, provided that adequate space for the number of vehicles required by Title 9 to be parked in the garage is maintained;

iii. To allow one-story additions to existing, detached, non-habitable structures that are nonconforming as to required side or rear setbacks in any residential zone. The addition shall be constructed in conformance with all applicable code provisions;

- iv. To issue minor land use deviations for the purpose of allowing minor changes to the strict requirements of any use or distance limitations of the code (excepting adult uses), provided that the changes are generally compatible with the zoning requirements for the parcel, and the use will last for a duration not to exceed 18 months. A single time extension limited to one year or less may be granted;
 - v. To allow minor deviations in the height, width and/or placement of freestanding sign structures for any office, commercial and industrial zoned properties improved with existing buildings or structures to achieve a greater flexibility in design and quality that cannot be achieved through the strict application of Title 9, Development Standards, provided that the sign area does not exceed the maximum square footage as required by Title 9;
 - vi. To allow deviations in the number of required parking spaces up to a maximum of 10% for any office, commercial or industrial zoned properties improved with existing buildings or structures, where the parking deficiency cannot be corrected by redesigning the parking area or restriping the parking spaces. This shall not include any use subject to a conditional use permit, or any property that was granted a parking variance;
 - vii. To allow the installation of garage doors on existing carports for existing residential condominiums;
 - viii. To allow minor deviations from landscape requirements in conjunction with the rehabilitation of an existing site where no discretionary action is proposed;
 - 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;
 - 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;
 - xi. An addition to a duplex or triplex that meets the current setback requirements, is less than 50% of the original living area, and does not create additional units shall be subject to a City Manager or designee review;
 - ~~xii. To allow a deviation for the maximum number of bathrooms per number of bedrooms.~~
- b. For purposes of this section, “minor deviation” is defined as a modification or change that does not undermine or significantly revise the intent and purpose of the municipal code. Minor deviations shall be limited to the above actions only.
- c. Required Findings. The City Manager or designee may approve an application for a minor deviation if the following findings are made:
- i. That the proposed action will not adversely affect the City’s General Plan ~~or Redevelopment Plan~~;
 - ii. That no discretionary actions requiring review by the City Zoning Administrator, Planning Commission or City Council are being proposed;
 - iii. That no adverse effects on the health, peace, comfort or welfare of persons residing or working on adjoining properties is created; and

- iv. That all other applicable Title 9 provisions are complied with.
- d. Notice and Review.
 - i. An application for a minor deviation shall consist of written documentation of the precise nature of the change(s) the applicant is proposing, the duration, a plot plan for the parcel, and any other information required by the City Manager or designee. The City Manager or designee is empowered to impose any conditions of approval as necessary to insure that the proposal satisfies the required findings set forth in this subsection.
 - ii. Upon receipt of an application for a minor deviation, a notice shall be sent to the adjoining property owners describing the nature of the request and advising that any comments should be submitted no later than 10 days from the date the notice was sent out. A public hearing shall not be required. If the request is approved by the City Manager or designee, the planning staff shall transmit the City Manager or designee's notice of the decision, with any appropriate conditions of approval, to the applicant and to each Planning Commissioner. The decision of the City Manager or designee shall be final and binding unless an appeal is filed within seven days from the date of the decision, or unless the application is called up for review by any member of the Planning Commission within seven days from the date of the decision. The planning staff, upon receipt of a timely request for Planning Commission review, shall schedule the matter for Planning Commission review at its next available meeting.
- 12. City Manager or Designee Review—Wireless Telecommunications Facilities.
 - a. Applicability. The City Manager or designee is vested with the authority to review and approve applications for wireless telecommunications facilities pursuant to the provisions of Chapter 9.24 of this code or other applicable state or federal law.
 - b. Required Findings. The City Manager or designee shall approve an application for a wireless telecommunications facility if the City Manager or designee finds ~~the proposed wireless telecommunications facility is consistent with the adopted wireless telecommunications master plan, and~~ that all of the requirements pursuant to Chapter 9.24 that do not conflict with state or federal law have been complied with. In lieu thereof, the City Manager or designee may approve an application for a wireless telecommunications facility if the findings specified in paragraph 11.c of this subsection D are made.
- 13. Director's Review—Duplex and Triplex to read as follows:
 - a. Applicability. The Department Director is vested with the authority to review and approve applications for duplexes and triplexes that comply with all the requirements of Section ~~9.12.040.040 9.16.065~~, Special Requirements—Duplex and Triplex, and that do not require approval of any discretionary action, including, but not limited to, a variance, zoning change, general plan amendment, or other entitlements.
 - b. Any duplex or triplex project that requires approval of a discretionary action shall be processed through a site plan review and the applicant shall pay the appropriate site plan fee and any other appropriate entitlement fee(s).
 - c. Required Findings. The ~~department director~~ Department Director may approve an application for a duplex or triplex if the following findings are made:
 - i. ~~That the proposed action will not adversely affect the City's General Plan or Redevelopment Plan~~ That the proposed development will comply with all applicable.

objective standards, provisions, conditions and requirements of the general plan, Title 9, and other applicable ordinances and policies of the City, except to the extent excused from compliance pursuant to State law; and

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

~~iii. That no adverse effects on the health, peace, comfort or welfare of persons residing or working on adjoining properties is created.;~~

~~iv. That all other applicable Title 9 provisions are complied with.~~

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

e. Notice and Review.

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

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

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

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

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

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

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

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

a. Applicability. Approval of a Main Street outdoor dining permit pursuant to this subdivision shall be required for any eating establishment located along Historic Main Street within the CC-2 zone to establish and maintain an outdoor dining area in the public right-of-way pursuant to the provisions of Section 9.18.090.050 of this title, Additional Regulations Specific to the CC-2

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

b. Review Authority.

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

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

iii. Alcohol Sales. The sale, service and/or consumption of alcohol within an outdoor dining area in the public right-of-way shall also require approval of a new or amended conditional use permit pursuant to the provisions of Section 9.18.060, Alcohol Beverage Sales.

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

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

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

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

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

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

d. Notice and Review.

i. Upon receipt of an application for a Main Street outdoor dining permit that is subject to review by the Department Director, a notice shall be sent to all owners of property with frontage on Historic Main Street between Acacia Parkway and Garden Grove Boulevard

describing the nature of the request and advising that any comments should be submitted no later than 10 days from the date of the notice. If one or more property owners object to the application, the Director may refer review of the request to the Zoning Administrator or Planning Commission, where a public hearing will be noticed and held in accordance with the public hearing provisions of Chapter 9.32.

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

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

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

e. Conditions, Transferability and Scope of Rights.

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

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

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

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

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

vi. Following investigation, written notice, and an opportunity to respond, a Main Street outdoor dining permit may be revoked or suspended by the Department Director: (a) in the event of suspension, revocation, expiration, or non-renewal of the encroachment permit; (b)

upon failure of the business owner and/or operator to comply with the conditions of approval and/or applicable legal requirements; or (c) if one or more of the required findings for approval of the permit can no longer be made with respect to the outdoor dining area in the public right-of-way. If the Department Director revokes a Main Street outdoor dining permit, the procedures for notice and appeal set forth in paragraph (d)(ii) through (iv), above, shall apply.

15. Requests for Reasonable Accommodation.

a. Applicability. Whenever relief is sought from the strict application of the City’s zoning and land use regulations, policies or procedures in order to provide an individual with a disability an equal opportunity to use and enjoy a dwelling, approval of a reasonable accommodation request shall be required. This section provides a procedure and sets standards for individuals seeking a reasonable accommodation in the provision of housing and is intended to comply with state and federal fair housing laws and other applicable laws relating to such reasonable accommodations.

b. Requests for Reasonable Accommodation.

i. Any person with a disability, their authorized written representative, or a developer or provider of housing for individuals with a disability may submit a request for a reasonable accommodation.

ii. Requests for a reasonable accommodation shall be submitted on an application form provided by the City. The application shall include, but shall not necessarily be limited to:

A. documentation that the individual who is applying or upon whose behalf application is being made is an individual with a disability, applying on behalf of one or more individuals with a disability, or a developer or provider of housing for one or more individuals with a disability;

B. a description of the accommodation requested and the specific exception, modification or relief from the Code section, policy or practice that is being requested;

C. plans and detailed information of any physical improvements to the property being proposed, including photos and supporting information necessary for the review authority to evaluate the accommodation being requested;

D. a detailed explanation as to why the accommodation requested is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy the dwelling and how it will achieve this result; and

E. Any other information that the City Manager or designee reasonably concludes is necessary to determine whether the findings of this subsection can be made, so long as any request for information regarding the disability of the individual(s) benefited complies with applicable fair housing law protections and the privacy rights of the individual(s) affected.

iii. When an application is made, the City may engage in an interactive process with the applicant to devise alternative accommodations that provide the applicant with an opportunity to use and enjoy a dwelling, where such alternative accommodations would reduce impacts to neighboring properties and residents of the surrounding area.

c. Review Authority. The City Manager or designee is vested with the authority to approve, conditionally approve, or deny requests for reasonable accommodation. No public hearing is required.

d. Required Written Findings.

i. The review authority’s written decision to approve, conditionally approve, modify or deny a request for reasonable accommodation shall be consistent with all applicable Federal and State laws and shall be based on the following findings, all of which are required for approval:

(A) that the requested accommodation is requested by or on behalf of one or more individuals with a disability;

(B) that the requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling and will effectuate the accommodation;

(C) that the requested accommodation will not impose an undue financial or administrative burden on the City as “undue financial and administrative burden” is defined in fair housing laws and interpretive case law;

(D) that the requested accommodation will not result in a fundamental alteration in the nature of the City's zoning scheme or other City program, as “fundamental alteration” is defined in fair housing laws and interpretive case law; and

(E) that the requested accommodation will not, under the specific facts of the case, result in a direct threat to the health and safety of other individuals or physical damage to the property of others.

ii. In making these findings, to the extent consistent with Federal and State law, the review authority may consider, without limitation, the following additional factors:

(A) whether the requested accommodation is being provided primarily to benefit individuals who are disabled;

(B) whether financial considerations make the requested accommodation necessary in light of the relevant market and market participants;

(C) whether the requested accommodation would result in a significant increase in traffic or insufficient parking;

(D) whether the requested accommodation would substantially undermine the policies of the general plan or any applicable specific plan;

(E) whether the requested accommodation would create an institutionalized environment due to the number of tenants being proposed and/or the congregation of facilities that are similar in nature or operation; and

(F) whether the requested accommodation would significantly deprive any neighboring property owners of the use and enjoyment of their own properties.

e. Decision.

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

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

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

f. Expiration.

i. Expiration. Any approval or conditional approval of a reasonable accommodation shall expire and become null and void within one year from the effective date of the approval or at an alternative time specified as a condition of approval unless:

A. A building permit has been issued and construction has commenced;

B. A certificate of occupancy has been issued;

C. The use is established; or

D. A time extension has been granted.

ii. Time Extension. The City Manager or designee may approve one or more time extensions for a previously approved reasonable accommodation for good cause. Each time extension shall be limited to one year or less. A request for a time extension shall be made in writing to the City Manager or designee prior to the expiration date of the reasonable accommodation approval.

g. Effect of Approval; Revocation; Discontinuance..

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

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

iii. Discontinuance. A previously approved reasonable accommodation shall lapse and be deemed null and void if the exercise of rights granted by the reasonable accommodation is discontinued for one hundred eighty (180) consecutive days and/or if the individual or individuals with a disability on whose behalf an approved reasonable accommodation was requested vacate the premises, unless, following consideration of a new application in accordance with this section, the City Manager or designee determines that (1) the modification is physically integrated into the residential structure such that it would be impractical to require the property to be returned to its previous condition, or (2) the accommodation is necessary to give another disable individual an equal opportunity for use and enjoyment of the dwelling. The City Manager or designee may, at any time, request in writing the applicant or any successor-in-interest to the property subject to a previously approved reasonable accommodation to provide documentation demonstrating that the accommodation remains necessary to ensure the equal use and enjoyment of the property by an individual or individuals with a disability and/or continued compliance with the applicable conditions of approval. Failure to provide such documentation with fifteen days of the date of such request shall constitute evidence of discontinuance of the exercise of rights granted by the reasonable accommodation.

Chapter 9.60 Special Housing Regulations

9.60.010 Purpose. The purpose of this Chapter is to implement specified provisions of State law pertaining to local regulation of housing development projects, including, but not limited to, the State Density Bonus Law, Government Code Sections 65915, *et. seq.*, the Housing Accountability Act, Government Code Section 65589.5, the Housing Crisis Act of 2019, Government Code Section 66300, the No Net Loss Law, Government Code Section 65863, and the Housing Element Law, Government Code Sections 65580 *et. seq.*

9.60.020 Review of Housing Development Projects.

A. Compliance with State Law.

1. Generally. Notwithstanding the provisions of chapter 9.32, all proposed housing development projects shall be reviewed in accordance with requirements and limitations imposed by State law, including, but not limited to, Government Code Sections 65589.5, 65915-65918, 65583, 65584, 65863, 65905.5, 65913-65913.11, 65940-65945.3, 66300, 65650-65656, and 65660-65688. Except to the extent otherwise provided by State law, such review shall ensure that proposed housing development projects comply with all applicable, objective standards, provisions, conditions and requirements of the general plan, this chapter, and other applicable ordinances and policies of the City.

2. Findings Required for Disapproval of Housing Development Projects. As provided by State law, when a proposed housing development project complies with applicable, objective general plan, zoning, and subdivision standards and criteria, including design review standards, in effect at the time that the application was deemed complete, a City hearing body or official shall not disapprove the project or impose a condition that the project be developed at a lower density unless the hearing body or official makes written findings, based on a preponderance of the evidence on the record, that (a) the project would have a specific, adverse impact on public health and safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density, and (b) there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density. As set forth in subdivision (j)(1) of Government Code Section 65589.5, as used in this paragraph, a “specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application for the housing development project was deemed complete.

3. Additional Findings Required for Disapproval of Housing Development Projects for Very Low, Low-, or Moderate-Income Households. As provided by State law, a City hearing body or official shall not disapprove a housing development project for very low, low-, or moderate-income households, or an emergency shelter, or condition approval in a manner that renders the housing development project infeasible for development for the use of very low, low-, or moderate-income households, or an emergency shelter, including

through the use of design review standards, unless it makes written findings, based upon a preponderance of the evidence in the record, as required by subdivision (d) of Government Code Section 65589.5. For purposes of this paragraph, “housing for very low, low-, or moderate-income households” shall have the meaning set forth in subdivision (h)(3) of Government Code Section 65589.5.

B. Consistency Review of Housing Development Project Applications. The Department Director shall be responsible for reviewing each application for a housing development project for consistency and compliance with applicable, objective general plan, zoning, and subdivision standards and criteria within the time period(s) prescribed by law. In accordance with subdivision (j)(2)(A) of Government Code Section 65589.5, if the Department Director considers a proposed housing development project to be inconsistent, not in compliance, or not in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision, the Department Director shall provide the applicant with written documentation identifying the provision or provisions, and an explanation of the reason or reasons the Department Director considers the housing development to be inconsistent, not in compliance, or not in conformity. For proposed housing development projects containing 150 or fewer housing units, the Department Director shall provide said written documentation and explanation within 30 days of the date that the project application is determined to be complete. For proposed housing development projects containing more than 150 housing units, the Department Director shall provide said written documentation and explanation within 60 days of the date that the project application is determined to be complete. In accordance with subdivision (j)(2)(B) of Government Code Section 65589.5, a City hearing body or official may not disapprove a proposed housing development project on the basis that the proposed project is inconsistent, not in compliance, or not in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision not identified in the written documentation and explanation provided by the Department Director.

C. Discretionary Review of Housing Development Projects. Notwithstanding section 9.32.030 or any other provision of this title, the following provisions shall apply to the consideration of applications for site plans, conditional use permits, or other quasi-judicial land use permits required for the construction or operation of a housing development project, as defined in subdivision (h)(2) of Government Code Section 65589.5, which is not subject to ministerial review by the Department Director pursuant to subsection 9.60.020.D:

1. Public Notice and Hearings.

a. Except as modified by this section, land use permits for housing development projects shall be subject to the notice, hearing, and appeal procedures set forth in chapter 9.32.

b. For so long as Government Code Section 95905.5 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 95905.5; provided, however, that, unless otherwise provided by law, the application shall not automatically be deemed approved if the final review authority does not act on the application at one of the five allowed hearings.

2. Findings Required for Disapproval of Housing Development Projects. The findings set forth in subdivision D of section 9.32.030 of this title shall not be required to be made in order to approve an application for a land use permit for a housing development project. Rather, the hearing body shall approve an application for a land use permit for a housing development project unless it makes one or more of the following findings based on the information presented at public hearing and/or on the record:

- a. That the proposed development project is inconsistent, not in compliance, or not in conformity with one or more applicable, objective standards, provisions, conditions or requirements of the general plan, Title 9, or other applicable ordinances or policies of the City.
- b. That the provisions of the California Environmental Quality Act have not been complied with.
- c. That, based on a preponderance of the evidence on the record, the proposed development project would have a specific, adverse impact, as defined in subdivision (j)(1)(A) of Government Code Section 65589.5, on public health and safety unless the project is disapproved, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval of the proposed project.

In addition, notwithstanding the foregoing, provided the provisions of the California Environmental Quality Act have been complied with, the hearing body may not disapprove an application for a land use permit for a housing development project for very low, low-, or moderate-income households, as defined in subdivision (h)(3) of Government Code Section 65589.5, or an emergency shelter, unless it also makes the written findings required by subdivision (d) of Government Code Section 65589.5.

3. No Net Loss Findings. If the approval of a land use permit for a housing development project will result in fewer residential units by income category than projected for the site in the general plan housing element, the “no net loss” provisions of Government Code Section 65863 and Section 9.60.030 of this Code apply and the hearing body must also make the required findings. If the hearing body is unable to find that the remaining sites in the housing element are adequate to accommodate the City’s share of the regional housing need by income level, and the City is required to identify and make available

adequate additional sites pursuant to subdivision (c)(2) of Government Code Section 65863, the final review authority for the land use permit shall be the City Council.

4. Conditions of Approval. The hearing body may impose reasonable conditions of approval that are necessary to ensure that the proposal complies with all local, state and federal laws, and that impacts resulting from the development are adequately mitigated, subject to the following limitations imposed by State law:

a. The hearing body shall not impose a condition on approval of a land use permit for a housing development project that the project be developed at a lower density unless the hearing body makes written findings, based on a preponderance of the evidence on the record, that the proposed development project would have a specific, adverse impact, as defined in subdivision (j)(1)(A) of Government Code Section 65589.5, on public health and safety unless the project is disapproved or developed at a lower density, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval of the proposed project or the approval of the project upon the condition that it be developed at a lower density.

b. The hearing body shall not condition approval of a land use permit for a housing development project for very low, low-, or moderate-income households, as defined in subdivision (h)(3) of Government Code Section 65589.5, or an emergency shelter, in a manner that renders the housing development project infeasible for development for the use of very low, low-, or moderate-income households, or an emergency shelter, including through the use of design review standards, unless it makes written findings, based upon a preponderance of the evidence in the record, as required by subdivision (d) of Government Code Section 65589.5.

D. Ministerial Review of Housing Development Projects. The following provisions apply in the event that State law or any provision of this Code requires a housing development project to be reviewed ministerially and/or designates a housing development project a “use by right” as defined in Government Code Section 65583.2:

1. The Department Director may prepare application forms and provide blanks for such purposes and may prescribe the type of information to be provided in the application by the applicant. No application shall be accepted unless it is completed as prescribed. All such applications shall require fees to be paid in accordance with a resolution adopted by the City Council.

2. The Department Director is authorized to review and approve or deny the proposed housing development project in accordance with applicable law. Decisions of the Department Director may be appealed to the City Manager, who’s decision shall be final.

3. If the ministerial approval of a housing development project will result in fewer residential units by income category than projected for the site in the general plan housing

element, the “no net loss” provisions of Government Code Section 65863 and Section 9.60.030 of this Code apply and the Department Director must also make the required findings.

4. Except to the extent otherwise provided by State law, the Department Director shall not approve a proposed housing development project unless it complies with all applicable, objective standards, provisions, conditions and requirements of the general plan, title 9 of this Code, and other applicable ordinances and policies of the City.

E. Standard Conditions for Housing Development Projects. The Department Director is authorized to promulgate, modify, and enforce standard conditions and requirements that apply to approved housing development projects, which implement applicable, objective State, City, and other local agency standards, provisions, and conditions, provided such standard conditions and requirements are consistent with the provisions of this Code and State law.

F. City Sponsored Housing Development Projects. Except as otherwise determined by the City Manager or designee, housing development projects which are owned or financially assisted by the City of Garden Grove or the Garden Grove Housing Authority, including, without limitation, emergency shelters, low-barrier navigation centers, transitional or supportive housing developments, and the conversion of existing hotels or motels to affordable housing or permanent supportive housing, shall be exempt from the development standards and procedures set forth in or promulgated pursuant to title 9 of this Code.

9.60.030 No Net Loss

A. Purpose. The purpose of this section is to implement the “no net loss” provisions of the Housing Crisis Act, Government Code Section 66300, and the No Net Loss Law, Government Code Section 65863.

B. No Net Loss Provisions Applicable to All Parcels Where Housing is an Allowable Use. In accordance with Government Code Section 66300 (Housing Crisis Act), notwithstanding any other provision of this Code, for so long as Government Code Section 66300 remains effective, where housing is an allowable use, the City shall not approve any land use application to change the general plan land use designation, specific plan land use designation, or zoning of a parcel or parcels of property to a less intensive use. Notwithstanding the foregoing, the City may, but shall not be required to, change the land use designation or zoning of a parcel to a less intensive use if the City, in its sole and absolute discretion, concurrently changes the development standards, policies, and conditions applicable to other parcels within the city to ensure that there is no net loss in residential capacity city-wide. For purposes of this paragraph, “concurrently” has the same meaning as defined in subdivision (i) of Government Code Section 66300.

C. No Net Loss Law Provisions Applicable to Housing Element Parcels. In accordance with Government Code Section 65863 (No Net Loss Law), the following provisions shall apply with respect to any parcel of land identified in the City’s general plan housing element site inventory described in subdivision (a)(3) of, or a housing element program to make sites available pursuant to subdivision (c)(1) of, Government Code Section 65583 for residential development to meet the

City’s share of regional housing need allocated pursuant to Government Code Section 65584 (a “housing element parcel”):

1. Reductions of Allowable Residential Density. Prior to or concurrent with approving a general plan amendment, specific plan amendment, zoning ordinance, planned unit development, or any other administrative, quasi-judicial, legislative, or other action to reduce, or require or permit the reduction of, the allowable residential density for any housing element parcel, the City body or official taking such action shall make written findings supported by substantial evidence of both of the following:

a. The reduction of residential density is consistent with the adopted general plan, including the housing element.

b. The remaining sites identified in the housing element are adequate to meet the requirements of Government Code Section 65583.2 and to accommodate the City’s share of the regional housing need pursuant to Government Code Section 65584. This finding shall include a quantification of the remaining unmet need for the City’s share of the regional housing need at each income level and the remaining capacity of sites identified in the housing element to accommodate that need by income level.

Notwithstanding the foregoing, if a reduction in allowable residential density for any housing element parcel would result in the remaining sites in the housing element not being adequate to meet the requirements of Government Code Section 65583.2 and to accommodate the City’s share of the regional housing need pursuant to Government Code Section 65584, the City, in its sole and absolute discretion, may approve a reduction in allowable residential density on that parcel if the housing element is amended to identify sufficient additional, adequate, and available sites with an equal or greater allowable residential density so that there is no net loss of residential unit capacity city-wide.

2. Approval of Development of a Parcel at a Lower Residential Density.

a. Prior to or concurrent with approving an application to develop a housing element parcel with fewer units by income category than identified in the housing element for that parcel, or taking any administrative, quasi-judicial, legislative, or other action to otherwise allow development of a housing element parcel at a lower residential density, as defined in subdivision (g) of Government Code Section 65863, the City body or official taking such action shall make a written finding supported by substantial evidence as to whether the remaining sites identified in the housing element are adequate to meet the requirements of Government Code Section 65583.2 and to accommodate the City’s share of the regional housing need pursuant to Government Code Section 65584. This finding shall include a quantification of the remaining unmet need for the City’s share of the regional housing need at each income level and the remaining capacity of sites identified in the housing element to accommodate that need by income level.

b. If the City review authority approves a development project on a housing element parcel results in fewer units by income category than identified in the housing element for that parcel and does not find that the remaining sites identified in the housing element are adequate to accommodate the City’s share of the regional housing need by income level, the City shall within 180 days identify and make available additional adequate sites to accommodate the City’s share of the regional housing need by income level in accordance with subdivision (c)(2) of Government Code Section 65863.

c. This subdivision shall not be interpreted to require the City to approve an application for any permit or legislative action associated with a proposed development project. However, pursuant to subdivision (c)(2) of Government Code Section 65863, the review authority for a permit for a proposed housing development project may not disapprove that permit on the basis that its approval would require the City to identify and make available additional adequate sites to accommodate the City’s share of the regional housing need.

3. Applicant Responsibility. If an applicant for a development project or land use permit requests in his/her/its initial application, as submitted, a non-residential development or a mixed-use or residential development at a residential density that would result in the remaining sites in the housing element not being adequate to accommodate the City’s share of the regional housing need pursuant to Government Code Section 65584, the applicant shall assist the City to comply with the no net loss provisions of Government Code Section 65863 as follows:

a. The applicant shall identify and include with its application a list of additional potential candidate sites to accommodate the shortfall in the City’s share of the regional housing need by income level that would result from the proposed development project, along with such evidence as is reasonably requested by the Department Director necessary to show that such candidate sites are adequate sites pursuant to Government Code Section 65583.2 and proof that the owner or owner(s) of each such candidate site consents to rezoning and/or identification of the site in the housing element. To the extent allowed by State law, sufficient additional adequate sites must be identified before the application may be deemed complete.

b. The applicant shall fund and/or provide outreach to property owners and tenants of property within the vicinity of candidate sites as required by the Department Director, including, without limitation, the mailing of written notices and the advertisement and conduct of community meetings to provide information to interested community members about the identification and/or potential rezoning of the candidate sites.

c. To the extent permitted by State law, the applicant 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 identification of candidate sites and determination of their adequacy pursuant to Government Code Section 65583.2 and/or the preparation and processing of any required general plan and/or zoning amendments. Concurrent with submittal of an application for the proposed development project, the applicant 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, as determined by the Department Director in his or her reasonable discretion. The City Manager is authorized to execute said reimbursement agreement on behalf of the City.

9.60.040 Residential Density Bonus

A. Application. In addition to any other review required for a proposed housing development project, applications for a density bonus shall be filed with the planning division. The application shall be filed concurrently with an application for the required land use action.

B. Processing. City staff shall process the application for a density bonus in the same manner as, and concurrently with, the application for the land use approval that is required by this Code.

C. Documentation. The applicant shall submit reasonable documentation to establish eligibility for a requested density bonus, incentives or concessions, waivers or reductions of development standards, and parking ratios.

D. Replacement Housing Requirement. Pursuant to subdivision (c)(3) of Government Code Section 65915, the applicant will be ineligible for a density bonus or other incentives unless the applicant complies with the replacement housing requirements therein, including in the following circumstances:

1. The housing development is proposed on any parcel(s) on which rental dwelling units are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; or
2. The housing development is proposed on any parcel(s) on which rental dwelling units that were subject to a recorded covenant, ordinance, or law that restricted rents to levels affordable to persons and families of lower or very low income have been vacated or demolished in the five-year period preceding the application; or
3. The housing development is proposed on any parcel(s) on which the dwelling units are occupied by lower or very low-income households; or
4. The housing development is proposed on any parcel(s) on which the dwelling units that were occupied by lower or very low-income households have been vacated or demolished in the five-year period preceding the application.

E. Density Bonus Awarded. For a housing development qualifying pursuant to the requirements of Government Code Sections 65915 or 65915.5, the City shall grant a density bonus in an amount specified by Government Code Sections 65915 or 65915.5, as those sections may be amended from time to time. Except as otherwise required by Government Code Section 65915, the density bonus units shall not be included when calculating the total number of housing units that qualifies the housing development for a density bonus.

F. Calculation. For the purpose of calculating the density bonus, the "maximum allowable residential density" shall be the maximum allowable gross residential density established under the applicable development standards for the parcel(s), subject to subdivision (o) of Government code Section 65915.

G. Incentives/Concessions. The City shall grant the applicant the number of incentives and concessions required by Government Code Section 65915. The City shall grant the specific concession(s) or incentive(s) requested by the applicant, unless it makes any of the relevant written findings stated in Government Code Section 65915(d). Senior citizen housing developments that qualify for a density bonus shall not receive any incentives or concessions, unless Government Code Section 65915 is amended to specifically require that local agencies grant incentives or concessions for senior citizen housing developments.

H. Physical constraints. Except as restricted by Government Code Section 65915, the applicant for a density bonus may submit a proposal for the waiver or reduction of development standards that have the effect of physically precluding the construction of a housing development incorporating the density bonus and any incentives or concessions granted to the applicant. A request for a waiver or reduction of development standards shall be accompanied by documentation demonstrating that the waiver or reduction is physically necessary to construct the housing development with the additional density allowed pursuant to the density bonus and incorporating any incentives or concessions required to be granted. The City shall approve a waiver or reduction of a development standard, unless it finds that:

1. The application of the development standard does not have the effect of physically precluding the construction of a housing development at the density allowed by the density bonus and with the incentives or concessions granted to the applicant;
2. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Government Code Section 65589.5, upon health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact;
3. The waiver or reduction of the development standard would have an adverse impact on any real property that is listed in the California Register of Historical Resources; or
4. The waiver or reduction of the development standard would be contrary to state or federal law.

I. Parking. The applicant may request, and the City shall grant, a reduction in parking requirements in accordance with Government Code Section 65915(p), as that section may be amended from time to time.

J. Regulatory Agreement. The property owner(s) shall enter into a regulatory agreement with the City pursuant to Section 9.60.050, which satisfies the criteria set forth in subdivision (c) of Government Code Section 65915.

K. Density Bonus Law.

1. Compliance. The applicant shall comply with all requirements stated in Government Code Sections 65915 through 65918. The requirements of Government Code Section 65915 through 65918, and any amendments thereto, shall prevail over any conflicting provision of this Code.

2. Excluded development. An applicant shall not receive a density bonus or any other incentive or concession if the housing development would be excluded under Government Code Section 65915.

3. Interpretation. The provisions of this subdivision shall be interpreted to implement and be consistent with the requirements of Government Code Sections 65915 through 65918. Any changes to Government Code Sections 65915 through 65918 shall be deemed to supersede and govern over any conflicting provisions contained herein.

9.60.050 Affordable Housing Regulatory Agreements

A. Purpose. The purpose of this Section is to establish minimum requirements and procedures for the preparation, execution, and recording of regulatory agreements establishing covenants to ensure the initial and continued affordability of income-restricted residential dwelling units required to be provided in conjunction with the approval of a housing development project pursuant a provision of this Code or State law.

B. Definitions. As used in this section, the following terms shall have the following meanings:

1. “Affordable Units” means residential dwelling units required to be made affordable to, and occupied by, households with incomes that do not exceed the limits specified in applicable law for middle income, moderate-income, lower income, very low income, or extremely low income households, as applicable, at an affordable rent or affordable housing cost, pursuant to State law or any provision of this Code.

2. “Owner” means the record owner or owners of the parcel or parcels on which a proposed housing development project containing affordable units is located.

3. “Regulatory Agreement” means an agreement entered into between an owner and the City pursuant to this Section.

C. **Requirement for Regulatory Agreement.** Whenever an applicant for a housing development project offers to or is required as a condition of development pursuant to State law or any provision of this Code to provide a specified number or percentage of affordable units as part of the project, the owner shall enter into a regulatory agreement with the City meeting the requirements of this section in the form approved by the City Attorney.

D. **Required Provisions of Regulatory Agreements.** Unless otherwise provided by law or authorized by the City Manager, each regulatory agreement shall include provisions addressing or requiring the following:

1. **Identification of Affordable Units.** The number, affordability level, unit size mix, and location requirements for the affordable units shall be set forth in the regulatory agreement. For mixed income projects, the regulatory agreement shall require that affordable units be integrated with the market rate units so that there is a mix of affordable and market rate units in each building, and shall contain provisions to ensure that the project complies with the requirements set forth in Health and Safety Code Section 17929. The regulatory agreement may allow the affordable units in a rental project to be “floating” units that are not permanently designated, provided that at no time shall a majority of the affordable units be congregated to a specific section of the project.

2. **Timing of Construction.** The regulatory agreement shall require that the affordable units be constructed concurrently with or prior to other units in the housing development project.

3. **Affordability Period for Affordable Units.** The regulatory agreement shall require that the affordable units remain affordable to, and be occupied by, persons and families of the required income level at an affordable rent or affordable housing cost, as applicable, for the minimum period of time required by law. Where a minimum affordability period is not otherwise specified by statute or ordinance, the required affordability period shall be a minimum of thirty (30) years.

4. **Annual Tenant Income Verification and Certification.** For projects containing rental affordable units, the regulatory agreement shall include uniform provisions requiring the owner to annually obtain written certifications from, and to verify that, each tenant household occupying an affordable unit meets the applicable income and eligibility requirements established for the affordable unit.

5. **Eligibility of Initial Buyers of For-Sale Affordable Units.** For projects containing for-sale affordable units, the regulatory agreement shall include uniform provisions requiring the owner to verify that the initial buyer(s) of each affordable unit be of the applicable income level and shall require the initial buyer(s) of each affordable unit to occupy the affordable unit at all times until resale of the affordable unit.

6. **Equity Sharing Provisions.** For projects containing for-sale affordable units, the regulatory agreement shall contain provisions establishing an equity sharing arrangement consistent with the provisions set forth in paragraph (2) of subdivision (c) of Government

Code Section 65915. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller’s proportionate share of appreciation. The City shall recapture any initial subsidy and its proportionate share of appreciation

7. Annual Compliance Report. Each regulatory agreement shall contain provisions requiring the owner to submit an annual compliance report containing specified information to the City in a form reasonably satisfactory to City Manager and to annually certify that the affordable units are in compliance with the requirements of the regulatory agreement.

8. Maintenance Standards. The regulatory agreement shall contain uniform provisions governing the owner’s maintenance obligations and the City’s rights in the event the owner fails to adhere to its maintenance obligations.

9. Recordkeeping Requirements. The regulatory agreement shall contain uniform provisions requiring the owner to maintain affordable unit sales documents, tenant leases, income certifications, and other books, documents, and records related to the sale or rental of the affordable units and operation of the project for a period of not less than five (5) years after creation of each such record; to allow the City to inspect any such books, documents, or records and to conduct an independent audit or inspection of such records at a location that is reasonably acceptable to the City Manager upon prior written notice; and to permit the City and its authorized agents and representatives to access the property and examine the housing units and to interview tenants and employees for the purpose of verifying compliance with the regulatory agreement.

10. Marketing Program. The regulatory agreement shall contain provisions requiring the owner (i) to prepare and obtain the City’s approval of a marketing program for the leasing or sale of the affordable units prior to the issuance of a certificate of occupancy for any portion of the project, (ii) to thereafter market the leasing or sale of the affordable units in accordance with the marketing program, and (iii) to provide City with periodic reports with respect to the leasing or sale of the affordable units.

11. Management Plan. The regulatory agreement shall contain uniform provisions regarding property management and management responsibilities and shall require the owner to prepare and obtain the City’s approval of a management plan for the project prior to the issuance of a certificate of occupancy for any portion of the project, which sets forth in detail the owner’s property management duties, including, but not limited to, a plan to manage and maintain the site and the affordable units; procedures for the selection of tenants of rental affordable units, including a description of how the owner plans to certify the eligibility of tenant households; procedures for annually verifying income and recertifying the eligibility of tenants of rental affordable units; the standard form(s) of rental agreement(s) the owner proposes to enter into with tenants of affordable units; procedures for the collection of rent; procedures for eviction of tenants; procedures for ensuring that the required number and unit size mix of rental affordable units in is maintained and that “floating” affordable units do not become congregated to a certain area of the building or project; the owner’s procedures for complying with its monitoring and

recordkeeping obligations; the rules and regulations of the property and manner of enforcement; a security system and crime prevention program.

12. Provisions regarding Section 8 Certificates. For projects containing rental affordable units, the regulatory agreement shall include uniform provisions regarding the acceptance of federal certificates for rent subsidies pursuant to the existing program under Section 8 of the United States Housing Act of 1937, or its successor (i.e., “Section 8 certificates”), which shall include the following requirements and limitations:

a. The owner shall accept as tenants persons who are recipients Section 8 certificates on the same basis as all other prospective tenants; provided, the owner shall not rent one of the affordable units to a tenant household holding a Section 8 certificate unless none of the housing units not restricted to occupancy by the affordability covenants are available. If the only available housing unit is an affordable unit, the owner shall no longer designate the housing unit rented to a tenant household holding a Section 8 certificate as an affordable unit, shall designate the next-available housing unit as an affordable unit, and shall make available, re-strict occupancy to, and rent such newly designated affordable unit to a qualified tenant at the applicable affordable rent pursuant to the affordability covenants, such that at all times reasonably possible all of the required affordable units shall not be occupied by tenants holding Section 8 certificates.

b. Furthermore, in the event the owner rents an affordable unit to a household holding a federal certificate, the rental agreement (or lease agreement, as applicable) between the owner, as landlord, and the tenant shall expressly provide that monthly rent charged shall be the affordable rent required for the affordable unit (not fair market rent) and that the rent collected directly from such tenant holding a federal certificate shall be not more than the specified percentage of the tenant’s actual gross income pursuant to the applicable federal certificate program regulations; i.e., the rent charged to such tenant under the rental agreement shall be the affordable rent chargeable under the affordability covenant and not fair market rent for the area, as would otherwise be permitted under the applicable federal certificate program.

c. The owner shall not apply selection criteria to Section 8 certificate holders which are more burdensome than criteria applied to any other prospective tenants.

d. If and to the extent these restrictions conflict with the provisions of Section 8 of the United States Housing Act of 1937 or any rules or regulations promulgated thereunder, the provisions of Section 8 of the United States Housing Act of 1937 and all implementing rules and regulations thereto shall control.

13. Annual Monitoring Fee. Each regulatory agreement shall contain a provision requiring the Owner to reimburse City for the estimated reasonable costs incurred by the City in monitoring the owner’s compliance with, and otherwise administering, the

regulatory agreement, including, but not limited to, City’s review of annual compliance reports and conduct of inspections and/or audits.

E. Recordation. Each regulatory agreement entered into pursuant to this section shall be recorded as a covenant against the property prior to final or parcel map approval, or, where the housing development project does not include a map, prior to issuance of a building permit for any structure in the housing development project. The regulatory agreement shall remain a senior, non-subordinate covenant and as an encumbrance running with the land for the full term thereof. In no event shall the regulatory agreement be made junior or subordinate to any deed of trust or other documents providing financing for the construction or operation of the project, or any other lien or encumbrance whatsoever for the entire term of the required covenants.

F. Delegation of Authority. The City Manager is authorized to approve and execute each regulatory agreement and any amendments thereto on behalf of the City. The City shall maintain authority of each regulatory agreement and the authority to implement each regulatory agreement through the City Manager. The City Manager shall have the authority to make approvals, issue interpretations, waive provisions, make and execute further agreements and/or enter into amendments of each regulatory agreement on behalf of City.

G. Fees. The City may charge a fee or fees to recover the City’s reasonable costs to implement the provisions of this Section. Any such fees shall be adopted by resolution of the City Council.

F. Reimbursement of Professional Fees and Costs. To the extent not factored into the fee or fees established pursuant to subsection G, in addition to such fees, the applicant and/or owner shall reimburse the City for the actual fees and costs charged for the services of attorneys and/or other professional third-party consultants engaged by the City to provide consultation, advice, analysis, and/or review or preparation of documents in connection with the following:

1. Preparation of the regulatory agreement.
2. Review of the initial marketing plan and management plan required as part of the regulatory agreement entered into pursuant to this section and any amendments thereto.
3. Review of annual compliance reports submitted by an owner pursuant to a regulatory agreement.
4. Inspections and audits.

9.60.060 Dwelling Unit Protection Regulations.

A. Purpose. The purpose of this Section is to implement subdivision (d) of Government Code Section 66300 (Housing Crisis Act), which requires developers of new housing development projects 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 Government Code Section 66300 pertaining to replacement housing and relocation benefits remain in effect. If said provisions are repealed, this Section shall be deemed repealed as of the same date and shall no longer be applied, unless otherwise provided by a later enacted ordinance.

C. Applicability. This Section applies to all housing development projects, as defined in Government Code Section 69505.5, whether involving discretionary or nondiscretionary approvals, including, but not limited to, the following:

1. A proposal to construct one or more single-family dwellings;
2. A proposal to construct an accessory dwelling unit;
3. A proposal to construct an SB 9 two-unit residential development;
4. A proposal to construct a duplex or triplex;
5. A proposal to construct a multiple-family dwelling; and
6. A proposal to construct a mixed-use development project consisting of residential and non-residential uses.

D. Definitions. As used in this section, the following terms shall have the following meanings:

1. “Affordable housing cost” has the same meaning as defined in Health and Safety Code Section 50052.5.
2. “Affordable rent” has the same meaning as defined in Health and Safety Code Section 50053.
3. “Equivalent size” means that the replacement units contain at least the same total number of bedrooms as the units being replaced.
4. “Lower income households” has the same meaning as defined in Health and Safety Code Section 50079.5.
5. “Protected unit” shall have the same meaning as defined in subdivision (d) of Government Code Section 66300 and includes, but is not limited to, the following:
 - a. Existing or previously demolished residential dwelling units that are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income within the five-year period preceding the application submittal date; and

b. Existing or previously demolished residential dwelling units that are or were rented by lower or very low income households within the five-year period preceding the application submittal date.

6. “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.

7. “Very low income households” has the same meaning as defined in Health and Safety Code Section 50105.

E. Replacement of Dwelling Units. If a housing development project will require the demolition of one or more residential dwelling units, the project shall create at least as many residential dwelling units as will be demolished.

F. Replacement of Protected Units. If a housing development project is located on a parcel or parcels on which protected units are or were located, the project shall comply with the following:

1. Number of Total Units Required. 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. The project shall replace all previously demolished protected units and all existing 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.

3. Projects Involving Demolition of Occupied Protected Units. If any existing protected units to be demolished are occupied on the date of application submittal, the housing development project shall provide at least the same number of replacement dwelling units of equivalent size to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those households in occupancy. If a project site containing occupied protected units to be demolished also contains unoccupied protected units that will be demolished as part of the project, or previously contained protected units that were demolished within the five-year period preceding the application submittal date, the housing development project shall also provide at least the same number of dwelling units of equivalent size to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as the last household in occupancy. If the income of the existing or last household in occupancy of any protected units is not known, it shall be rebuttably presumed that lower income renter households occupied these protected units in the same proportion of lower income renter households to all renter households within the City of Garden Grove, as determined by the most recently available data from the United States Department of Housing and Urban Development’s

Comprehensive Housing Affordability Strategy database, and replacement protected dwelling units shall be provided in that same percentage.

4. Projects Only Involving Vacated or Demolished Protected Units. If all protected units on the site of a housing development project are vacant or have been demolished within the five-year period preceding the application submittal date, the housing development project shall provide at least the same number of dwelling units of equivalent size as existed at the highpoint of those units in the five-year period preceding the application submittal date to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those persons and families in occupancy at that time, if known. If the incomes of the persons and families in occupancy at the highpoint is not known, it shall be rebuttably presumed that low-income and very low income renter households occupied these protected units in the same proportion of low-income and very low income renter households to all renter households within the City of Garden Grove, as determined by the most recently available data from the United States Department of Housing and Urban Development’s Comprehensive Housing Affordability Strategy database, and replacement protected dwelling units shall be provided in that same percentage.

5. Single-Family Projects Involving a Single Protected Unit. Notwithstanding subsections 3 and 4, above, if a housing development project consists of a single residential unit on a site with a single protected unit, that protected unit may be replaced with a unit of any size at any income level.

6. Location of Protected Units. Except as provided in the next sentence, dwelling units required to replace protected units shall be located on the same parcel or parcels as other units in the proposed new housing development project. Notwithstanding the preceding sentence, subject to approval of the Department Director, an applicant may locate a replacement unit on a different parcel in the City zoned for residential use, provided that (i) the development of units on different parcels is proposed as part of, and in the same, application as the remainder of the housing development project, (ii) the other parcel is zoned for residential use and all objective general plan, zoning, and other standards and requirements are met, and (iii) the applicant demonstrates that no residential tenants on the other parcel have been or will be displaced as a result of development of the replacement unit.

7. Timing of Construction of Replacement Units. All replacement units shall be constructed concurrently with or prior to other units in the housing development project. The City shall not issue a certificate of occupancy for any other units in a housing development project until certificates of occupancy have been issued for the replacement unit(s).

8. Affordability Period. All rental replacement units shall be made available to lower or very low income households, as applicable, at an affordable rent for at least 55 years.

9. Regulatory Agreement Required. The record owner(s) of the property shall enter into a regulatory agreement with City pursuant to section 9.60.050.

G. Benefits to be Provided to All Occupants of Protected Units.

1. Right to Remain in Occupancy Pending Demolition. The record owner of an occupied protected unit that will be demolished as part of a housing development project shall allow the existing occupants of the protected unit to occupy the unit until six months before the start of construction activities with proper notice, pursuant to the Relocation Assistance Law. The record owner shall deliver a notice of intent to terminate residency to the Department Director and to the occupant household.

2. Right to Return if Demolition Does Not Proceed. The record owner of an occupied protected unit that will be demolished as part of a housing development project shall allow any existing occupants of the protected unit that are required to leave the unit to return at their prior rental rate if the demolition does not proceed and the property is returned to the rental market. The notice of intent to terminate residency required pursuant to subsection a. shall include notice of this right. In addition, this right shall be memorialized in a written agreement, covenant, or other document that is enforceable by the occupant(s) of the protected unit, the form of which shall be subject to review and approval by the Department Director.

H. Benefits to be Provided to Occupants of Protected Units that are Lower Income Households.

1. Right of First Refusal for a Comparable Unit in New Housing Development Project.

a. Except as provided in subsection H.1.b., below, the record owner of a protected unit that will be demolished as part of a housing development project shall agree to provide existing occupants of the protected unit to be demolished as part of a housing development project that are lower income households with a right of first refusal for a comparable dwelling unit available in the new housing development affordable to the household at an affordable rent or affordable housing cost. A comparable dwelling unit is a dwelling unit containing the same number of bedrooms as the demolished protected unit, except that where the protected unit is a single-family home that contains four or more bedrooms, a comparable unit is a unit containing three bedrooms. The right of first refusal shall be memorialized in a written agreement, covenant, or other document that is enforceable by the occupant(s) of the protected unit, the form of which shall be subject to review and approval by the Department Director.

b. Subsection H.1.a. shall not apply to (i) a housing development project that consists of a single residential unit located on a site where a single protected unit is being demolished, or (ii) units in a housing development in which 100 percent 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.

2. Relocation Benefits.

a. The applicant and/or the record owner of a protected unit that will be demolished as part of a housing development project shall provide existing occupants of the protected unit to be demolished as part of a housing development project that are lower income households with relocation benefits consistent with the requirements of the Relocation Assistance Law. By way of example, said relocation benefits may include, without limitation, advisory assistance in finding comparable new housing, payment of moving expenses, and rental assistance payments.

b. The applicant shall engage a qualified third-party contractor or consultant (a “relocation consultant”) approved by the Department Director to determine the eligibility of occupants for benefits pursuant to this Section, prepare a relocation plan, and oversee the provision of the required relocation benefits.

c. The applicant’s relocation consultant shall prepare a written relocation plan consistent with the provisions of the Relocation Assistance Law, which plan shall be subject to review and approval by the Department Director. The relocation plan shall include, without limitation, provisions addressing the following:

- i. determination of eligibility requirements;
- ii. identification of eligible occupants;
- iii. occupant interviews and needs assessments;
- iv. an evaluation of the availability of comparable replacement housing within the relevant geographic area;
- v. identification of specific replacement housing options;
- vi. the provision for relocation advisory services to affected occupants;
- vii. a description of the relocation benefits available to eligible occupants;
- viii. a process for the provision of benefits and the submission of benefit claims by eligible occupants;
- ix. a process for occupants to appeal benefit determinations; and

x. procedures for providing the benefits required pursuant to Subsections G and H, above, including copies of the required notices, agreements, and other forms needed to implement the provision of said benefits.

d. Prior to the issuance of a grading or building permit for the housing development project, the relocation consultant shall provide a letter to the Department Director certifying that the relocation process has been completed and that all required relocation benefits have been provided.

I. Reimbursement of City’s Fees and Costs to Implement this Section.

A. Reimbursement of Professional Fees and Costs. If benefits are required to be provided to the occupants of protected units pursuant to Subsections G or H of this Section, the applicant 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 review of a relocation plan, notices, or other required forms and documents and the monitoring and/or enforcement of compliance with requirements for provision of benefits. Concurrent with or prior to the applicant’s submittal of any notice, agreement, plan, or other document requiring approval of the Department Director pursuant to Subsections G or H, the applicant 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, as determined by the Department Director in his or her reasonable discretion. The City Manager is authorized to execute said reimbursement agreement on behalf of the City. Upon certification that all required benefits have been provided, the Department Director shall provide the applicant with an invoice containing an accounting of the actual legal and third-party consulting costs incurred by the City and the amount(s) of all deposits provided by the applicant. If the actual legal and third-party consulting costs incurred by the City for such review are less than the amount of the deposit(s) made by the applicant, the City shall reimburse the applicant for the difference at the time it provides the invoice. If the actual legal and third-party consulting costs incurred by the City exceed the amount of the deposit(s) made by the applicant, the applicant shall pay City the difference within thirty (30) days of receipt of the invoice from the City, and no grading or building permit for the housing development project shall be issued until said amount is paid in full.

B. In addition to the reimbursement of professional fees and costs pursuant to Subsection I.A., above, the City may charge a fee or fees to recover the City’s other reasonable costs to implement the provisions Subsection (d) of Government Code Section 66300 and this Section. Any such fees shall be adopted by resolution of the City Council.

9.60.070 Transitional and Supportive Housing Projects

A. Transitional Housing and Supportive Housing. In accordance with subdivision (c)(3) of Government Code Section 65583, transitional housing and supportive housing are considered residential uses of property and shall be subject only to those approval requirements, development standards, and restrictions that apply to other residential dwellings of the same type or configuration in the same zone.

B. Supportive Housing For the Homeless.

1. Notwithstanding any other provision of this Code, pursuant to Government Code Section 65651, a supportive housing for the homeless development shall be permitted as a use by right in any zoning district where multiple-family dwellings and residential/commercial mixed use developments are permitted, including nonresidential zones where multiple-family dwellings are permitted.

2. The Department Director shall review and approve or disapprove a proposed supportive housing for the homeless development within the time periods set forth in Government Code Section 65653.

3. The following provisions shall apply to a supportive housing for the homeless development:

a. The development shall be subject to the same objective development and design standards, policies, and fees that apply to multiple-family residential developments or multiple-family residential components of mixed-use projects in the zone in which the development is located; provided, however, that, if the proposed development is located within one-half mile of a public transit stop, no minimum parking requirements shall apply to the units occupied by supportive housing residents.

b. The development shall satisfy all requirements set forth in Government Code Section 65651.

c. The applicant shall submit for review and approval by the Department Director a plan for providing on-site supportive services, along with supporting documentation, in accordance with Government Code Section 65652. Such on-site supportive services may include transportation services, counseling services, individual case management, job readiness training, assistance in applying for competitive employment, housing retention assistance services, health status improvement services, mental health services, drug rehabilitation services, parenting services, and budgeting and life skill services.

d. The property owner shall enter into a regulatory agreement with the City pursuant to section 9.60.050 to ensure compliance with the provisions of Government Code Section 65651 and this subsection 9.60.070.B.

C. Low-Barrier Navigation Centers.

1. Notwithstanding any other provision of this Code, a low-barrier navigation center meeting the requirements of Government Code Sections 65660 *et. seq.* shall be permitted as a use by right in any zoning district where residential/commercial mixed use developments are permitted and in any nonresidential zoning district where multiple-family dwellings are permitted.

2. The Department Director shall review and approve or disapprove a proposed low-barrier navigation center within the time periods set forth in Government Code Section 65664.