



A G E N D A

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

January 21, 2021

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE

In an effort to protect public health and prevent the spread of the Coronavirus (COVID-19), the Planning Commission members will be teleconferencing and the meeting recorded. 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 planning@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 and will be uploaded to the City's website. Members of the public are asked to consider very carefully before attending this meeting in person and are required to wear face masks and maintain a six foot distance from others. Please do not attend this meeting if you have traveled and/or have had direct contact with someone who has travelled to places experiencing high rates of infection or tested positive for COVID-19, or if you are experiencing symptoms such as coughing, sneezing, fever, difficulty breathing or other flu-like symptoms.

REGULAR SESSION – 7:00 P.M. – COUNCIL CHAMBER

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

Members of the public desiring to speak on any item of public interest, including any item on the agenda except public hearings, must do so during Oral Communications at the beginning of the meeting. Each speaker shall fill out a card stating name and address, to be presented to the Recording Secretary, and shall be limited to five (5) minutes. Members of the public wishing to address public hearing items shall do so at the time of the public hearing.

Meeting Assistance: Any person requiring auxiliary aids and services, due to a disability, 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).

All revised or additional documents and writings related to any items on the agenda, which are distributed to all or a majority of the Planning Commissioners within 72 hours of a meeting, shall be available for public inspection (1) at the Planning Services Division during normal business hours; and (2) at the City Community Meeting Center Council Chamber at the time of the meeting.

Agenda item descriptions are intended to give a brief, general description of the item to advise the public of the item's general nature. The Planning Commission may take legislative action it deems appropriate with respect to the item and is not limited to the recommended action indicated in staff reports or the

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

- A. ORAL COMMUNICATIONS - PUBLIC
- B. APPROVAL OF MINUTES: November 19, 2020

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

C.1. MITIGATED NEGATIVE DECLARATION
MITIGATION MONITORING AND REPORTING PROGRAM
GENERAL PLAN AMENDMENT NO. GPA-001-2021
AMENDMENT NO. A-030-2021
SITE PLAN NO. SP-093-2021

APPLICANT: JULIE H. VU

LOCATION: SOUTH SIDE OF CHAPMAN AVENUE, EAST OF
LORALEEN STREET AT 9312 CHAPMAN AVENUE

REQUEST: A request to develop a 20,500 square foot lot with a new multiple-family residential project consisting of a six (6) unit apartment building. The specific land use entitlement approvals requested include: (i) Amendment to rezone the property from R-1 (Single-Family Residential) to R-3 (Multiple-Family Residential) to facilitate the development of the residential project; (ii) General Plan Amendment to amend the General Plan Land Use Designation of the property from LDR (Low Density Residential) to MDR (Medium Density Residential) to facilitate the development of the residential project; and (iii) Site Plan to construct the six (6) unit apartment building along with associated site improvements. The site is located at 9312 Chapman Avenue (Assessor's Parcel No. 133-082-27). In conjunction with the request, the Planning Commission will also consider a recommendation that the City Council adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the project.

STAFF RECOMMENDATION: Recommend adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approval of Amendment No. A-030-2021 and General Plan Amendment No. GPA-001-2021 to City Council, and approval of Site Plan No. SP-093-2021, subject to the recommended Conditions of Approval.

C.2. SITE PLAN NO. SP-094-2021
CONDITIONAL USE PERMIT NO. CUP-197-2021

APPLICANT: FREEWAY EXPRESS WASH, LLC

LOCATION: NORTH SIDE OF GARDEN GROVE BOULEVARD, WEST
OF KNOTT STREET, AT 6911 GARDEN GROVE
BOULEVARD

REQUEST: Conditional Use Permit approval to convert a full-service car wash into a self-service automatic car wash, along with Site Plan approval to demolish an existing office

building with an attached fueling canopy to allow the installation of self-service vacuum stations and equipment improvements in the car wash tunnel, which is being reversed for improved vehicular circulation. The site is in the PUD-105-73 (Planned Unit Development) zone. In conjunction with the request, the Planning Commission will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15301 – Existing Facilities and 15303 – New Construction or Conversion of Small Structures.

STAFF RECOMMENDATION: Approval of Site Plan No. SP-094-2021 and Conditional Use Permit No. CUP-197-2021, subject to the recommended Conditions of Approval.

C.3. AMENDMENT NO. A-027-2020

APPLICANT: CITY OF GARDEN GROVE
LOCATION: CITYWIDE

REQUEST: A request by the City of Garden Grove to amend the provisions of Title 9 (Zoning) of the Garden Grove Municipal Code pertaining to Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) to conform to State Law. This project is exempt from review under the California Environmental Quality Act pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Sections 15282(h) and 15061(b)(3).

STAFF RECOMMENDATION: Recommend approval of Amendment No. A-027-2020 to City Council.

C.4. SITE PLAN NO. SP-092-2021
TENTATIVE PARCEL MAP NO. PM-2018-122

APPLICANT: LIEU NGUYEN & HIEU TRAN
LOCATION: THROUGH-LOT WITH STREET FRONTAGES ON BOTH LAMPSON AVENUE AND SUNGROVE CIRCLE, WEST OF HASTER STREET, AT 12872 LAMPSON AVENUE

REQUEST: A request for Tentative Parcel Map and Site Plan approval for the subdivision of an existing property in order to construct two (2) new single-family residences at 12872 Lampson Street. The subdivision will split the existing 14,400 square foot property into two (2) parcels of 7,200, with one (1) parcel ultimately reduced to 6,916 square feet after a street dedication. The first home will be 3,182 square feet, with six (6) bedrooms, four (4) bathrooms, a kitchen, living room, family room, dining room, and a three-car garage. The second home

will be 3,247 square feet, with four (4) bedrooms, four (4) bathrooms, a kitchen, family room, dining room, living room, and a two-car garage. In conjunction with the request, the Planning Commission will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15303 – New Construction or Conversion of Small Structures and 15315 – Minor Land Divisions.

STAFF RECOMMENDATION: Approval of Site Plan No. SP-092-2021 and Tentative Parcel Map No. PM-2018-122, subject to the recommended Conditions of Approval.

D. ITEM FOR CONSIDERATION

D.1. A request to modify the front building façade (west elevation) of the existing building located at 12936 Main Street to accommodate the establishment of a new coffee and tea shop, Phuc Long Coffee and Tea. The site is in the CC-2 (Civic Center Main Street) zone.

E. MATTERS FROM COMMISSIONERS

F. MATTERS FROM STAFF

F.1. Update on Housing Element Public Outreach

G. ADJOURNMENT

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

Special Meeting Minutes
Thursday, November 19, 2020

CALL TO ORDER: 6:02 p.m.

ROLL CALL:

Chair Lehman
Vice Chair Perez
Commissioner Le
Commissioner Lindsay
Commissioner Ramirez
Commissioner Soeffner

Absent: Ramirez

Commissioner Ramirez joined the meeting at 6:26 p.m.

PLEDGE OF ALLEGIANCE: Led by Vice Chair Perez.

ORAL COMMUNICATIONS – PUBLIC: None.

November 5, 2020 MINUTES:

Action: Received and filed.
Motion: Soeffner Second: Lindsay
Ayes: (5) Le, Lehman, Lindsay, Perez, Soeffner
Noes: (0) None
Absent: (1) Ramirez

STUDY SESSION: HOUSING ELEMENT UPDATE - LAND USE ALTERNATIVES

PRESENTATION: MIG Consultants and staff presented an overview of the Housing Element, which touched on public engagement activities, the November 18th Community Workshop, Community Survey results, the approach to address the City's Regional Housing Allocation Numbers (RHNA), potential housing sites, the General Plan, zoning, the status of the City's RHNA Appeal request for the 19,122 required units, submission deadlines, and future outreach.

COMMISSION COMMENTS: Commissioners and staff discussed topics such as

the outreach to focus groups in the community and the community at large, business groups, non-profits, Boys & Girls Club, stakeholders, apartment developments in disadvantaged areas, Home Owners Associations, and centers such as the Senior Center or Buena Clinton. Method of outreach included the Office of Community Relations team, the City's website, email blasts, Facebook, water bill inserts, flyers, and alongside meal distributions.

Commissioners questioned why the virtual Community Workshop had a low number of participants and was there demographic data available? Staff responded that Community Relations had a comprehensive marketing approach that would continue into the new-year; that basic data was taken, but was not at hand; that the focus was to protect single-family home areas and direct higher density to the main corridors, and that the number of Accessory Dwelling Units (ADU's) had specific limitations as to the use in the RHNA count.

Vice Chair Perez volunteered to work with City's Community Relations staff on outreach strategies and staff agreed.

Asked if new high-rise buildings could assist with fulfilling the RHNA numbers, staff responded that potential sites could not be focused in one area, and that any potential impacts to the infrastructure would be first analyzed with an Environmental Impact Report (EIR) with the developer assisting in paying any impacts.

Asked if the density around the proposed street car line between Santa Ana and Garden Grove could be matched, adding that a city gateway would need continuity, staff expressed that the goal was to develop a differing and unique street scene between cities, such as between Garden Grove and Santa Ana.

When asked about a past land use survey in West Garden Grove, staff stated that the Urban Land Institute (ULI) Study focused on potential business opportunities on Valley View Street and not the housing aspect, and added that the land use designations would not change in West Garden Grove.

In regard to the RHNA appeal, staff mentioned that the process was complex; that the City was asking for a reduction of approximately 2,500 units out of the 19,122, that any reduction amounts could overflow into other cities, that previous requests from cities had not been granted, and that if the request was denied, there were no further options. In regard to outreach, staff would move forward with workshops in the spring of 2021 with the goal to adopt the Housing Element by October 15, 2021.

PUBLIC COMMENTS: None.

MATTERS FROM COMMISSIONERS: Commissioners wished staff a Happy Thanksgiving and expressed their gratitude at being a part of the Commission.

MATTERS FROM STAFF: Staff wish everyone a Happy Thanksgiving and stated that the December 3rd and 17th and January 7th meetings would be cancelled, with the next meeting to be January 21st. Commissioners are to remain seated in the new-year until further notice.

ADJOURNMENT: At 7:55 p.m. to the next Meeting of the Garden Grove Planning Commission on Thursday, January 21, 2021, at 7:00 p.m. in the Council Chamber of 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: South side of Chapman Ave, just east of Loreleen Street, at 9312 Chapman Avenue
HEARING DATE: January 21, 2021	CURRENT GENERAL PLAN LAND USE DESIGNATION: Low Density Residential (LDR) PROPOSED GENERAL PLAN LAND USE DESIGNATION: Medium Density Residential (MDR)
CASE NO: General Plan Amendment No. GPA-001-2021, Amendment No. A-030-2021, & Site Plan No. SP-093-2021	CURRENT ZONING: R-1 (Single-Family Residential) PROPOSED ZONING: R-3 (Multiple-Family Residential)
APPLICANT: Julie H. Vu	CEQA DETERMINATION: Mitigated Negative Declaration
PROPERTY OWNER(S): Victor P. Nguyen	APNs: 133-082-27

REQUEST:

A request to develop a 20,500 square foot lot with a new multiple-family residential project consisting of a six (6) unit apartment building (the "project"). The specific land use entitlement approvals requested include: (i) Amendment to rezone the property from R-1 (Single-Family Residential) to R-3 (Multiple-Family Residential) to facilitate the development of the residential project; (ii) General Plan Amendment to amend the General Plan Land Use Designation of the property from Low Density Residential (LDR) to Medium Density Residential (MDR) to facilitate the development of the residential project; and (iii) Site Plan to construct the six (6) unit apartment building along with associated site improvements. The Planning Commission will also consider a recommendation that the City Council adopt a Mitigated Negative Declaration and an associated Mitigation Monitoring and Reporting Program for the project.

BACKGROUND:

The subject site is a 20,500 square foot vacant lot located on the south side of Chapman Avenue, just east of Loreleen Street, at 9312 Chapman Avenue. The site was previously improved with an existing single-family development. In 2016, a demolition permit was obtained by the property owner and all existing improvements were demolished/removed. The site has remained vacant.

The site is currently zoned R-1 (Single-Family Residential) with a current General Plan Land Use Designation of Low Density Residential (LDR). The property abuts R-3 (Multiple-Family Residential) zoned properties to the west and across Chapman Avenue, to the north. The property also abuts PUD-103-73 (Residential Planned Unit Development) zoned properties to the east and south. Surrounding uses include a multi-family apartment building to the west, multi-family developed properties (apartments) across Chapman Avenue to the north, and a multi-family townhome development to the east and south.

DISCUSSION:

General Plan Amendment No. GPA-001-2021:

The proposed General Plan Amendment would amend the City of Garden Grove's General Plan Land Use Map to modify the General Plan Land Use Designation of the property from Low Density Residential (LDR) to Medium Density Residential (MDR). The Low Density Residential (LDR) Land Use Designation is intended for the development of single-family residential neighborhoods with one detached home per lot and would not permit development of the proposed multi-family development project. The proposed project will have a density of approximately 12.75 dwelling units per acre. The MDR Land Use Designation is intended for the development of mainly multi-family residential neighborhoods and allows for a range of residential densities up to a maximum of 32.0 dwelling units per acre, which would facilitate the development of the proposed 6-unit residential apartment project.

The site's proposed multiple-family residential type housing is similar and compatible with the surrounding properties, which have both multi-family and single-family housing. The surrounding properties have a mix of LDR and MDR General Plan Land Use Designations. Accordingly, Staff finds that the Medium Density Residential Land Use designation is appropriate for the site and will ensure that the site is developed in continuity with surrounding land uses.

Amendment to Rezone Property from R-1 to R-3:

The subject property is currently zoned R-1 (Single-Family Residential), which allows a single-family detached residence (not including any State allowances for Accessory Dwelling Units (ADU)). The proposed 6-unit apartment project exceeds the maximum number of units allowed under the R-1 zoning. As part of the project, the City's Zoning Map will be amended to rezone the project site from R-1 (Single-Family Residential) to R-3 (Multiple-Family Residential), to facilitate the development of the proposed 6-unit residential apartment project, and to ensure consistency with the proposed General Plan Land Use Designation of MDR. The R-3 zone implements the MDR General Plan Land Use Designation and allows for a range of densities based on site area, up to a maximum of 24 dwelling units per acre. Pursuant to Garden

Grove Municipal Code Subsection 9.12.040.050.A.4, a maximum of 8 dwelling units would be permitted on the 20,500-acre site under the R-3 zoning.

SITE PLAN:

PROJECT STATISTICS:

	Provided	Code (under proposed R-3 zoning and MDR General Plan Designation)
Lot Size	20,500 S.F.	7,200 S.F. (minimum)
Density	6 units (12.75 units/acre)	8 units(maximum)
Private/Common Open Space	2,315 S.F.	1,800 S.F. (minimum) (300 S.F. per unit)
Parking		
Enclosed Garage	12	
Guest Parking Spaces	9	
Total	21	21 (minimum)
Building Height	33'-3"	35'-0" (maximum)

Site Design and Circulation

The project consists of six (6) attached multiple-family residential units with attached enclosed two-car garages. Each unit, and their respective garages, are accessible from a single main drive aisle. The width of the drive aisle along the easterly property line (along the garages) is 26'-0". The drive aisle at the rear of property, adjacent to nine (9) uncovered parking stalls, increases to a width of 28'-0".

Access to the site will be from Chapman Avenue via a 30'-0" wide enhanced entry driveway approach that will include decorative paving. The project does not include a gated entry.

Proposed building setbacks (distance from property lines) for the project are as follows: 20'-0" front setback to the northerly property line (facing Chapman Avenue); 30'-0" side setback to the easterly property line; 49'-0" setback to the southerly property line; and varying interior setbacks ranging between 10'-0" to 25'-0" to the westerly property line. All proposed setbacks for the project comply with the minimum setback and building separation requirements of the R-3 zone.

Parking

The project includes six (6) total apartment units. Each unit provides a total of four (4) bedrooms. For a multiple-family residential development that is less than 50 units and adjacent to a primary arterial street, such as Chapman Avenue, the Municipal Code requires a minimum of 3.5 parking spaces per dwelling unit. Therefore, the project is required to provide a minimum of 21 parking spaces. The project provides a two-car enclosed, attached garage for each unit and nine (9) guest parking spaces at the rear of the property. Therefore, the project complies with the parking requirements of the Municipal Code.

Unit Design

The project consists of six (6) attached apartment units that range from two (2) to three (3) stories. Units 1, 2, and 6 are two (2) stories. Units 3, 4, and 5 are three (3) stories.

	Unit 1	Unit 2	Unit 3	Unit 4	Unit 5	Unit 6
1st Floor	838 SF	824 SF	514 SF	514 SF	516 SF	812 SF
2nd Floor	1,031 SF	1,004 SF	654 SF	654 SF	660 SF	1,000 SF
3rd Floor	-	-	366 SF	366 SF	366 SF	-
Total	1,869 SF	1,828 SF	1,534 SF	1,534 SF	1,542 SF	1,812 SF

Each unit provides four (4) bedrooms and four (4) bathrooms. All units feature private outdoor recreation areas on the 2nd floor balconies above the garages, which range between 206 to 217 square feet in area (about 10' x 20'). Each garage will have access from the drive aisle within the development.

The applicant has designed the units to comply with the privacy provision requirements, applicable to 2nd and 3rd story areas of the project, by providing windows that will minimize visual intrusion (e.g., fixed and obscured windows) into the adjacent neighbors' private recreation areas.

Building Architecture

The building elevations incorporate projecting and recessed building masses, balconies, along with varied rooflines in order to articulate the building's facade. The building's architectural detailing includes the use of varied window shapes, multi-pane windows, wood siding, and decorative trim around the windows to enhance the building. The exterior building materials will consist of multi-toned stucco exteriors with accenting trims around the windows. The roofing material will consist of composite (asphalt) shingles.

Private and Active Recreation Areas

The Municipal Code requires a minimum of 300 square feet per unit of recreation area that may be split between private recreation area and communal recreation area. Based on six (6) total units, the project is required to provide a minimum of 1,800 square feet of total recreation area. Based on the lot size, the project is required to provide an active recreation area of at least 900 square feet that is improved with amenities. The project provides a 1,057 square foot active recreation area in the center of the development conveniently accessible by all units. The active recreation area will provide amenities which include an open turf park area, built-in benches, a communal picnic table with an open trellis patio cover, and a built-in BBQ pit. As mentioned prior, all units feature private outdoor recreation areas on the 2nd floor balconies above the garages, which range between 206 to 217 square feet in area (10' x 20'). The project proposes a total of 2,315 square feet of active and private recreation area. Therefore, the project complies with the recreation requirements of the Municipal Code.

Perimeter Walls and Landscaping

The project will provide (minimum) six-foot high decorative concrete block walls around the perimeter of the development – except for within the front 20'-0" setback, where maximum wall height is 3'-0".

Along the perimeter areas of the site landscape treatment will be provided, including along interior communal pedestrian walkways. An enhanced landscape treatment will be provided within the front 20'-0" setback area facing Chapman Avenue. The enhanced landscaping within the front setback will include a variety of trees, shrubs, vines, flowering, and/or other elements, subject to review and approval by the Planning Division. All landscaped areas will be irrigated with an electronically operated irrigation system utilizing water sensors and programmable irrigation cycles. The landscaping and automatic irrigation systems will be in conformance with the City's Landscape Water Efficiency Guidelines.

CEQA Environmental Review:

In conjunction with the proposed project, the City (through a consultant) has prepared an Initial Study and Mitigated Negative Declaration ("IS/MND") in accordance with the California Environmental Quality Act ("CEQA") analyzing the potential environmental impacts of the proposed 6-unit apartment project and associated site improvements. In accordance with CEQA Guidelines, the City made the IS/MND available for public review and comment prior to the meeting. The IS/MND concludes that the proposed project will have no, or a less than significant, impact on all relevant environmental factors, provided specified mitigation measures are incorporated as part of a Mitigation Monitoring and Reporting Program. Conditions of Approval will require the applicant to implement the Mitigation Monitoring and Reporting Program as identified in the adopted Mitigated Negative

Declaration, and to provide updates about the implementation process to the City of Garden Grove, Community and Economic Development Department, until completion of the project. City Staff is requesting that the Planning Commission hold a public hearing and adopt the attached Resolution recommending that the Garden Grove City Council adopt a Mitigated Negative Declaration and an associated Mitigation Monitoring and Reporting Program for the project.

RECOMMENDATION:

Staff recommends that the Planning Commission:

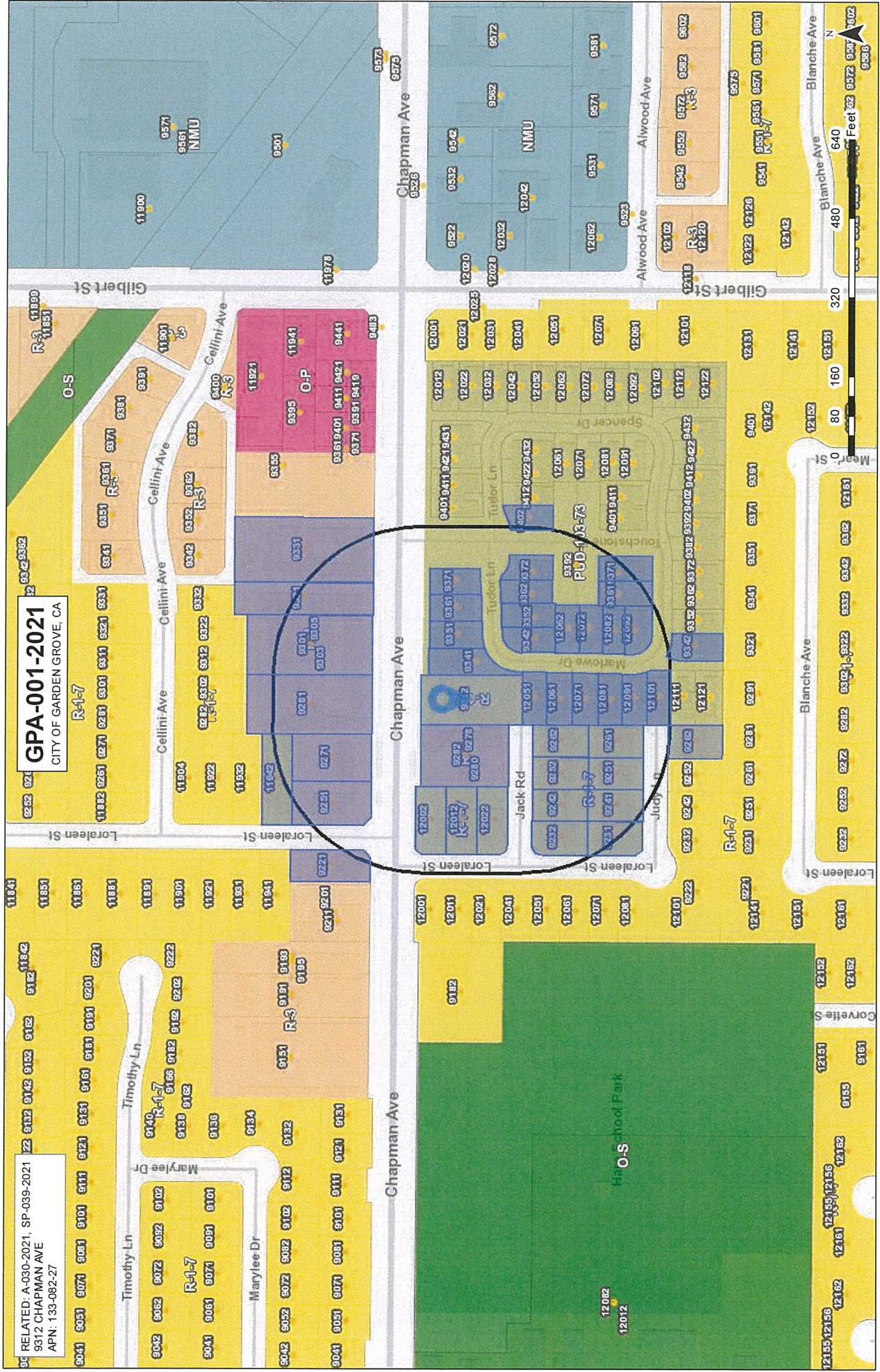
- Adopt the attached Resolution No. 6012-21 recommending that the Garden Grove City Council: (i) approve Amendment No. A-030-2021 to rezone the property from R-1 (Single-Family Residential) to R-3 (Multiple-Family Residential) to facilitate the development of the residential project; (ii) approve General Plan Amendment No. GPA-001-2021 to amend the City of Garden Grove's General Plan Land Use Map to modify the General Plan Land Use Designation of the property from Low Density Residential (LDR) to Medium Density Residential (MDR); and (iii) adopt a Mitigated Negative Declaration and an associated Mitigation Monitoring and Reporting Program for the project; and
- Adopt the attached Resolution No. 6013-21 approving Site Plan No. SP-093-2021, subject to the recommended Conditions of Approval, and contingent upon City Council adoption of an Ordinance approving Amendment No. A-030-2021, and Resolutions approving General Plan Amendment No. GPA-001-2021 and adopting a Mitigated Negative Declaration and an associated Mitigation Monitoring and Reporting Program for the project.



Lee Marino
Planning Services Manager



By: Chris Chung
Urban Planner



GPA-001-2021
CITY OF GARDEN GROVE, CA

RELATED: A-030-2021, SP-039-2021
9312 CHAPMAN AVE
APN: 133-082-27



PROJECT DESIGNED BY:
 L&K ARCHITECTS
 605 LAKWOOD DRIVE
 HUNTINGTON BEACH, CA 92641
 TEL: (714) 321-0278

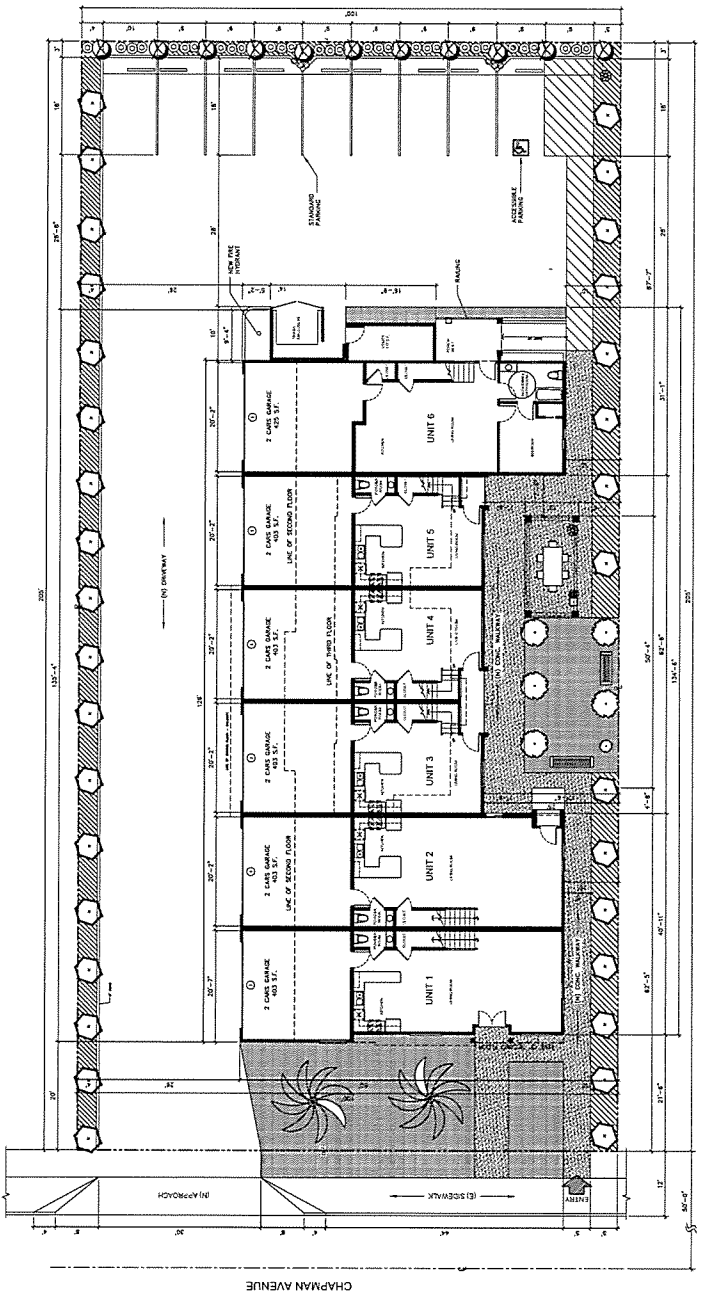
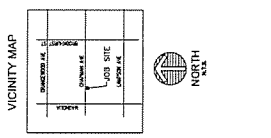
PROJECT STRUCT. DESIGNED BY:
 9120 RIVERSIDE
 L&K ARCHITECTS
 605 LAKWOOD DRIVE
 HUNTINGTON BEACH, CA 92641
 TEL: (714) 321-0278

SIX UNIT APARTMENT COMPLEX
 9312 CHAPMAN AVENUE
 GARDEN GROVE, CA 92841

DATE: 08-20-10
 DRAWN: [Signature]
 CHECKED: [Signature]
 TRACED: [Signature]
 SHEET NO. A-1
 SHEETS

BUILDING DATA							
FLOOR	UNIT 1	UNIT 2	UNIT 3	UNIT 4	UNIT 5	UNIT 6	TOTAL
FIRST FLOOR	488 S.F.	488 S.F.	488 S.F.	488 S.F.	488 S.F.	488 S.F.	2,928 S.F.
SECOND FLOOR	1,031 S.F.	1,031 S.F.	1,031 S.F.	1,031 S.F.	1,031 S.F.	1,031 S.F.	6,186 S.F.
THIRD FLOOR	1,031 S.F.	1,031 S.F.	1,031 S.F.	1,031 S.F.	1,031 S.F.	1,031 S.F.	6,186 S.F.
STAIRS	10 S.F.	10 S.F.	10 S.F.	10 S.F.	10 S.F.	10 S.F.	60 S.F.
MECHANICAL	10 S.F.	10 S.F.	10 S.F.	10 S.F.	10 S.F.	10 S.F.	60 S.F.
UTILITY ROOM	200 S.F.	200 S.F.	200 S.F.	200 S.F.	200 S.F.	200 S.F.	1,200 S.F.
TOTAL AREA OF THE BUILDING	1,759 S.F.	1,759 S.F.	1,759 S.F.	1,759 S.F.	1,759 S.F.	1,759 S.F.	10,554 S.F.
AREA OF COMMON AREAS	100 S.F.	100 S.F.	100 S.F.	100 S.F.	100 S.F.	100 S.F.	600 S.F.
TOTAL RECREATION AREA PROVIDED	100 S.F.	100 S.F.	100 S.F.	100 S.F.	100 S.F.	100 S.F.	600 S.F.
TOTAL RECREATION AREA REQUIRED (1.5 PER UNIT @ UNITS # 1-3)	100 S.F.	100 S.F.	100 S.F.	100 S.F.	100 S.F.	100 S.F.	600 S.F.
NUMBER PARKING PROVIDED (1.5 PER UNIT @ UNITS # 1-3)	15	15	15	15	15	15	75
NUMBER PARKING REQUIRED (1.5 PER UNIT @ UNITS # 1-3)	15	15	15	15	15	15	75

PROJECT DATA
 PROPERTY ADDRESS: 9312 CHAPMAN AVE
 GARDEN GROVE, CA 92841
 ZONE: R-1
 OCCUPANCY: R-2
 TYPE OF CONSTRUCTION: 1-B
 NUMBER OF STORES: 3
 NUMBER OF UNITS: 6
 APN: 133-082-27
 PARCELS: 1
 LEGAL DESCRIPTION: 100' X 111' 4" X 100' X 100' FT
 E. 200 FT X 255 FT NE/4
 100' X 100' - 20,000 SQ. FT.
 BUILDING HEIGHT: 35'-0"



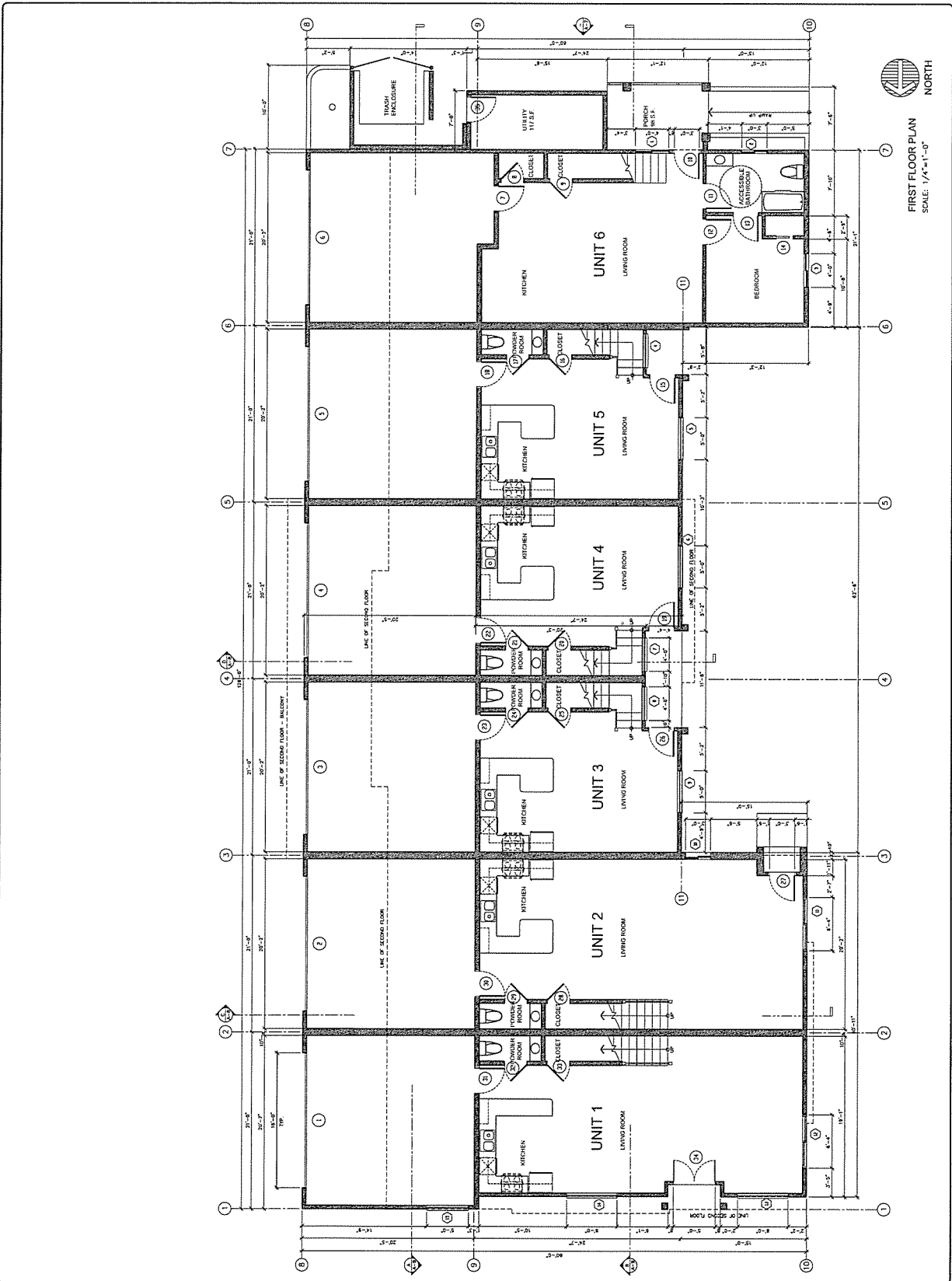
NORTH
 SITE PLAN
 SCALE: 1/8" = 1'-0"

DATE	02-13-20
DESIGN	
SCALE	
PROJECT NAME	
FIRST FLOOR PLAN	
UNIT NO.	A-2

SIX UNIT APARTMENT COMPLEX
 8312 CHAPMAN AVENUE
 GARDEN GROVE, CA 92841

PROJECT DESIGNED BY:
 LAM BLUMEN
 4051 LAGUNA BOULEVARD
 HUNTINGTON BEACH, CA 92647
 TEL: (714) 333-1779

PROJECT STRUCT. DESIGNED BY:
 CONCRETE ENGINEER
 15000 WILSON AVENUE
 HUNTINGTON BEACH, CA 92647
 TEL: (714) 322-5481



FIRST FLOOR PLAN
 SCALE: 1/4"=1'-0"

UNIT NO. A-2



NORTH
 SECOND FLOOR PLAN
 SCALE: 1/4"=1'-0"

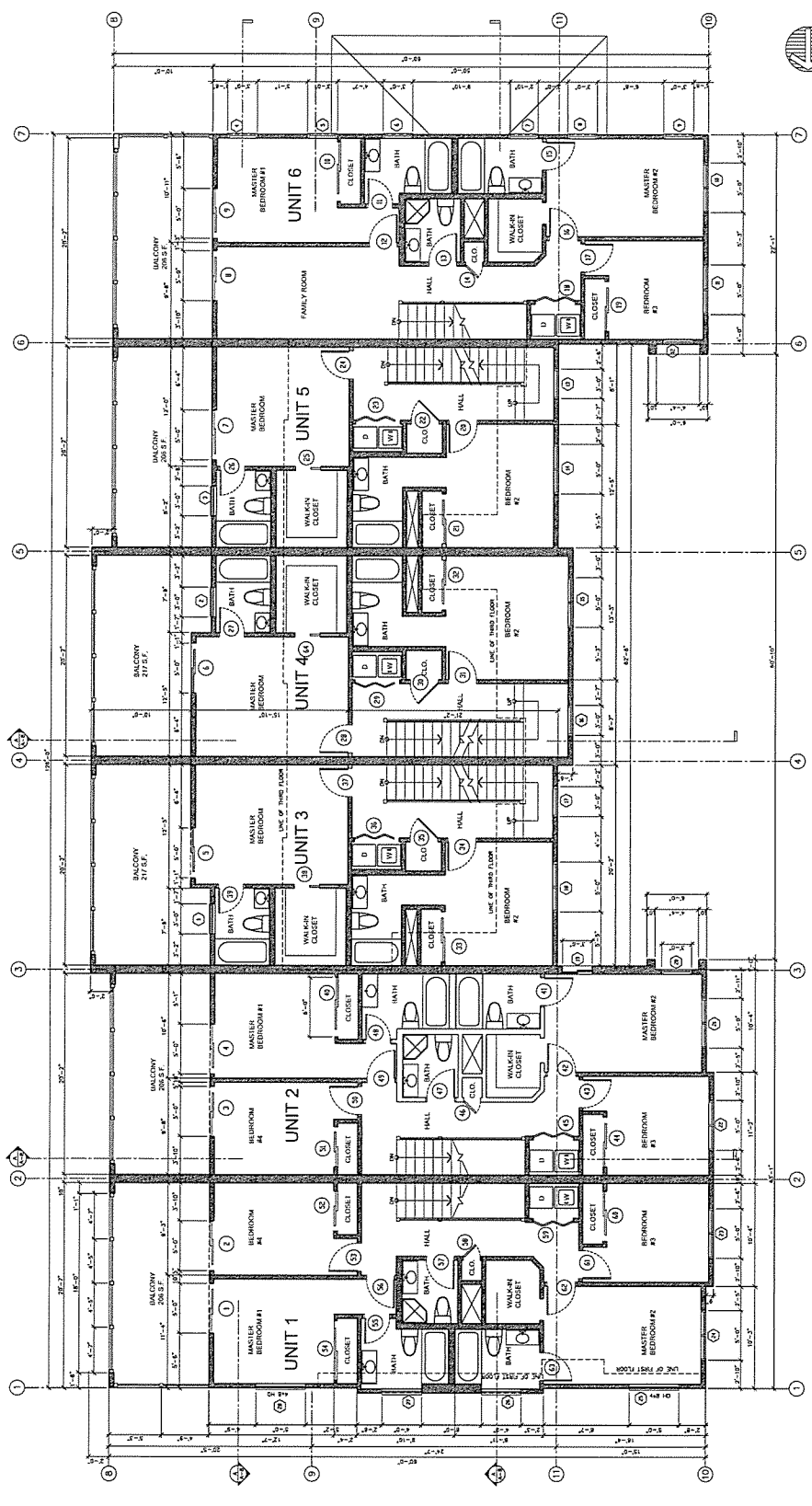
DATE: 08-20-20
 DRAWN: [Name]
 CHECKED: [Name]
 PROJECT NAME: [Name]

PROJECT NO. A-3
 SHEET NO. 2

SIX UNIT APARTMENT COMPLEX
 9312 CHAPMAN AVENUE
 GARDEN GROVE, CA 92841

PROJECT ARCHITECT DESIGNED BY:
 LAM WILKINSON
 401 LAKWOOD DRIVE
 HUNTINGTON BEACH, CA 92647
 TEL: (714) 351-2725

PROJECT DESIGNED BY:
 LAM WILKINSON
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 HUNTINGTON BEACH, CA 92647
 TEL: (714) 351-2725

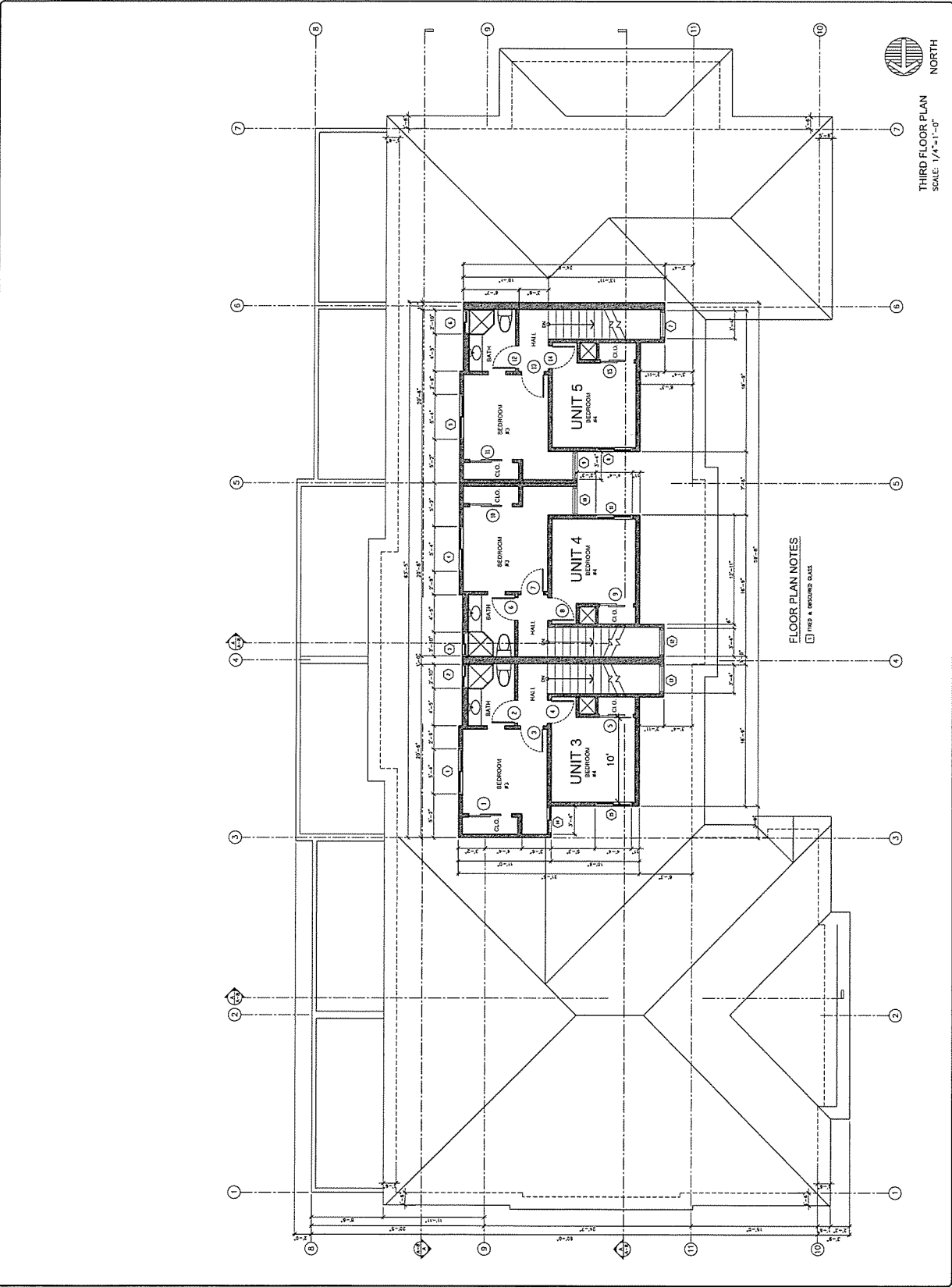


PROJECT DESIGNED BY:
 LHM ARCHITECTS
 6581 LARCHWOOD DRIVE
 HUNTINGTON BEACH, CA 92647
 TEL: (714) 331-4275

PROJECT STRUCT. DESIGNED BY:
 CONSULTING ENGINEERS
 LAM ROYURE, P.E.
 P.O. BOX 3244
 ORANGE, CALIFORNIA
 TEL: (714) 392-5481

SIX UNIT APARTMENT COMPLEX
 9312 CHAPMAN AVENUE
 GARDEN GROVE, CA 92841

DATE	10-20-77
BY	W.S.
CHECKED BY	W.S.
SCALE	
SHEET NAME	THIRD FLOOR PLAN
PROJECT NO.	A-4

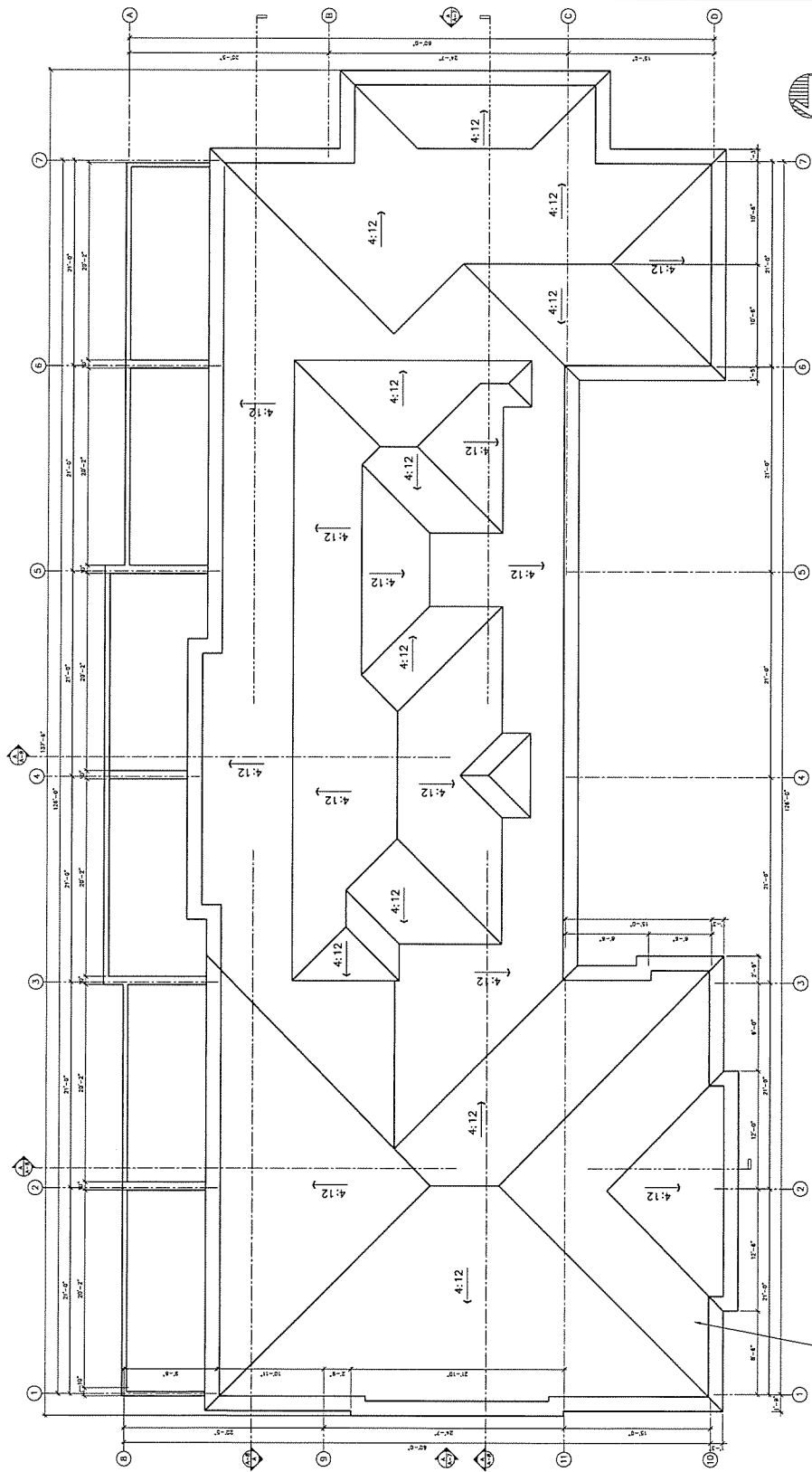


PROJECT DESIGNED BY:
 LISA KURITA
 693 LARKWOOD DRIVE
 RAINBOW BLDG. CA 92411
 TEL: (714) 331-2779

PROJECT STRUCT. DESIGNED BY:
 CONSULTING ENGINEER
 LAM KURITA P.E.
 P.O. BOX 7184
 ORANGE, CALIFORNIA
 TEL: (714) 392-5481

SIX UNIT APARTMENT COMPLEX
 9312 CHAPMAN AVENUE
 GARDEN GROVE, CA 92841

DATE	10-20-09
REVISION	
NO.	
DESCRIPTION	
BY	
CHECKED	
SCALE	1/4"=1'-0"
TITLE	ROOF PLAN
WALL NO.	A-5



ROOF PLAN
 SCALE: 1/4"=1'-0"

ROOF TILE ICBO ER-4680 EAGLELITE - LIGHTWEIGHT, FIRESAFE
 ROOF TILE MMARILU TILES - 5.50 LBS PER SQUARE FOOT -
 GREY/TED COLOR OVER 2 - 30# ASPHALT FELTS W/ 19" LAP &
 COX(USB) APA 237/0, FACE GRAIN PERPENDICULAR TO FRAMING
 1/2" X 3/4" X 8' SIPS ON 2" X 8" JOISTS @ 16" O.C. WITH 2" X 4" BRACKET
 WITH 8# COLUML, BRACKET @ 6" X 6" ALL BUTYWOOD PANEL EDGES
 AND 12" O.C. ALL INTERMEDIATE SUPPORTS

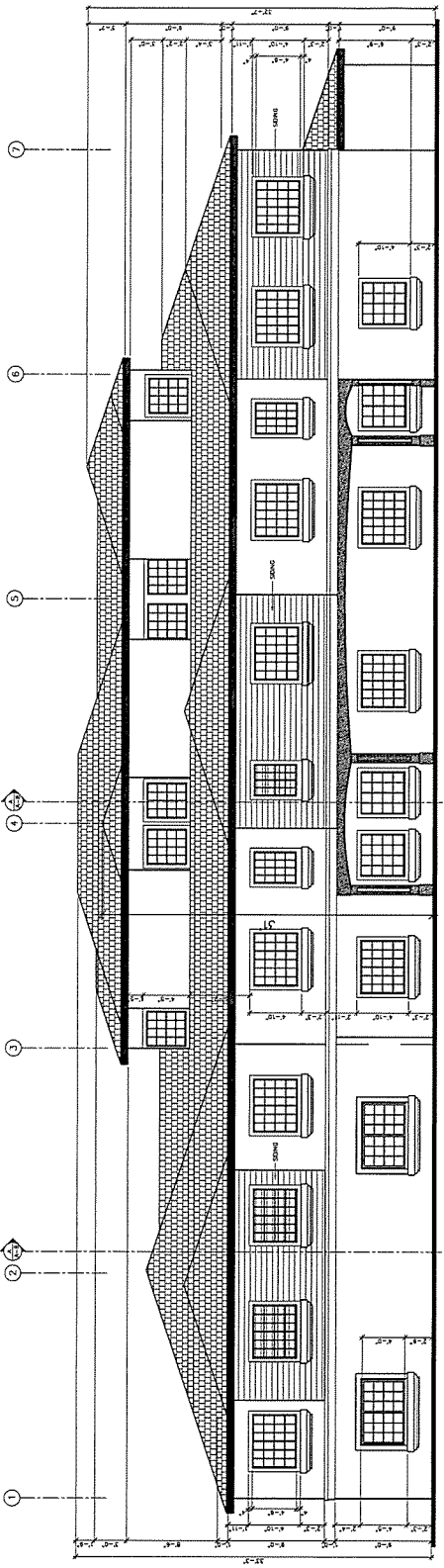
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 CHECKED BY: [unintelligible]
 SCALE: 1/4" = 1'-0"

SIX UNIT APARTMENT COMPLEX
 9312 CHAPMAN AVENUE
 GARDEN GROVE, CA 92841

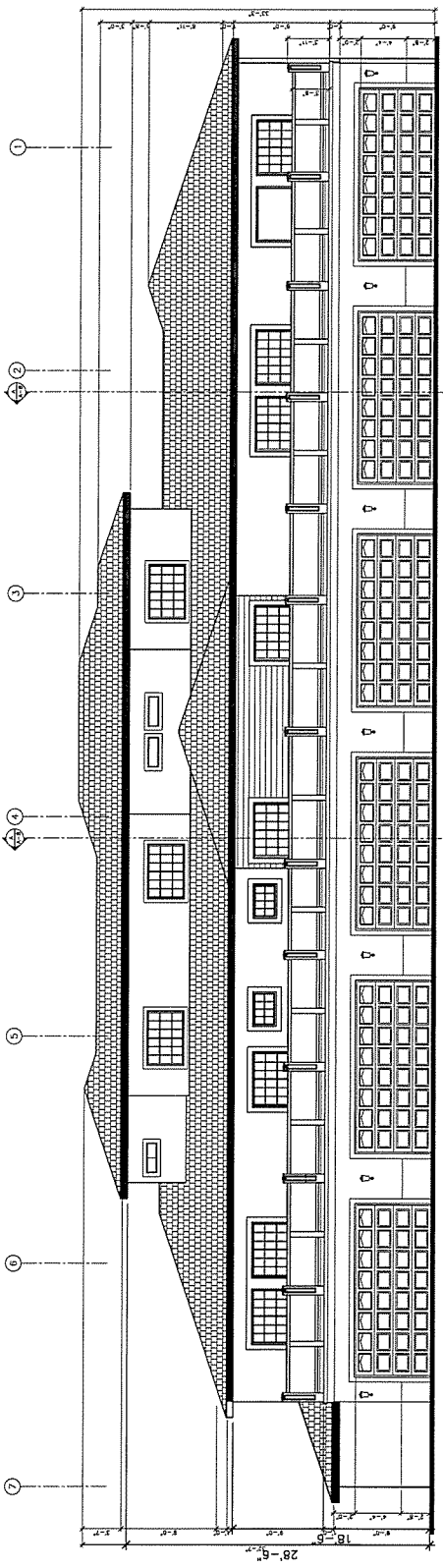
PROJECT DESIGNED BY:
 LISA WILSON
 CONSULTING ENGINEER
 LAMARCA, P.E.
 P.O. BOX 2514
 ORANGE, CALIFORNIA
 TEL: (714) 522-6481

PROJECT DESIGNED BY:
 LISA WILSON
 CONSULTING ENGINEER
 LAMARCA, P.E.
 P.O. BOX 2514
 ORANGE, CALIFORNIA
 TEL: (714) 522-6481

WEST ELEVATION
 SCALE: 1/4" = 1'-0"



EAST ELEVATION
 SCALE: 1/4" = 1'-0"



RESOLUTION NO. 6012-21

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING THAT THE CITY COUNCIL: (I) ADOPT A MITIGATED NEGATIVE DECLARATION AND AN ASSOCIATED MITIGATION MONITORING AND REPORTING PROGRAM FOR THE SIX-UNIT RESIDENTIAL APARTMENT PROJECT (THE "PROJECT") AT 9312 CHAPMAN AVENUE (THE "PROPERTY"); (II) APPROVE GENERAL PLAN AMENDMENT NO. GPA-001-2021 TO AMEND THE CITY OF GARDEN GROVE'S GENERAL PLAN LAND USE MAP TO MODIFY THE GENERAL PLAN LAND USE DESIGNATION OF THE PROPERTY FROM LOW DENSITY RESIDENTIAL (LDR) TO MEDIUM DENSITY RESIDENTIAL (MDR); AND (III) AMEND THE CITY'S OFFICIAL ZONING MAP TO CHANGE THE ZONING OF THE PROPERTY FROM R-1 (SINGLE-FAMILY RESIDENTIAL) TO R-3 (MULTIPLE-FAMILY RESIDENTIAL).

WHEREAS, Julie H. Vu, the applicant and property owner, submitted a request to develop a 20,500 square foot lot with a new multiple-family residential project consisting of a six (6) unit apartment building, along with associated site improvements, on a property located on the south side of Chapman Ave, just east of Loreleen Street, at 9312 Chapman Avenue, Assessor's Parcel No. 133-082-27; and

WHEREAS, the applicant has requested the following approvals to facilitate the proposed development: (i) Amendment to rezone the property from R-1 (Single-Family Residential) to R-3 (Multiple-Family Residential) to facilitate the development of the residential project; (ii) General Plan Amendment to amend the General Plan Land Use Designation of the property from Low Density Residential (LDR) to Medium Density Residential (MDR) to facilitate the development of the residential project; and (iii) Site Plan to construct the six (6) unit apartment building along with associated site improvements (collectively, the "Project").

WHEREAS, proposed General Plan Amendment No. GPA-001-2021 would amend the City of Garden Grove's General Plan Land Use Map to modify the General Plan Land Use Designation of the Property from Low Density Residential (LDR) to Medium Density Residential (MDR); and

WHEREAS, proposed Amendment No. A-030-2021 would amend the City of Garden Grove Zoning Map to rezone the Property from R-1 (Single-Family Residential) to R-3 (Multiple-Family Residential); and

WHEREAS, pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 *et seq.* ("CEQA") and CEQA's implementing guidelines, California Code of Regulations, Title 14, Section 15000 *et seq.*, an initial study was prepared for the proposed Project and it has been determined that the proposed Project qualifies for a Mitigated Negative Declaration as the proposed Project with the proposed mitigation measures cannot, or will not, have a significant effect on the environment; and

WHEREAS, a Mitigation Monitoring and Reporting Program has been prepared and is attached to the Mitigated Negative Declaration listing the mitigation measures to be monitored during Project implementation; and

WHEREAS, the Mitigated Negative Declaration with mitigation measures was prepared and circulated in accordance with CEQA and CEQA's implementing guidelines; and

WHEREAS, concurrent with its adoption of this Resolution, the Planning Commission adopted Resolution No. 6013-21 approving Site Plan No. SP-093-2021, subject to (i) the City Council's approval of a Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Project, Amendment No. A-030-2021, and General Plan Amendment No. GPA-001-2021; and

WHEREAS, at its regular meeting held January 21, 2021, the Planning Commission of the City of Garden Grove held a duly noticed public hearing and considered the report submitted by City staff and all oral and written testimony presented regarding the Project, the initial study, and the proposed Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program.

NOW, THEREFORE, BE IT RESOLVED, FOUND AND DETERMINED as follows:

1. Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et. seq., and the CEQA guidelines, 14 California Code of Regulations Sec. 15000 et. seq., an initial study was prepared and it has been determined that the Project qualifies for a Mitigated Negative Declaration because the Project with the proposed mitigation measures cannot, or will not, have a significant effect on the environment. The Mitigated Negative Declaration with mitigation measures (in the associated Mitigation Monitoring and Reporting Program) was prepared and circulated in accordance with CEQA and CEQA's implementing guidelines.
2. The Planning Commission has considered the proposed Mitigated Negative Declaration together with comments received during the public review process.
3. The Planning Commission finds that the Mitigated Negative Declaration reflects the City's independent judgment and analysis.
4. The Planning Commission finds on the basis of the whole record before it, including the initial study and comments received, that there is no substantial evidence that the Project, with the proposed mitigation measures, will have a significant effect on the environment.
5. The Planning Commission hereby recommends the City Council (i) adopt the Mitigated Negative Declaration and the associated Mitigation Monitoring and

Reporting Program for the Project and (ii) approve Amendment No. A-030-2021 and General Plan Amendment No. GPA-001-2021.

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

FACTS:

The subject site is a 20,500 square foot vacant lot located on the south side of Chapman Avenue, just east of Loreleen Street, at 9312 Chapman Avenue. The site was previously improved with an existing single-family development. In 2016, a demolition permit was obtained by the property owner and all existing improvements were demolished/removed. The site has remained vacant.

The site is currently zoned R-1 (Single-Family Residential) with a current General Plan Land Use Designation of Low Density Residential (LDR). The property abuts R-3 (Multiple-Family Residential) zoned properties to the west and across Chapman Avenue, to the north. The property also abuts PUD-103-73 (Residential Planned Unit Development) zoned properties to the east and south. Surrounding uses include a multi-family apartment building to the west, multi-family developed properties (apartments) across Chapman Avenue to the north, and a multi-family townhome development to the east and south.

The proposed land use entitlements would amend the City's General Plan Land Use Map and Zoning Map to apply a General Plan Land Use Designation of Medium Density Residential and R-3 (Multiple-Family Residential) zoning, to facilitate the development of the six-unit residential apartment project. The resulting density of the proposed project would be approximately 12.75 dwelling units per acre, which is within the density ranges allowed under the R-3 zoning and Low Density Residential General Plan Land Use Designation, respectively. A Site Plan for the project, along with related Conditions of Approval, are being considered concurrently with the General Plan and Zoning Map amendments.

Pursuant to the proposed development plan, the project would consist of six (6) attached multiple-family residential units with attached enclosed two-car garages. Each unit, and their respective garages, are accessible from a single main drive aisle. The width of the drive aisle along the easterly property line (along the garages) is 26'-0". The drive aisle at the rear of property, adjacent to nine (9) uncovered parking stalls, increases to a width of 28'-0". Access to the site will be from Chapman Avenue via a 30'-0" wide enhanced entry driveway approach that will include decorative paving. The project does not include a gated entry. The building elevations incorporate projecting and recessed building masses, balconies, along with varied rooflines in order to articulate the building's facade. The building's architectural detailing includes the use of varied window shapes, multi-pane windows, wood siding, and decorative trim around the windows to enhance the

building. The exterior building materials will consist of multi-toned stucco exteriors with accenting trims around the windows. The roofing material will consist of composite (asphalt) shingles.

Each unit provides a total of four (4) bedrooms. The project provides a two-car enclosed, attached garage for each unit and nine (9) guest parking spaces at the rear of the property.

The project consists of six (6) attached apartment units that range from two (2) to three (3) stories. Units 1, 2, and 6 are two (2) stories. Units 3, 4, and 5 are three (3) stories. Each unit provides four (4) bedrooms and four (4) bathrooms. Each garage will have access from the drive aisle within the development.

The project provides a 1,057 square foot active recreation area in the center of the development conveniently accessible by all units. The active recreation area will provide amenities which include an open turf park area, built-in benches, a communal picnic table with an open trellis patio cover, and a built-in BBQ pit. All units feature private outdoor recreation areas on the 2nd floor balconies above the garages, which range between 206 to 217 square feet in area (10' x 20'). The project proposes a total of 2,315 square feet of active and private recreation area.

The project will provide (minimum) six-foot high decorative concrete block walls around the perimeter of the development – except for within the front 20'-0" setback, where maximum wall height is 3'-0".

Along the perimeter areas of the site landscape treatment will be provided, including along interior communal pedestrian walkways. An enhanced landscape treatment will be provided within the front 20'-0" setback area facing Chapman Avenue. The enhanced landscaping within the front setback will include a variety of trees, shrubs, vines, flowering, and/or other elements, subject to review and approval by the Planning Division. All landscaped areas will be irrigated with an electronically operated irrigation system utilizing water sensors and programmable irrigation cycles. The landscaping and automatic irrigation systems will be in conformance with the City's Landscape Water Efficiency Guidelines.

FINDINGS AND REASONS:General Plan Amendment

1. Proposed General Plan Amendment No. GPA-001-2021 is internally consistent with the goals, policies, and elements of the General Plan.

The proposed General Plan Amendment No. GPA-001-2021 would amend the City of Garden Grove's General Plan Land Use Map to modify the General Plan Land Use Designation of the Property from Low Density Residential (LDR) to Medium Density Residential (MDR), in order to facilitate the development of the residential project and associated site improvements. The Medium Density Residential (MDR) Land Use Designation is intended for the development of multi-family residential neighborhoods and provides for a range of densities up to a maximum of 32.0 dwelling units per acre.

The proposed General Plan amendment will facilitate rezoning of the subject property to R-3 (Multiple-Family Residential), which allows for a range of densities up to maximum of 24 dwelling units per acre, and the development of the proposed 6-unit residential apartment project, which will have a net density of approximately 12.75 dwelling units per acre. The site's proposed multiple-family residential type housing is similar and compatible with the surrounding properties, which have both multi-family and single-family housing. The surrounding properties have a mix of LDR and MDR General Plan Land Use Designations. Accordingly, the Medium Density Residential Land Use designation is appropriate for the site and will ensure that the site is developed and maintained in continuity with surrounding land uses.

Giving the site a Land Use designation of "Medium Density Residential", pursuant to the proposed General Plan Amendment, is consistent with the goals and policies of the General Plan Land Use Element, including Policy LU-2.4, which encourages the City to assure that the type and intensity of land use shall be consistent with that of the immediate neighborhood. The project is also consistent with Goal LU-3, which encourages adding higher density residential development adjacent to major thoroughfares in the City. The site's proposed multiple-family residential type housing is similar and compatible with the surrounding properties, which have both multi-family and single-family housing. Accordingly, the Medium Density Residential Land Use designation is appropriate for the property and will ensure that the site is maintained in continuity with surrounding land uses.

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

The proposed General Plan amendment will facilitate the development of the proposed 6-unit residential apartment project, which will ensure that the

future use and development of the property will be consistent with the use and development permitted on nearby properties within the City of Garden Grove.

3. The parcels covered by the proposed amendment to the General Plan Land Use Map are physically suitable for the requested land use designation(s), compatible with the surrounding land uses, and consistent with the General Plan.

The proposed General Plan Amendment No. GPA-001-2021 would amend the City of Garden Grove's General Plan Land Use Map to modify the General Plan Land Use Designation of the Property from Low Density Residential (LDR) to Medium Density Residential (MDR), in order to facilitate the development of the residential project and associated site improvements. The Medium Density Residential (MDR) Land Use Designation is intended for the development of multi-family residential neighborhoods and allows for a range of densities up to a maximum of 32.0 dwelling units per acre. The proposed project will have a net density of 12.75 dwelling units per acre.

The proposed General Plan amendment will facilitate rezoning of the subject property to R-3 (Multiple-Family Residential) and the development of the proposed 6-unit residential apartment project. The site's proposed multiple-family residential type housing is similar and compatible with the surrounding properties, which have both multi-family and single-family housing. The surrounding properties have a mix of LDR and MDR General Plan Land Use Designations. Accordingly, the Medium Density Residential Land Use designation is appropriate for the site and will ensure that the site is developed and maintained in continuity with surrounding land uses. In addition, the site is a large contiguous site with access to all necessary public infrastructure to adequately serve the proposed residential development.

Finally, the General Plan is robust enough to accommodate the re-designation of property to new land use designations, and application of the Medium Density Residential Land Use designation to the site will not conflict with other provisions or elements of the General Plan.

Amendment (Re-zone):

1. Proposed Amendment No. A-030-2021 is internally consistent with the goals, policies, and elements of the General Plan.

Under the proposed Amendment No. A-030-2021, the City's Zoning Map will be amended to rezone the project site from R-1 (Single-Family Residential) to R-3 (Multiple-Family Residential), to facilitate the development of the proposed 6-unit residential apartment project, and to ensure consistency with the

proposed General Plan Land Use Designation of Medium Density Residential (MDR).

The R-3 (Multiple-Family Residential) zone implements the MDR Land Use Designation and is intended to provide for a variety of types and densities of multiple-family residential dwellings. This zone is intended to promote housing opportunities in close proximity to employment and commercial centers. Pursuant to Garden Grove Municipal Code Subsection 9.12.040.050.A.4, a maximum of 8 dwelling units would be permitted on the 20,500-acre site under the R-3 zoning. The proposed project will contain 6 units, which is less than the maximum allowed.

Rezoning the site from R-1 (Single-Family Residential) to R-3 (Multiple-Family Residential), is consistent with the goals and policies of the General Plan Land Use Element, including Policy LU-2.4, which encourages the City to assure that the type and intensity of land use shall be consistent with that of the immediate neighborhood. The project is also consistent with Goal LU-3, which encourages adding higher density residential development adjacent to major thoroughfares in the City. The site's proposed multiple-family residential type housing is similar and compatible with the surrounding properties, which have both multi-family and single-family housing. Accordingly, the R-3 zoning designation is appropriate for the property and will ensure that the site is maintained in continuity with surrounding land uses.

2. The proposed zone change will ensure a degree of compatibility with surrounding properties and uses.

Under the proposed Amendment No. A-030-2021, the City's Zoning Map will be amended to rezone the project site from R-1 (Single-Family Residential) to R-3 (Multiple-Family Residential), to facilitate the development of the proposed 6-unit residential apartment Project, and to ensure consistency with the proposed General Plan Land Use Designation of Medium Density Residential (MDR).

The proposed General Plan amendment will facilitate the development of the proposed 6-unit residential apartment project. The site's proposed multiple-family residential type housing is similar and compatible with the surrounding properties, which have both multi-family and single-family housing. The surrounding properties have a mix of R-3 (Multiple-Family Residential), R-1 (Single-Family Residential), and Residential Planned Unit Development zoning. Accordingly, the R-3 zoning designation is appropriate for the site and will ensure that the site is compatible with and is developed and maintained in continuity with surrounding land uses.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT AND RESOLUTION NO. 6013-21

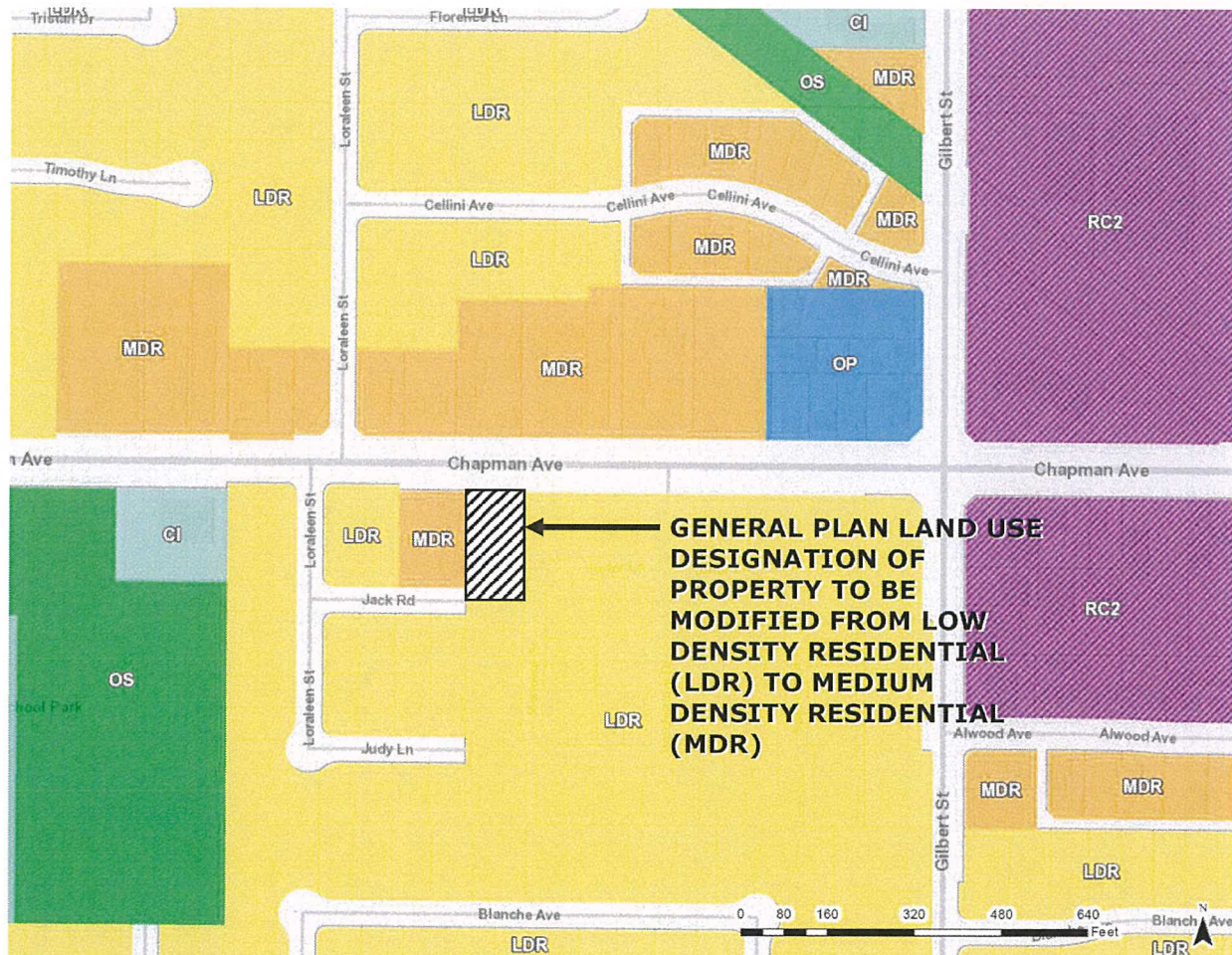
In addition to the foregoing, the Planning Commission incorporates herein by this reference, the facts and findings set forth in the staff report and in Resolution No. 6013-21.

BE IT FURTHER RESOLVED that the Planning Commission does conclude:


1. The General Plan Amendment No. GPA-001-2021 and Amendment No. A-030-2021, possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030.
2. Upon City Council approval of General Plan Amendment No. GPA-001-2021 and Amendment No. A-030-2021, the City of Garden Grove General Plan Land Use Map would be amended to modify the General Plan Land Use Designation of the property from Low Density Residential (LDR) to Medium Density Residential (MDR) and the City's Official Zoning Map would be amended to change the zoning of the property, located at 9312 Chapman Avenue, Assessor's Parcel No. 133-082-27, from R-1 (Single-Family Residential) to R-3 (Multiple-Family Residential), per the attached maps/exhibits, Exhibits "B" and "C", respectively.
3. The overall development and subsequent occupancy and operation of the site shall be subject to those environmental mitigation measures identified in the Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program.




GPA-001-2021
A-030-2021 & SP-093-2021
9312 CHAPMAN AVE
APN: 133-082-27



Proposed General Plan Amendment from LDR to MDR

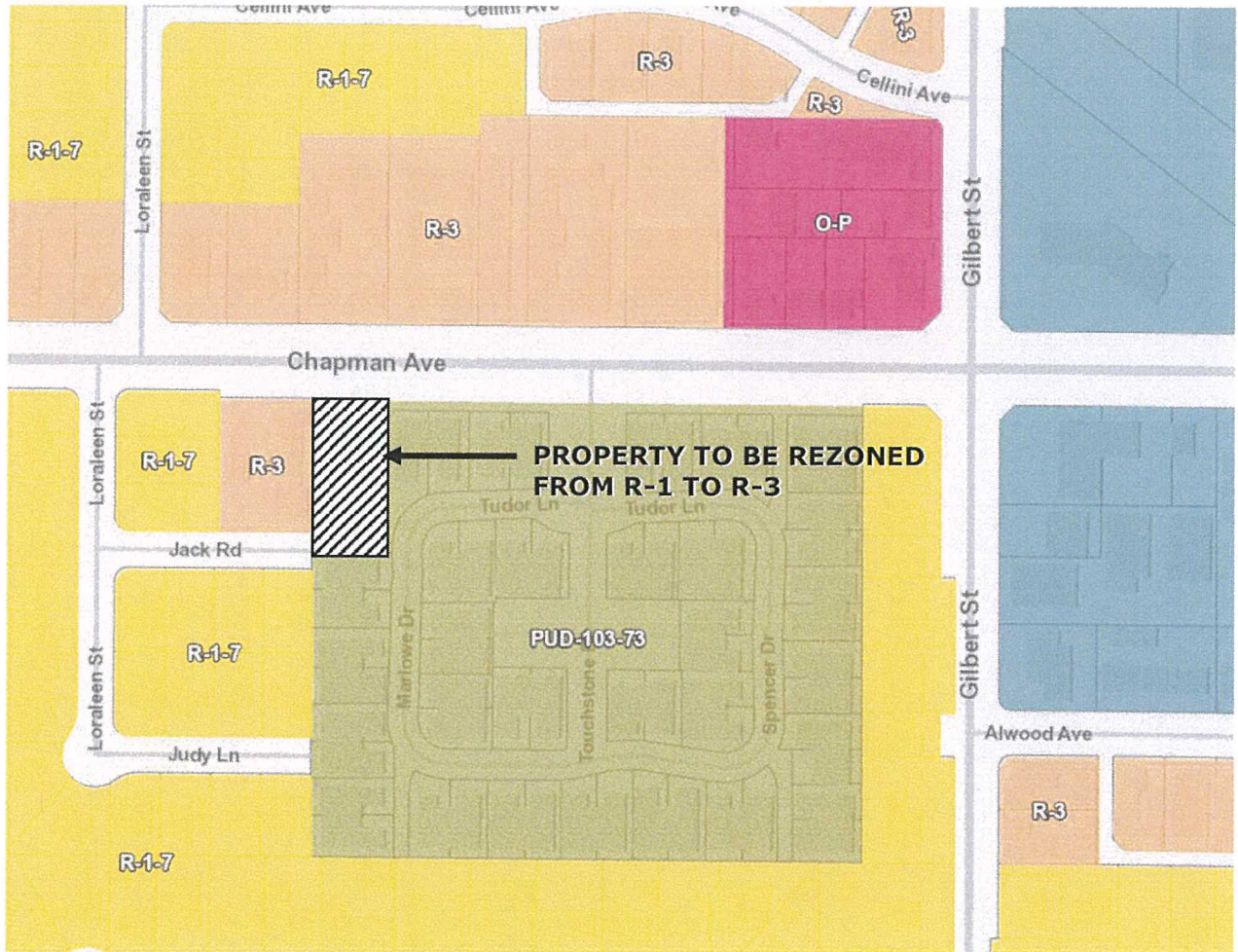
 GENERAL PLAN LAND USE DESIGNATION OF PROPERTY TO BE MODIFIED FROM LOW DENSITY RESIDENTIAL (LDR) TO MEDIUM DENSITY RESIDENTIAL (MDR)


N




GPA-001-2021 A-030-2021 & SP-093-2021

9312 CHAPMAN AVE
APN: 133-082-27



Proposed Rezone from R-1 to R-3

 SITE TO BE REZONED FROM R-1 (SINGLE-FAMILY RESIDENTIAL)
TO R-3 (MULTIPLE-FAMILY RESIDENTIAL)



RESOLUTION NO. 6013-21

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-093-2021 FOR A PROPERTY LOCATED ON THE SOUTH SIDE OF CHAPMAN AVENUE, EAST OF LORALEEN STREET, AT 9312 CHAPMAN AVENUE, ASSESSOR'S PARCEL NO. 133-082-27.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on January 21, 2021, does hereby approve Site Plan No. SP-093-2021, for land located on the south side of Chapman Ave, just east of Loreleen Street, at 9312 Chapman Avenue, Assessor's Parcel No. 133-082-27, subject to (i) the Conditions of Approval attached hereto as "Exhibit A"; and (ii) Garden Grove City Council adoption of a Mitigated Negative Declaration and associated Mitigation Monitoring Program for the Project, adoption and effectiveness of a Resolution approving General Plan Amendment No. GPA-001-2021, and adoption and effectiveness of an Ordinance approving Amendment No. A-030-2021.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-093-2021, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Julie H. Vu, and proposes the development of a 20,500 square foot lot with a new multiple-family residential project consisting of a six (6) unit apartment building, along with associated site improvements, on a property located on the south side of Chapman Avenue, just east of Loreleen Street, at 9312 Chapman Avenue, Assessor's Parcel No. 133-082-27) (the "Property").
2. The applicant has requested the following approvals to facilitate the proposed development: (i) Amendment to rezone the property from R-1 (Single-Family Residential) to R-3 (Multiple-Family Residential) to facilitate the development of the residential project; (ii) General Plan Amendment to amend the General Plan Land Use Designation of the property from Low Density Residential (LDR) to Medium Density Residential (MDR) to facilitate the development of the residential project; and (iii) Site Plan to construct the six (6) unit apartment building along with associated site improvements (collectively, the "Project").
3. Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et. seq., and the CEQA guidelines, 14 California Code of Regulations Sec. 15000 et. seq., an initial study was prepared and it has been determined that the proposed Project qualifies for a Mitigated Negative Declaration because the proposed Project with the proposed mitigation measures cannot, or will not, have a significant effect on the environment. The Mitigated Negative Declaration with mitigation measures was prepared and circulated in accordance with CEQA and CEQA's implementing guidelines.

4. Concurrently with its adoption of this Resolution, the Planning Commission adopted Resolution No. 6012-21 recommending that the City Council (i) adopt the Mitigated Negative Declaration and the associated Mitigation Monitoring and Reporting Program for the Project and (ii) approve General Plan Amendment No. GPA-001-2021 and Amendment No. A-030-2021.
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 January 21, 2021, 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 January 21, 2021, and considered all oral and written testimony presented regarding the Project, the initial study, and the Mitigated Negative Declaration.

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

FACTS:

The subject site is a 20,500 square foot vacant lot located on the south side of Chapman Avenue, just east of Loreleen Street, at 9312 Chapman Avenue. The site was previously improved with an existing single-family development. In 2016, a demolition permit was obtained by the property owner and all existing improvements were demolished/removed. The site has remained vacant.

The site is currently zoned R-1 (Single-Family Residential) with a current General Plan Land Use Designation of Low Density Residential (LDR). The property abuts R-3 (Multiple-Family Residential) zoned properties to the west and across Chapman Avenue, to the north. The property also abuts PUD-103-73 (Residential Planned Unit Development) zoned properties to the east and south. Surrounding uses include a multi-family apartment building to the west, multi-family developed properties (apartments) across Chapman Avenue to the north, and a multi-family townhome development to the east and south.

The proposed land use entitlements would amend the City's General Plan Land Use Map and Zoning Map to apply a General Plan Land Use Designation of Medium Density Residential and R-3 (Multiple-Family Residential) zoning, to facilitate the development of the six-unit residential apartment project. The resulting density of the proposed project would be approximately 12.75 dwelling units per acre, which is

within the density ranges allowed under the R-3 zoning and Low Density Residential General Plan Land Use Designation, respectively. A Site Plan for the project, along with related Conditions of Approval, are being considered concurrently with the General Plan and Zoning Map amendments.

Pursuant to the proposed development plan, the project would consist of six (6) attached multiple-family residential units with attached enclosed two-car garages. Each unit, and their respective garages, are accessible from a single main drive aisle. The width of the drive aisle along the easterly property line (along the garages) is 26'-0". The drive aisle at the rear of property, adjacent to nine (9) uncovered parking stalls, increases to a width of 28'-0". Access to the site will be from Chapman Avenue via a 30'-0" wide enhanced entry driveway approach that will include decorative paving. The project does not include a gated entry. The building elevations incorporate projecting and recessed building masses, balconies, along with varied rooflines in order to articulate the building's facade. The building's architectural detailing includes the use of varied window shapes, multi-pane windows, wood siding, and decorative trim around the windows to enhance the building. The exterior building materials will consist of multi-toned stucco exteriors with accenting trims around the windows. The roofing material will consist of composite (asphalt) shingles.

Each unit provides a total of four (4) bedrooms. The project provides a two-car enclosed, attached garage for each unit and nine (9) guest parking spaces at the rear of the property.

The project consists of six (6) attached apartment units that range from two (2) to three (3) stories. Units 1, 2, and 6 are two (2) stories. Units 3, 4, and 5 are three (3) stories. Each unit provides four (4) bedrooms and four (4) bathrooms. Each garage will have access from the drive aisle within the development.

The project provides a 1,057 square foot active recreation area in the center of the development conveniently accessible by all units. The active recreation area will provide amenities which include an open turf park area, built-in benches, a communal picnic table with an open trellis patio cover, and a built-in BBQ pit. All units feature private outdoor recreation areas on the 2nd floor balconies above the garages, which range between 206 to 217 square feet in area (10' x 20'). The project proposes a total of 2,315 square feet of active and private recreation area.

The project will provide (minimum) six-foot high decorative concrete block walls around the perimeter of the development – except for within the front 20'-0" setback, where maximum wall height is 3'-0".

Along the perimeter areas of the site landscape treatment will be provided, including along interior communal pedestrian walkways. An enhanced landscape treatment will be provided within the front 20'-0" setback area facing Chapman

Avenue. The enhanced landscaping within the front setback will include a variety of trees, shrubs, vines, flowering, and/or other elements, subject to review and approval by the Planning Division. All landscaped areas will be irrigated with an electronically operated irrigation system utilizing water sensors and programmable irrigation cycles. The landscaping and automatic irrigation systems will be in conformance with the City's Landscape Water Efficiency Guidelines.

No affordable replacement housing units are required to be provided pursuant to SB 330.

FINDINGS AND REASONS:

Site Plan:

1. The Site Plan complies with the spirit and intent of the provisions, conditions and requirements of Title 9 and is consistent with the General Plan.

Provided General Plan Amendment No. GPA-001-2021 and Amendment No. A-030-2021 are approved by the City Council, the General Plan Land Use Designation and zoning designation for the Property will be Medium Density Residential and R-3 (Multiple-Family Residential), respectively.

The Medium Density Residential Land Use Designation is intended to create, maintain, and enhance multiple-family residential areas characterized by detached or attached, multi-unit structures, and multiple-family residential neighborhoods that: (i) provide an excellent environment for family life; (ii) preserve residential property values; (iii) provide access to schools, parks, and other community services; and (iv) provide a high-quality architectural design. The proposed project would create a neighborhood of 6 attached multiple-family homes that satisfies each of these objectives and is within the permitted density of up to 32 units per acre for the Medium Density Residential Land Use Designation.

The R-3 (Multiple-Family Residential) zone implements the MDR Land Use Designation and is intended to provide for a variety of types and densities of multiple-family residential dwellings. This zone is intended to promote housing opportunities in close proximity to employment and commercial centers. Pursuant to Garden Grove Municipal Code Subsection 9.12.040.050.A.4, a maximum of 8 dwelling units would be permitted on the 20,500-acre site under the R-3 zoning. The proposed project will contain 6 units, which is less than the maximum allowed. In addition, the building facades, site design, parking, and landscaping are consistent with the development standards of the R-3 zone and the spirit and intent of the requirements of the Municipal Code.

Approval and effectiveness of the proposed Site Plan is contingent upon City Council adoption of an Ordinance approving Amendment No. A-030-2021, and Resolutions approving General Plan Amendment No. GPA-001-2021 and adopting a Mitigated Negative Declaration and an associated Mitigation Monitoring and Reporting Program for the project.

2. The proposed development will 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.

The drive aisles and maneuvering areas are adequate for vehicle access (for standard vehicles, refuse collecting vehicles, and emergency services vehicles). The project includes six (6) total apartment units. Each unit provides a total of four (4) bedrooms. For a multiple-family residential development that is less than 50 units and adjacent to a primary arterial street, such as Chapman Avenue, the Municipal Code requires a minimum of 3.5 parking spaces per dwelling unit. Therefore, the project is required to provide a minimum of 21 parking spaces. The project provides a two-car enclosed, attached garage for each unit and nine (9) guest parking spaces at the rear of the property. Finally, adequate and safe pedestrian access to all areas within the development is provided within the project through a dedicated internal walkway system (sidewalk) that is free of conflict from drive aisles.

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

The existing streets, utilities, and drainage facilities within the area are adequate to accommodate the project. The on-site circulation and parking are sufficient for the proposed development. The Public Works Department has reviewed the plans and all appropriate conditions of approval have been incorporated. The proposed development will provide landscaping and proper grading of the site to provide adequate on-site drainage. All other appropriate conditions of approval and mitigation measures have been included, which will minimize any adverse impacts to surrounding streets.

4. The proposed development will not adversely impact the Public Works Department's ability to perform its required function.

The project has been reviewed by the Public Works Department, which has required various on- and off-site improvements, including sidewalks, driveways, and grading improvements. Issues raised by the project have been addressed in the project design and the conditions of approval.

5. The proposed development is compatible with the physical, functional and visual quality of the neighboring uses and desirable neighborhood characteristics.

The project has been designed for building appearance, building placement, landscaping, and other amenities to attain an attractive environment that is compatible with the surrounding uses. The proposed multiple-family residential type housing is similar and compatible with the surrounding properties, which have both multi-family and single-family housing. Furthermore, the project complies with all requirements of the Municipal Code, including those development standards applicable to the R-3 (Multiple-Family Residential) zone, ensuring that the proposed development is livable and safe.

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

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN THE STAFF REPORT AND RESOLUTION NO. 6012-21

In addition to the foregoing, the Planning Commission incorporates herein by this reference, the facts and findings set forth in the staff report and in Resolution No. 6012-21.

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Site Plan does possess characteristics that would indicate justification of the request in accordance with Municipal Code Sections 9.32.030 (Site Plan).
2. In order to fulfill the purpose and intent of the Municipal Code, and, thereby, promote the health, safety, and general welfare, the following Conditions of Approval, attached as "Exhibit A", shall apply to Site Plan No. SP-093-2021.
3. Approval of this Site Plan shall be subject to the recommended Conditions of Approval, and contingent upon City Council adoption of a Mitigated Negative Declaration and an associated Mitigation Monitoring and Reporting Program for the Project, a resolution approving General Plan Amendment No. GPA-001-2021, and an ordinance approving Amendment No. A-030-2021.

EXHIBIT "A"

Site Plan No. SP-093-2021

9312 Chapman Avenue
Assessor's Parcel No. 133-082-27

CONDITIONS OF APPROVAL

General Conditions

1. The applicant and each owner of the property shall execute, and the applicant shall record against the property a "Notice of Agreement with Conditions of Approval and Discretionary Permit of Approval," as prepared by the City Attorney's Office. Proof of such recordation is required within 30 days of this approval. 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, Julie H. Vu, the developer of the project, the current owner of the Property, Victor P. Nguyen, the future owner(s) and tenants(s) of the Property, and each of their respective successors and assigns. All Conditions of Approval are required to be adhered to for the life of the project, regardless of property ownership. Any changes of the Conditions of Approval require approval by the Planning Commission. All Conditions of Approval herein shall apply to Site Plan No. SP-093-2021.
2. Approval of Site Plan No. SP-093-2021 shall be contingent upon City Council adoption of a Mitigated Negative Declaration and an associated Mitigation Monitoring and Reporting Program for the Project, a resolution approving General Plan Amendment No. GPA-001-2021, and an ordinance approving Amendment No. A-030-2021, and 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.
3. 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.
4. The approved site plan, floor plan, and use of the subject property, as represented by the Applicant, are an integral part of the decision approving this Site Plan. If major modifications are made to the approved floor plan, site plan, or other related changes that result in the intensification of the project or

create impacts that have not been previously addressed, the proper entitlements shall be obtained reflecting such changes.

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

Public Works Engineering Division

6. A 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 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.
7. A separate street permit is required for work performed within the public right-of-way.
8. 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 said fees shall be calculated based on the City's current fee schedule at the time of permit issuance.
9. 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 30' 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.
10. Grading fees shall be calculated based on the current fee schedule at the time of permit issuance.
11. All vehicular access drives to the site shall be provided in locations approved by the City Traffic Engineer.

12. The new drive approach to the site on Chapman Avenue shall be constructed in accordance with Garden Grove Standard B-120 (option #2).
13. All parking stalls shall be 19-feet in depth or minimum 17-foot in depth with 2-foot overhang.
14. Prior to issuance of a grading permit, the applicant shall design overhead street lighting within and 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.
15. 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.
16. 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 street.
17. 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:
 - 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.
 - Incorporates the applicable Routine Source Control BMPs as defined in the DAMP.
 - Incorporates structural and Treatment Control BMPs as defined in the DAMP.
 - Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs.
 - Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs.
 - Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs.

18. Prior to grading or building permit closeout and/or the issuance of a certificate of use or a certificate of occupancy, the applicant shall:
 - 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.
 - Demonstrate that applicant is prepared to implement all non-structural BMPs described in the Project WQMP.
 - Demonstrate that an adequate number of copies of the approved Project WQMP are available on-site.
 - Submit for review and approval by the City an Operations and Maintenance (O&M) Plan for all structural BMPs.
19. The applicant and his 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 bench marks disturbed during construction shall be reset per Orange County Surveyor Standards after construction. Applicant and his contractor shall also re-set the tie monuments where curb or curb ramps are removed and replaced or new ramps are installed. The Applicant and his contractor shall be liable for, at his expense, any resurvey required due to his negligence in protecting existing ties, monuments, benchmarks or any such horizontal and vertical controls.
20. The applicant shall identify a temporary parking site(s) for construction crew and construction trailers office staff prior to issuance of a grading permit. No construction parking is allowed on local streets.
21. Prior to issuance of a grading permit, the applicant 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.
22. 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.
23. Any required lane closures should occur outside of peak travel periods.

24. Construction vehicles should be parked off traveled roadways in a designated parking.
25. 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:
 - 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.
26. All trash container areas shall meet the following requirements per City of Garden Grove Standard B-502 and State mandated commercial organic recycling law-AB 1826, including any other applicable State recycling laws related to refuse, recyclables, and/or organics:
 - Paved with an impervious surface, designed not to allow run-on from adjoining areas, designed to divert drainage from adjoining roofs and pavements diverted around the area, screened or walled to prevent off-site transport of trash.
 - Provide solid roof or awning to prevent direct precipitation.
 - Connection of trash area drains to the municipal storm drain system is prohibited.
 - Potential conflicts with fire code and garbage hauling activities should be considered in implementing this source control.
 - See CASQA Storm Water Handbook Section 3.2.9 and BMP Fact Sheet SD-32 for additional information.
 - The trash shall be located to allow pick-up and maneuvering, including turnarounds, in the area of enclosures.
 - Pursuant to state mandated commercial organic recycling law-AB 1826, the applicant is required to coordinate storage and removal of the organics waste with local recycling/trash company.
 - Pursuant to applicable state mandated laws, the applicant is required to contact and coordinate with the operations manager of the local recycling/trash company (Republic Services, 800-700-8610) to ensure the trash enclosure includes the appropriate size and number of containers for

the disposal of items such as, but may not limited to, municipal solid waste (MSW), recyclables, and organic green waste.

- Based on the amount of waste disposed, per week, the applicant shall coordinate with the local recycling/trash company to ensure the adequate frequency of trash pick-up is serviced to the site for municipal solid waste (MSW), recyclables, and organic green waste, including any other type of waste.
 - The applicant shall ensure large bulk items, intended for coordinated and scheduled pick-up by the local recycling/trash company, are not placed in areas that encroach into drive aisles, parking spaces, pedestrian pathways, or areas in the front of the property including areas public right-of-way (e.g., street, sidewalk), during and after construction. Any large bulk items shall be out of public vantage points.
27. The applicant shall remove the existing substandard driveway approach, curb, sidewalk, pavement sections and landscaping along Chapman Avenue 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 Planning Division.

Chapman Avenue

- a. Remove the existing substandard driveways on Chapman Avenue and construct new curb, gutter and sidewalk.
- b. The new driveway approaches to the site on Chapman Avenue shall be constructed in accordance with City of Garden Grove Standard Plan B-120 (option #2).
- c. Construct 8-inch curb and gutter replacing the existing driveway approaches along the property frontage at 38' from centerline in accordance with City Standard Plan B-113 (Type C-8).
- d. The applicant shall coordinate with planning and street division before placing any type of tree within public right of way and proposed landscape area.
- e. Applicant shall coordinate the location of all new water meters, backflow preventers and backflow devices to be placed in sidewalk/landscape area on Chapman Avenue with Planning Division and Water Division.
- f. Any proposed new landscaping in public right of way shall be approved by Planning Division and maintained by the applicant.

- g. Remove and replace the pavement of the street from the centerline of Chapman Avenue to the edge of the gutter along the property frontage per City Standard Plan B-102 and the direction of the City Engineer.

Public Work's Water Services Division

28. New water service installations 2" and smaller, shall be installed by the City of Garden Grove at applicant's expense. Installation shall be scheduled upon payment of applicable fees, unless otherwise noted. Fire services and larger water services 3" and larger, shall be installed by applicant per City Standards.
29. Water meters shall be located within the City right-of-way. Fire services and large water services 3" and larger, shall be installed by contractor with Class A or C-34 license, per City water standards and inspected by approved Public Works inspection.
30. A Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed for meter protection if a large meter serving all six units is proposed. The landscape system shall also have RPPD device. Installation shall be per City Standards and shall be tested by a certified backflow device tester immediately after installation. Cross connection inspector shall be notified for inspection after the installation is completed. Applicant shall have RPPD device tested once a year thereafter by a certified backflow device tester and the test results to be submitted to Public Works, Water Services Division. Applicant must open a water account upon installation of RPPD device.
31. 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 Orange County Health Department inspector after permits have been obtained.
32. A composite utility site plan shall be part of the water plan approval.
33. Any new or existing water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.
34. City shall determine if existing water services(s) is/are usable and meets current City Standards. Any existing meter and service located within new driveway(s) shall be relocated at applicant's expense.
35. If required, fire service and any private fire hydrant service shall have above-ground backflow device with a double-check valve assembly. Device shall be tested immediately after installation and once a year thereafter by a certified backflow device tester and the results to be submitted to Public Works, Water Services Division. Device shall be on private property and is the

responsibility of the applicant. The above-ground assembly shall be screened from public view as required by the Planning Division.

36. Water meters and boxes shall be installed by City forces upon payment of applicable fees and after new water system (including water services) pass all bacteriological and pressure tests.
37. Location and number of fire hydrants shall be as required by Water Services Division and the Orange County Fire Authority.
38. Applicant shall abandon any existing unused sewer lateral(s) at street right-of-way on the applicant'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.
39. Applicant shall install new private sewer main with laterals and clean outs at right-of-way line. Private main to connect to existing 24" City owned sewer main in Chapman Ave. The private sewer main connection in public right-of-way shall be 6" minimum diameter, extra strength VCP with wedgelock joints and inspected by GGSD. All on site sewer and appurtenances to be installed per the California Plumbing Code and inspected by the Building and Safety Division.
40. All perpendicular crossings of the sewer, including laterals, shall maintain a vertical separation of min. 12" below the water main, outer diameter to outer diameter. All exceptions to the above require a variance from the State Water Resources Control Board.

Planning Services Division

41. The applicant shall submit a complete landscape plan governing the entire development. The plans shall be consistent with the plans submitted to the Planning Commission for review and approval, except as modified herein. The landscape irrigation plans shall include type, size, location and quantity of all plant material. The landscape plan shall include irrigation plans and staking and planting specifications. All landscape irrigation shall comply with the City's Landscape Ordinance and associated Water Efficiency Guidelines. The landscape plan is also subject to the following:
 - a. A complete, permanent, automatic remote control irrigation system shall be provided for all common area landscaping shown on the plan. The sprinklers shall be of low flow/precipitation sprinkler heads for water conservation.
 - b. The plan 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, Boston Ivy or other acceptable vines, shall be used.

- c. The applicant shall be responsible for installing and maintaining the common area landscaping until such time as the project nears complete sell-out and the Homeowner's Association takes over maintenance responsibility.
 - d. Trees planted within ten feet (10') 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. The number of street trees to be planted along the Chapman Avenue frontage shall be incorporated into the front landscape setback, no street trees will be planted in the sidewalk. The street right-of-way plans may be modified to have the sidewalk adjacent to the curb, meeting City Standards, in order to minimize tree overhanging in the street.
 - e. The landscape treatment along the street frontages, including the area designated as public right-of-way, shall incorporate the landscape area between the sidewalk and the development wall with ground cover, shrubs and bushes, and trees that highlight the project's entrance as well as enhance the exterior appearance along Chapman Avenue. The plant material for the entrances shall be the type to inhibit graffiti such as vines and dense growing shrubs and bushes, and shall be maintained.
 - f. All landscape areas, in common areas are the responsibility of the applicant.
 - g. Final design and configuration of the enhanced landscaping along the Chapman Avenue frontage shall be reviewed and approved by the Planning Division as part of the required landscape plans.
42. All construction and grading shall be performed in compliance with the City's Noise Ordinance, Chapter 8.47 of the Garden Grove Municipal Code. Pursuant to the City's Noise Ordinance, no construction or grading shall take place before 7:00 a.m. or after 10:00 p.m. (of the same day).
43. The applicant shall comply with all applicable provisions of the Community and Economic Development Department including, but not limited to, the following:
- a. The facades of the units shall be designed with sound attenuation features including the use of dual pane windows and limiting, when possible, the use of windows and vents. These features shall be approved by the Community

- and Economic Development Department prior to the issuance of building permits.
- b. Prior to the finalization of working drawings for Planning Division, Engineering Division, and Building and Safety Division Plan Check, the applicant shall submit to the Community and Economic Development Department detailed and dimensioned plot plans, floor plans, exterior elevations, and landscape plans. The plans shall indicate cross-sections of all streets within the development, landscape materials, wall materials, and building materials proposed for the project. Each unit shall have phone jacks and cable-TV outlets in all rooms, except the laundry area, hallways, and bathrooms. Mechanical equipment, including air conditioning units, Jacuzzi spa equipment, sump pump, etc., shall not be located closer than 5-feet of any side or rear property line and shall not be located in the front landscape setback. Air conditioning units may be placed adjacent to or in front of the dwelling units provided the location does not obstruct, impede, or hinder any vehicle traffic or pedestrian access to any unit.
44. Any new or required block walls and/or retaining wall(s) shall be shown on the grading plans. Block walls shall be developed to City Standards or designed by a Registered Engineer and shall be measured from on-site finished grade. The applicant shall provide the following:
- a. Decorative masonry walls are required along the south, west, and east property lines and shall be constructed to a minimum height of 6'-0" (not to exceed 7'-0"), as measured from highest point of finished grade. These walls shall use decorative masonry or stucco block with decorative caps, subject to the Community and Economic Development Department's approval.
 - b. The applicant shall make good faith efforts to work with the existing property owners along the project perimeter in designing and constructing the required perimeter block walls. The purposes of this requirement is to avoid having double walls and minimize any impact that it might cause to the existing landscaping on the neighbor's side as much as possible. The perimeter block wall shall be constructed and situated entirely within the subject property. In the event that the applicant cannot obtain approval from the other property owners, the applicant shall construct the new wall with a decorative cap to be placed between the new and existing walls. In the event the location of a new wall adjacent to an existing wall or fence has the potential to affect the landscape planter, then the applicant shall work with City Staff to address this situation. The Community and Economic Development Director shall be authorized to approve minor alterations the size and/or location of the landscape planter to accommodate the placement of such wall.

45. Construction activities shall adhere to SCAQMD Rule 403 (Fugitive Dust) that includes dust minimization measures, the use of electricity from power poles rather than diesel or gasoline powered generators, and the use methanol, natural gas, propane or butane vehicles instead of gasoline or diesel powered equipment, where feasible. Also, the use of solar or low-emission water heaters, and use of low-sodium parking lot lights, and to ensure compliance with Title 24.
46. The common recreation area improvements shall be reviewed and approved by the Community and Economic Development Department, Planning Division prior to issuance of building permits. The improvements within the active recreation area shall include, at minimum, an open turf park area, built-in benches, a communal picnic table with an open trellis patio cover, a built-in BBQ pit, a hedge screen and landscaping around the area, and related equipment and improvements.
47. 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 Building and Safety Division Plan Check. The project shall also be subject to the following:
 - a. All on-site and off-site utilities (off-site refers to the areas within public right-of-way to the center line of the streets adjacent to the subject property) within the perimeter of the site and to the centerline of the adjacent streets shall be installed or relocated underground.
 - b. Above-ground utility equipment (e.g., electrical, gas, telephone, cable TV) shall not be located in the street setbacks or any parking areas, and shall be screened to the satisfaction of the Community and Economic Development Department.
 - c. 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. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
48. All ground- or wall-mounted mechanical equipment shall be screened from view from any place on or off the site.
49. Building color and material samples shall be submitted to the Planning Division for review and approval prior to issuance of building permits. The buildings shall include multi-toned stuccoed exteriors, window and door trim, decorative paneled front doors, multi-paned windows, window boxes, shutters, paneled

roll-up garage doors, decorative entry, and varied roof lines with tile roofing material. All side and rear elevations that face a street or a common usable open space area shall maintain the same, or enhanced, level of detail as the fronts of the homes.

50. The driveway entrance off Chapman Avenue, located along the northerly property line, shall have enhanced concrete treatment subject to the Community and Economic Development Department's approval.
51. All recreation areas, landscaping along the interior project street and entryway, any landscaping within the public right-of-ways fronting along the project site, shall be maintained for the life of the project by the applicant.
52. A decorative mailbox shall be provided that includes elements that are complimentary to the architectural style of the buildings. Final design of the mailboxes shall be reviewed and approved by the Planning Division prior to the issuance of building permits
53. All on-site lighting shall be decorative. Final design of the street lighting shall be reviewed and approved by the Planning Division prior to the issuance of building permits.
54. All lighting structures shall be placed so as to confine direct rays to the subject property. All exterior lights shall be reviewed and approved by the Planning Division. Lighting adjacent to residential properties shall be restricted to low decorative type wall-mounted lights, or a ground lighting system. Lighting shall be provided throughout all private drive aisles and entrances to the development per City standards for street lighting. Lighting in the common areas shall be directed, positioned, or shielded in such manner so as not to unreasonably illuminate the window area of nearby residences.
55. The applicant shall implement the Mitigation Monitoring and Reporting Program as identified in the adopted Mitigated Negative Declaration, and shall provide updates about the implementation process to the City of Garden Grove, Community and Economic Development Department until completion of the project.
56. 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 General Plan Amendment No. GPA-001-2021, Amendment No. A-030-2021, and Site Plan No. SP-093-2021 (collectively, the "Project entitlements"), and/or the adopted Mitigated Negative Declaration and the

associated Mitigation Monitoring and Reporting Program for the Project. 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 defend the City with legal counsel mutually selected by the applicant and the office of the City Attorney and shall further pay any adverse financial award, which may issue against the City, including, but not limited to, any award of attorney fees to a party challenging such project approval.

57. 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. To the extent applicable, the applicant is hereby notified that the 90-day protest period, commencing from the effective date of approval of Site Plan No. SP-093-2021, has begun.

INITIAL STUDY & MITIGATED NEGATIVE DECLARATION

SIX-UNIT APARTMENT COMPLEX 9312 CHAPMAN AVENUE GARDEN GROVE, CALIFORNIA



LEAD AGENCY:

**CITY OF GARDEN GROVE
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING SERVICES DIVISION
11222 ACACIA PARKWAY
GARDEN GROVE, CALIFORNIA 92840**

REPORT PREPARED BY:

**BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING
2211 HACIENDA BOULEVARD, SUITE 107
HACIENDA HEIGHTS, CA 91745**

OCTOBER 16, 2020

GGRO 015

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MITIGATED NEGATIVE DECLARATION

Title of Project: Six-Unit Apartment (9312 Chapman Avenue).

Brief Description of Project: The proposed project is a request by the Applicant to subdivide a 0.47-acre (20,500 square-feet) vacant lot to accommodate six new dwelling units within a three-story building. These six new dwelling units will have a total building area of 12,767 square feet and a total living area of 10,119 square feet. In addition, a total of 2,315 square feet of recreational space will be provided. Lastly, a total of 21 parking spaces will be included. Access to the project site will be provided by a new 30-foot wide driveway located along the south side of Chapman Avenue. The discretionary approvals that are being requested by the project Applicant include a General Plan Amendment (GPA), Zone Change (ZC), Site Plan, and the adoption of a Mitigated Negative Declaration (MND) and associated Mitigation Monitoring and Reporting Program (MMRP).

Project Location (see also attached map): The project site is located in the north portion of the City of Garden Grove. The proposed project site is located on the south side of Chapman Avenue. The project site's legal address is 9312 Chapman Avenue. The corresponding Assessor's Parcel Number is 133-082-27.

Name of the Project Proponent: The project Applicants are Victor Phu Nguyen and Julie Hoang Vu, 11165 Wasco Road, Garden Grove, CA 92841.

Cortese List: The project does does not involve a site located on the Cortese List, also known as the California Department of Toxic Substances Control's Hazardous Waste and Substances Site List.

Project Impacts: The Initial Study/MND found that the environmental effects from the project would be less than significant with the incorporation of mitigation measures.

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PROJECT LOCATION MAP
SOURCE: QUANTUM GIS AND GOOGLE MAPS

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ENVIRONMENTAL CHECKLIST FORM

1. PROJECT TITLE: Six-Unit Subdivision (9312 Chapman Avenue).

2. LEAD AGENCY:

City of Garden Grove
11222 Acacia Parkway
P.O. Box 3070
Garden Grove, California 92840

3. CONTACT PERSON:

Chris Chung, Urban Planner
Planning Services Division
City of Garden Grove
(714) 741-5312

4. PROJECT LOCATION:

The project site is located in the north portion of the City of Garden Grove. The project site is a 0.47-acre vacant lot that is rectangular in shape and relatively flat. The project site had been formerly occupied by a 1,100 square foot single family dwelling unit from 1950 to 2016. The single-family dwelling unit was razed in late 2016 and the site has been vacant and undeveloped ever since. The project site is located on the south side of Chapman Avenue. The project site's legal address is 9312 Chapman Avenue. The corresponding Assessor's Parcel Number is 133-082-27.

5. PROJECT SPONSOR:

The project Applicants are Victor Phu Nguyen and Julie Hoang Vu, 11165 Wasco Road, Garden Grove, CA 92841.

6. ENVIRONMENTAL SETTING:

The project site is located along the south side of Chapman Avenue, which is a major arterial roadway. Access to the project site is provided by two driveways located along the south side of Chapman Avenue. The project site is bound on the west, south, and east by residential uses. In addition, residential units occupy frontage along the north side of Chapman Avenue.

7. GENERAL PLAN DESIGNATION:

The project site is designated as LDR (Low Density Residential) and will require a General Plan Amendment (GPA) to change the site's land use designation to MDR (Medium Density Residential).

8. ZONING:

The project site is zoned R-1 (*Single-Family Residential*) and will require a Zone Change to change the site’s zoning to R-3 (*Multiple-Family Residential*).

9. DESCRIPTION OF PROJECT:

The proposed project is a request by the Applicant to improve a 0.47-acre (20,500 square feet) vacant lot to accommodate six new dwelling units within a three-story building. These six new dwelling units will have a total building area of 12,767 square feet and a total living area of 10,119 square feet. In addition, a total of 2,315 square feet of recreational space will be provided. Lastly, a total of 21 parking spaces, one of which will be compliant with the Americans with Disabilities Act (ADA), will be included. Access to the project site will be provided by a new 30-foot wide driveway located along the south side of Chapman Avenue.

10. OTHER AGENCIES WHOSE APPROVAL (AND PERMITS) ARE REQUIRED:

The project would require various ministerial approvals such as building permits, grading permits, occupancy permits, and an encroachment permit to connect to the City’s water and sewer lines within the public right-of-way along Chapman Avenue. The project would also be required to submit a Notice of Intent to comply with the General Construction Activity NPDES Permit to the State Water Resources Control Board.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below could be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” or “Potentially Significant Unless Mitigated,” as indicated by the checklist provided herein in Section 1.3 of the attached Initial Study.

<input type="checkbox"/>	Aesthetics	<input type="checkbox"/>	Greenhouse Gas Emissions	<input type="checkbox"/>	Public Services
<input type="checkbox"/>	Agriculture & Forestry Resources	<input type="checkbox"/>	Hazards & Hazardous Materials	<input type="checkbox"/>	Recreation
<input type="checkbox"/>	Air Quality	<input type="checkbox"/>	Hydrology & Water Quality	<input type="checkbox"/>	Transportation
<input type="checkbox"/>	Biological Resources	<input type="checkbox"/>	Land Use & Planning	✓	Tribal Cultural Resources
✓	Cultural Resources	<input type="checkbox"/>	Mineral Resources	<input type="checkbox"/>	Utilities & Service Systems
<input type="checkbox"/>	Energy	✓	Noise	<input type="checkbox"/>	Wildfire
<input type="checkbox"/>	Geology & Soils	<input type="checkbox"/>	Population & Housing	<input type="checkbox"/>	Mandatory Findings of Significance

DETERMINATION

<input type="checkbox"/>	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
<input checked="" type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
<input type="checkbox"/>	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
<input type="checkbox"/>	I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
<input type="checkbox"/>	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: _____

Date: _____

Printed Name _____

For: City of Garden Grove

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency has cited in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take into account the whole of the action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. Negative Declaration: “Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less than Significant Impact.” The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analysis,” as described in (5) below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration [CEQA Guidelines Section 15063(c)(3)(D)]. In this case, a brief discussion should identify the following:
 - a) *Earlier Analysis Used.* Identify and state where they are available for review.
 - b) *Impacts Adequately Addressed.* Identify which effects from the above checklist were within the scope of, and adequately analyzed in, an earlier document pursuant to applicable legal standards, and state whether such efforts were addressed by mitigation measures based on the earlier analysis.
 - c) *Mitigation Measures.* For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigating measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whichever format is elected.
9. The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and,
 - b) The mitigation measure identified, if any, to reduce the impact to less than significant.

The potential impacts are summarized in Table 1-1 (Initial Study Checklist) and Section 3 of the attached Initial Study.



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SECTION 1 INTRODUCTION

1.1 PURPOSE OF THE INITIAL STUDY

The proposed project is a request by the Applicant to improve a 0.47-acre (20,500 square feet) vacant lot to accommodate six new dwelling units within a three-story building. These six new dwelling units will have a total building area of 12,767 square feet and a total living area of 10,119 square feet. In addition, a total of 2,315 square feet of recreational space will be provided. Lastly, a total of 21 parking spaces, one of which will be ADA accessible, will be included. Access to the project site will be provided by a new 30-foot wide driveway located along the south side of Chapman Avenue. The proposed project is described further herein in Section 2.

The proposed use is considered to be a project under the California Environmental Quality Act (CEQA).¹ The City of Garden Grove is the designated *Lead Agency* for the proposed project and the City will be responsible for the project's environmental review. Section 21067 of CEQA defines a Lead Agency as the public agency that has the principal responsibility for carrying out or approving a project that may have a significant effect on the environment.² The project Applicants are Victor Phu Nguyen and Julie Hoang Vu, 11165 Wasco Road, Garden Grove, CA 92841.

As part of the proposed project's environmental review, the City of Garden Grove authorized the preparation of this Initial Study.³ The primary purpose of CEQA is to ensure that decision-makers and the public understand the environmental impacts of a specific action or project. The purpose of this Initial Study is to ascertain whether the proposed project will have the potential for significant adverse impacts on the environment. Pursuant to the CEQA Guidelines, additional purposes of this Initial Study include the following:

- To provide the City of Garden Grove with information to use as the basis for deciding whether to prepare an environmental impact report (EIR), mitigated negative declaration, or negative declaration for a project;
- To facilitate the project's environmental assessment early in the design and development of the proposed project;
- To eliminate unnecessary EIRs; and,
- To determine the nature and extent of any impacts associated with the proposed project.

Although this Initial Study was prepared with consultant support, the analysis, conclusions, and findings made as part of its preparation fully represent the independent judgment and position of the City of Garden Grove, in its capacity as the Lead Agency. The City also determined, as part of this Initial Study's preparation, that a Mitigated Negative Declaration is the appropriate environmental document for the

¹ California, State of. *Title 14. California Code of Regulations. Chapter 3. Guidelines for the Implementation of the California Environmental Quality Act (CEQA Guidelines)*. § 15060 (b).

² California, State of. *California Public Resources Code. Division 13, Chapter 2.5. Definitions*. § 21067.

³ *Ibid.* (CEQA Guidelines) § 15050.

project's environmental review pursuant to CEQA. This Initial Study and the *Notice of Intent to Adopt a Mitigated Negative Declaration* will be forwarded to responsible agencies, trustee agencies, and the public for review and comment. In compliance with California Public Resources Code section 21091, a 20-day public review period will be provided to allow these agencies and other interested parties to comment on the proposed project and the findings of this Initial Study.⁴

1.2 INITIAL STUDY'S ORGANIZATION

The following annotated outline summarizes the contents of this Initial Study:

- *Section 1 Introduction*, provides the procedural context surrounding this Initial Study's preparation and insight into its composition. This section also includes a checklist that summarizes the findings of this Initial Study.
- *Section 2 Project Description*, provides an overview of the existing environment as it relates to the project site and describes the proposed project's physical and operational characteristics.
- *Section 3 Environmental Analysis*, includes an analysis of potential impacts associated with the proposed project's construction and the subsequent occupancy.
- *Section 4 Findings*, indicates the conclusions of the environmental analysis and the Mandatory Findings of Significance. In addition, this section included the Mitigation Monitoring and Reporting Program (MMRP).
- *Section 5 References*, identifies the sources used in the preparation of this Initial Study.

1.3 INITIAL STUDY CHECKLIST

The environmental analysis provided in Section 3 of this Initial Study indicates that the proposed project will not result in any unmitigable, significant impacts on the environment. For this reason, the City of Garden Grove determined that a Mitigated Negative Declaration is the appropriate CEQA document for the proposed project. The findings of this Initial Study are summarized in Table 1-1 provided on the following pages.



⁴ California, State of. *California Public Resources Code. Division 13, Chapter 2.5. Definitions. Chapter 2.6, Section 2109(b).* 2000.

**Table 1-1
 Initial Study Checklist**

Description of Issue	Potentially Significant Impact	Less than Significant Impact with Mitigation	Less than Significant Impact	No Impact
SECTION 3.1 AESTHETICS <i>Except as provided in Public Resources Code Section 21099, would the project:</i>				
3.1.A. <i>Have a substantial adverse effect on a scenic vista?</i>				X
3.1.B. <i>Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?</i>				X
3.1.C. <i>In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publically accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?</i>			X	
3.1.D. <i>Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?</i>			X	
SECTION 3.2 AGRICULTURE AND FORESTRY RESOURCES <i>Would the project:</i>				
3.2.A. <i>Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</i>				X
3.2.B. <i>Conflict with existing zoning for agricultural use, or a Williamson Act Contract?</i>				X
3.2.C. <i>Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined in Public Resources Code §4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?</i>				X
3.2.D. <i>Result in the loss of forest land or conversion of forest land to a non-forest use?</i>				X
3.2.E. <i>Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?</i>				X
SECTION 3.3 AIR QUALITY <i>Would the project:</i>				
3.3.A. <i>Conflict with or obstruct implementation of the applicable air quality plan?</i>			X	

**Table 1-1
 Initial Study Checklist**

Description of Issue	Potentially Significant Impact	Less than Significant Impact with Mitigation	Less than Significant Impact	No Impact
3.3.B. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			X	
3.3.C. Expose sensitive receptors to substantial pollutant concentrations?			X	
3.3.D. Result in other emissions (such as those leading to odors adversely affecting a substantial number of people			X	
SECTION 3.4 BIOLOGICAL RESOURCES Would the project:				
3.4.A. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				X
3.4.B. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
3.4.C. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
3.4.D. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
3.4.E. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
3.4.F. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X
SECTION 3.5 CULTURAL RESOURCES Would the project:				
3.5.A. Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?				X
3.5.B. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?		X		

**Table 1-1
Initial Study Checklist**

Description of Issue	Potentially Significant Impact	Less than Significant Impact with Mitigation	Less than Significant Impact	No Impact
<i>3.5.C. Disturb any human remains, including those interred outside of dedicated cemeteries?</i>			X	
SECTION 3.6 ENERGY <i>Would the project:</i>				
<i>3.6.A. Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?</i>			X	
<i>3.6.B. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?</i>			X	
SECTION 3.7 GEOLOGY AND SOILS <i>Would the project:</i>				
<i>3.7.A. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. Strong seismic ground-shaking? Seismic-related ground failure, including liquefaction? Landslides?</i>			X	
<i>3.7.B. Result in substantial soil erosion or the loss of topsoil?</i>			X	
<i>3.7.C. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?</i>			X	
<i>3.7.D. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?</i>			X	
<i>3.7.E. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?</i>				X
<i>3.7.F. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</i>			X	
SECTION 3.8 GREENHOUSE GAS EMISSIONS <i>Would the project:</i>				
<i>3.8.A. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?</i>			X	
<i>3.8.B. Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gases?</i>			X	

**Table 1-1
 Initial Study Checklist**

Description of Issue	Potentially Significant Impact	Less than Significant Impact with Mitigation	Less than Significant Impact	No Impact
SECTION 3.9 HAZARDS AND HAZARDOUS MATERIALS <i>Would the project:</i>				
3.9.A. <i>Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</i>			X	
3.9.B. <i>Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?</i>			X	
3.9.C. <i>Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</i>			X	
3.9.D. <i>Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?</i>				X
3.9.E. <i>For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?</i>				X
3.9.F. <i>Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</i>				X
3.9.G. <i>Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wild land fire?</i>				X
SECTION 3.10 HYDROLOGY AND WATER QUALITY <i>Would the project:</i>				
3.10.A. <i>Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?</i>			X	
3.10.B. <i>Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?</i>			X	

**Table 1-1
 Initial Study Checklist**

Description of Issue	Potentially Significant Impact	Less than Significant Impact with Mitigation	Less than Significant Impact	No Impact
<p>3.10.C. Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner, which would: result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or, impede or redirect flood flows?</p>			X	
<p>3.10.D. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?</p>			X	
<p>3.10.E. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?</p>				X
<p>SECTION 3.11 LAND USE AND PLANNING Would the project:</p>				
<p>3.11.A. Physically divide an established community?</p>				X
<p>3.11.B. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?</p>			X	
<p>SECTION 3.12 MINERAL RESOURCES Would the project:</p>				
<p>3.12.A. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?</p>				X
<p>3.12.B. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?</p>				X
<p>SECTION 3.13 NOISE Would the project:</p>				
<p>3.13.A. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?</p>		X		
<p>3.13.B. Generation of excessive ground-borne vibration or ground-borne noise levels ?</p>			X	
<p>3.13.C. For a project located within the vicinity of a private airstrip or- an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?</p>				X

Table 1-1
Initial Study Checklist

Description of Issue	Potentially Significant Impact	Less than Significant Impact with Mitigation	Less than Significant Impact	No Impact
SECTION 3.14 POPULATION AND HOUSING <i>Would the project:</i>				
3.14.A. <i>Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?</i>			X	
3.14.B. <i>Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?</i>				X
SECTION 3.15 PUBLIC SERVICES. <i>Would the project:</i>				
3.15.A. <i>Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for: Fire protection services; Police protection; Schools; Parks; other Governmental facilities?</i>			X	
SECTION 3.16 RECREATION. <i>Would the project:</i>				
3.16.A. <i>Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?</i>			X	
3.16.B. <i>Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?</i>			X	
SECTION 3.17 TRANSPORTATION <i>Would the project:</i>				
3.17.A. <i>Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?</i>			X	
3.17.B. <i>Conflict or be inconsistent with CEQA Guidelines §15064.3 subdivision (b)?</i>			X	
3.17.C. <i>Substantially increases hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</i>			X	
3.17.D. <i>Result in inadequate emergency access?</i>				X

**Table 1-1
 Initial Study Checklist**

Description of Issue	Potentially Significant Impact	Less than Significant Impact with Mitigation	Less than Significant Impact	No Impact
SECTION 3.18 TRIBAL CULTURAL RESOURCES. <i>Would the project:</i>				
<p>3.18.A. <i>Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is: Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resource Code Section 5024.1 In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe 5020.1(k)?</i></p>			X	
SECTION 3.19 UTILITIES AND SERVICE SYSTEMS <i>Would the project:</i>				
<p>3.19.A. <i>Require or result in the relocation or construction of new or expanded water, or wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities or relocation of which could cause significant environmental impacts?</i></p>			X	
<p>3.19.B. <i>Have sufficient water supplies available to serve the project and the reasonably foreseeable future development during normal, dry, and multiple dry years?</i></p>			X	
<p>3.19.C. <i>Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments</i></p>			X	
<p>3.19.D. <i>Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?</i></p>			X	
<p>3.19.E. <i>Comply with Federal, State, and local management and reduction statutes and regulations related to solid waste?</i></p>				X
SECTION 3.20 WILDFIRE <i>If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:</i>				
<p>3.20.A. <i>Substantially impair an adopted emergency response plan or emergency evacuation plan?</i></p>				X

**Table 1-1
 Initial Study Checklist**

Description of Issue	Potentially Significant Impact	Less than Significant Impact with Mitigation	Less than Significant Impact	No Impact
3.20.B. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?			X	
3.20.C. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			X	
3.20.D. Expose people or structures to significant risks, including down slope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?				X
SECTION 3.21 MANDATORY FINDINGS OF SIGNIFICANCE				
3.21.A. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X	
3.21.B. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	
3.21.C. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		X		



SECTION 2 PROJECT DESCRIPTION

2.1 PROJECT OVERVIEW

The proposed project is a request by the Applicant to improve a 0.47-acre (20,500 square feet) vacant lot to accommodate six new dwelling units within a three-story building. These six new dwelling units will have a total building area of 12,767 square feet and a total living area of 10,119 square feet. In addition, a total of 2,315 square feet of recreational space will be provided. Lastly, a total of 21 parking spaces, one of which will be ADA accessible, will be included. Access to the project site will be provided by a new 30-foot wide driveway located along the south side of Chapman Avenue.⁵ The project is described in greater detail herein in Section 2.4.

2.2 PROJECT LOCATION

The project site is located within the corporate boundaries of the City of Garden Grove. The City is located in the western portion of Orange County. Surrounding cities include Stanton on the west; Anaheim on the north; Orange and Santa Ana on the east; and Westminster and Santa Ana on the south.⁶ Regional access to the City is provided by the Garden Grove Freeway (State Route [SR] 22) that extends through the City in an east-west orientation. The location of Garden Grove in a regional context is shown in Exhibit 2-1. A citywide map is provided in Exhibit 2-2.

The project site is located in the northernmost portion of the City. Chapman Avenue extends along the project site's northern boundary. The project site's legal address is 9312 Chapman Avenue and the corresponding Assessor's Parcel Number is 133-082-27. Major roadways in the vicinity of the project site include: Chapman Avenue, located adjacent to the project site; Lampson Avenue, located 0.45 miles to the south of the project site; Gilbert Street, located 750 feet to the east of the project site; and Magnolia Street, located 0.28 miles to the west of the project site. Regional access to the project site is provided by SR-22, located 1.46 miles to the southwest of the site.⁷ A vicinity map is provided in Exhibit 2-3.

2.3 ENVIRONMENTAL SETTING

Various uses occupy frontage along Chapman Avenue. An aerial photograph is provided in Exhibit 2-4. A photograph of the project site is provided in Exhibit 2-5. The following land uses and development are located near the project site:⁸

- *North of the project site.* Chapman Avenue extends along the project site's northern boundary. Apartments occupy frontage along the north side of Chapman Avenue, opposite the project site.

⁵ Liem Nguyen. *Site Plan*. Plan dated April 19, 2018.

⁶ Quantum GIS. Shapefile provided by the United States Bureau of the Census.

⁷ Google Earth. Website accessed February 21, 2019.

⁸ Blodgett Baylosis Environmental Planning. *Site survey*. Survey was conducted on February 20, 2019.

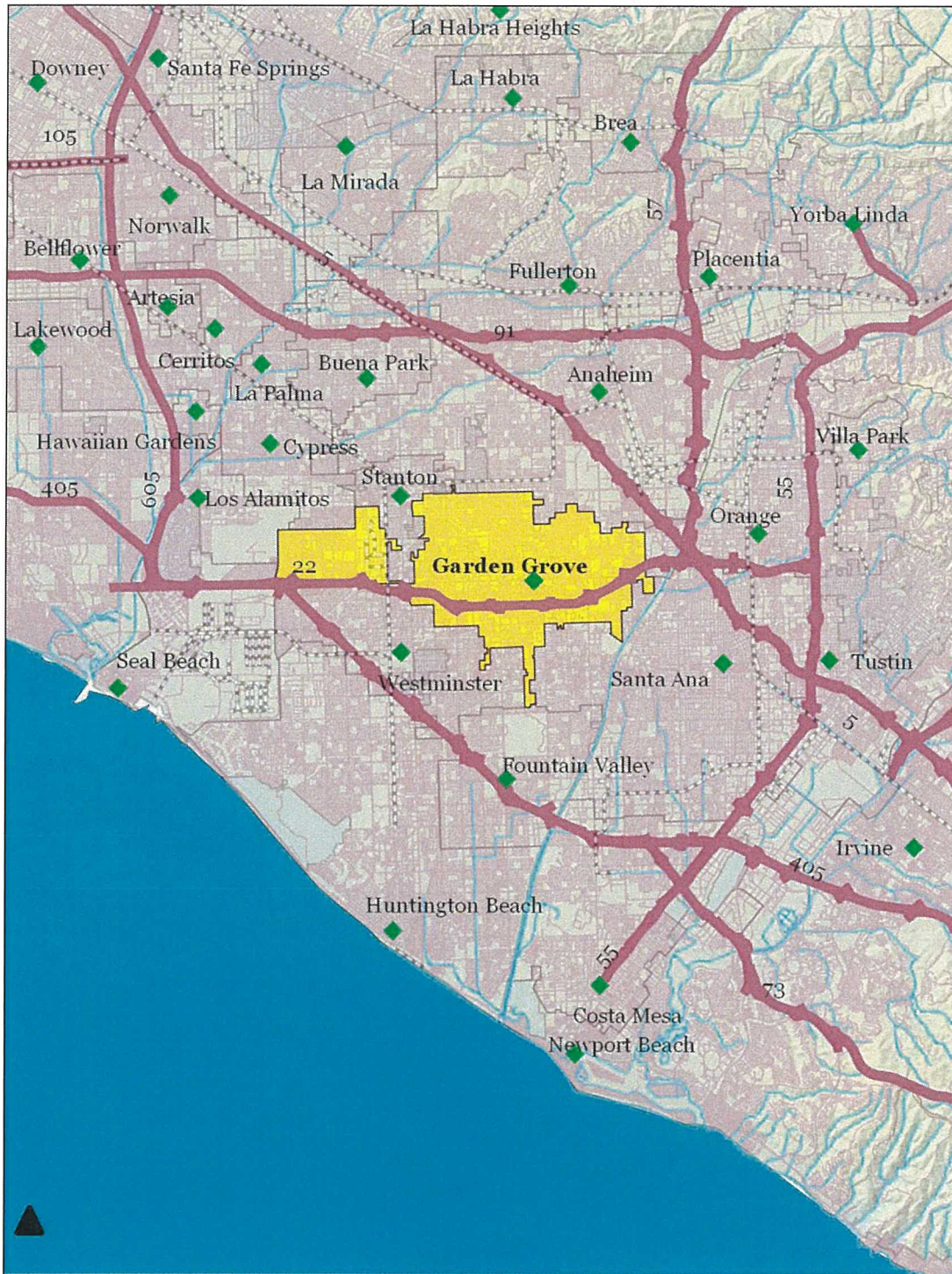


EXHIBIT 2-1
REGIONAL MAP
SOURCE: QUANTUM GIS

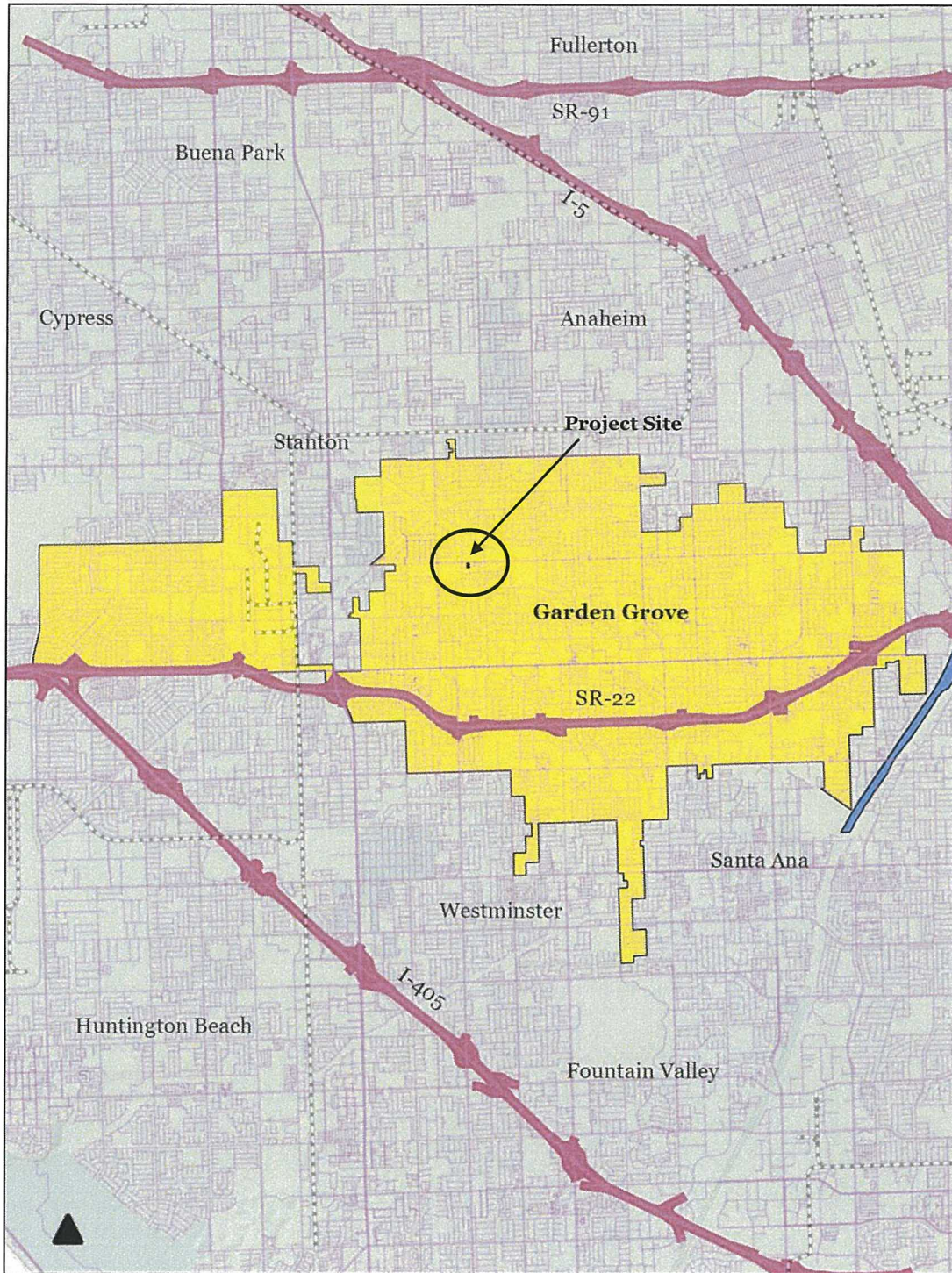


EXHIBIT 2-2
CITYWIDE MAP
SOURCE: QUANTUM GIS

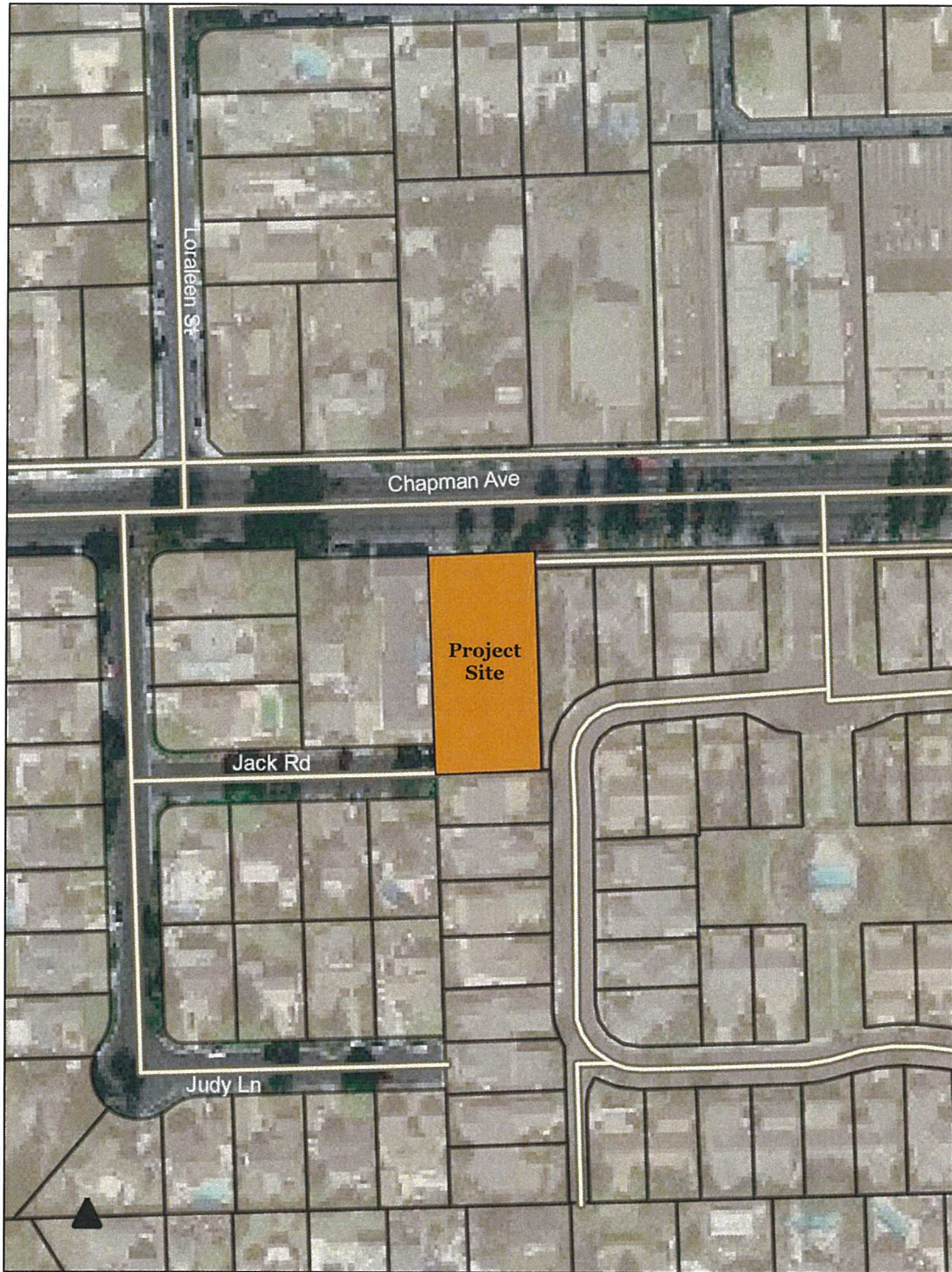


EXHIBIT 2-3
LOCAL MAP
SOURCE: QUANTUM GIS

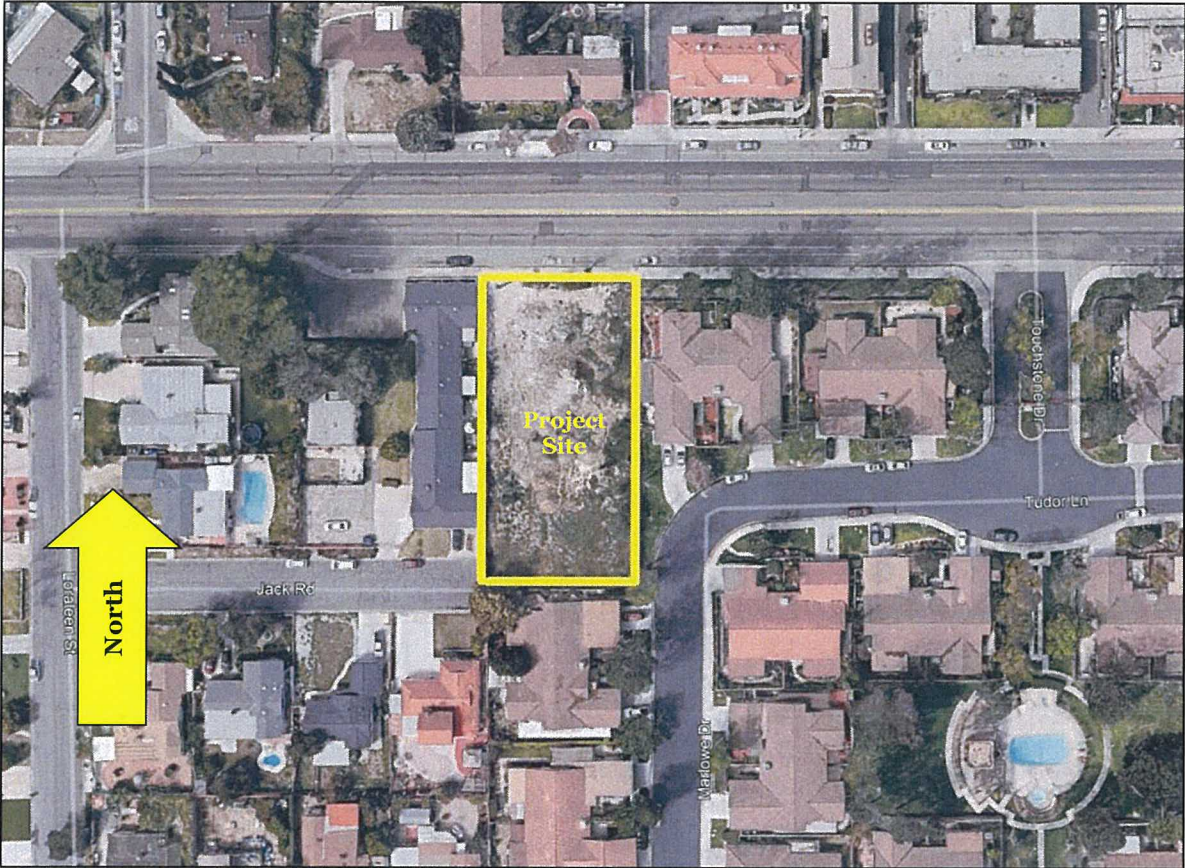


EXHIBIT 2-4
AERIAL PHOTOGRAPH
SOURCE: GOOGLE EARTH

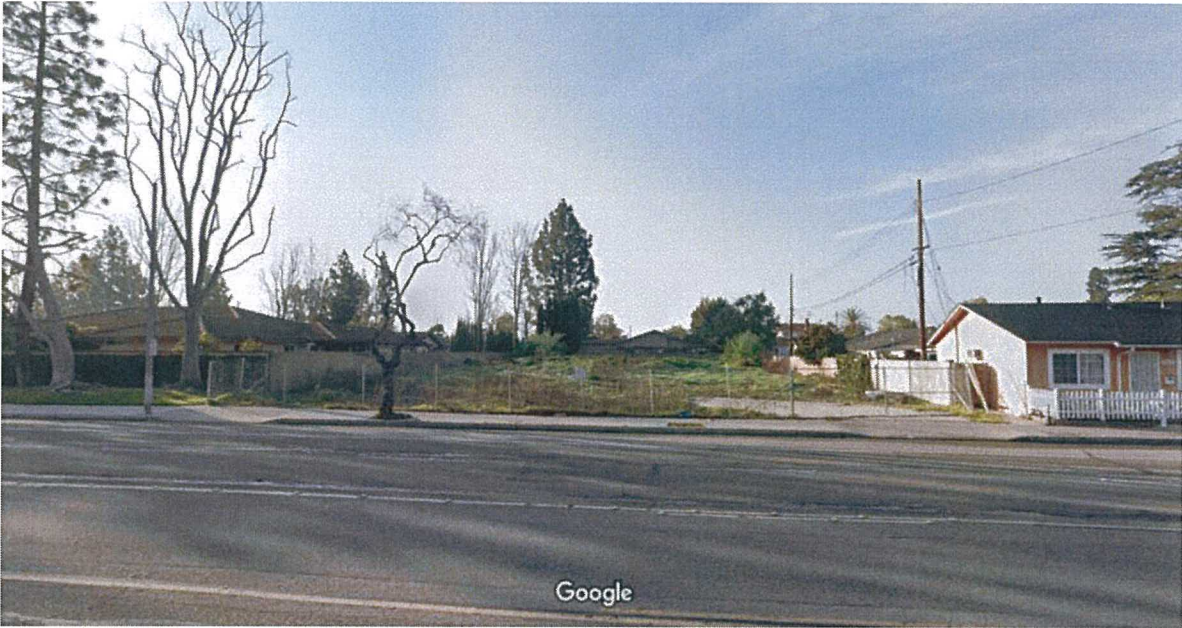


EXHIBIT 2-5
PHOTOGRAPH OF THE SITE
SOURCE: GOOGLE EARTH

- *South of the project site.* A multiple-family development abuts the project site to the south.
- *East of the project site.* A multiple-family development abuts the project site to the east.
- *West of the project site.* Multiple-family units are located west of the project site.

The 0.47-acre project site is currently vacant and undeveloped. The site is fenced off and is covered over in unmaintained ruderal vegetation.⁹

2.4 PROJECT DESCRIPTION

2.4.1 PHYSICAL CHARACTERISTICS

The project elements are described below:¹⁰

- *Project Site.* The project site consists of a single parcel: 210-190-030. This parcel encompasses 20,500 square feet (0.47-acre) and has a lot depth of 205 feet and a lot width of 100 feet. Once complete, the proposed project will have a lot coverage of 41%.
- *Project Overview.* The project will include the construction of six dwelling units with a total building area of 12,767 square feet and a total living area of 10,119 square feet. These six units will feature four bedrooms and three to four bathrooms. Lastly, these units will range in size from 1,534 square feet to 1,869 square feet.
- *Unit 1.* Unit 1 will include 1,869 square feet of living area spread over two floors. The first floor will consist of 838 square feet of floor area while the second floor will consist of 1,031 square feet of floor area. This unit will contain four bedrooms and three bathrooms. Other features include a 403 square-foot garage; a 10 square-foot porch; a 211 square-foot open balcony; 206 square feet of private recreation space; and 300 square feet of storage space.
- *Unit 2.* Unit 2 will include 1,828 square feet of living area spread over two floors. The first floor will consist of 824 square feet of floor area while the second floor will consist of 1,004 square feet of floor area. This unit will contain four bedrooms and three bathrooms. Other features include a 403 square-foot garage; a 10 square-foot porch; a 211 square-foot open balcony; 206 square feet of private recreation space; and 300 square feet of storage space.
- *Unit 3.* Unit 3 will include 1,534 square feet of living area distributed over three floors. The first floor will consist of 514 square feet of floor area while the second floor will consist of 654 square feet of floor area. The remaining 366 square feet will be allocated to the third floor. This unit will contain four bedrooms and three bathrooms. Other features include a 403 square-foot garage; a 209 square-foot open balcony; 217 square feet of private recreation space; and 300 square feet of storage space.

⁹ Blodgett Baylosis Environmental Planning. *Site survey*. Survey was conducted on February 21, 2019.

¹⁰ Liem Nguyen. *Site Plan*. Plan dated April 19, 2018.

- *Unit 4.* Unit 4 will include 1,534 square feet of living area distributed over three floors. The first floor will consist of 514 square feet of floor area while the second floor will consist of 654 square feet of floor area. Meanwhile, the third floor will consist of 366 square feet. This unit will contain four bedrooms and three bathrooms. Other features include a 403 square-foot garage; a 209 square-foot open balcony; 217 square feet of private recreation space; and 300 square feet of storage space.
- *Unit 5.* Unit 5 will include 1,542 square feet of living area spread over three floors. The first floor will consist of 516 square feet of floor area while the second floor will consist of 660 square feet of floor area. The third floor will have a total of 366 square feet. This unit will contain four bedrooms and three bathrooms. Other features include a 403 square-foot garage; a 211 square-foot open balcony; 206 square feet of private recreation space; and 300 square feet of storage space.
- *Unit 6.* Unit 6 will include 1,812 square feet of living area distributed over two floors. The first floor will consist of 812 square feet of floor area while the second floor will consist of 1,000 square feet of floor area. This unit will contain four bedrooms and four bathrooms. Other features include a 425 square-foot garage; a 103 square-foot porch; a 210 square-foot open balcony; 206 square feet of private recreation space; and 300 square feet of storage space.
- *Parking and Access.* Each unit will be equipped with a two-car garage for a total of 12 garage parking spaces. An additional nine surface parking spaces including one space compliant with the Americans with Disabilities Act (ADA) will be stripped in the southern portion of the site. Access to the project site will be provided by a new 30-foot wide driveway apron that will be constructed along the south side of Chapman Avenue.
- *Open Space.* Approximately 2,315 square feet of recreational area will be provided of which 1,258 square feet will consist of private recreational space. The remaining 1,057 square feet will consist of common recreational space.

The proposed project is summarized in Table 2-1, which is below and on the following pages. The proposed site plan is provided in Exhibit 2-6 and the building elevations are provided in Exhibit 2-7.

**Table 2-1
 Project Summary Table**

Project Element	Description
Site Area	20,500 sq. ft. (0.47 acres)
Total Number of Units	6 units
Density	12.76 du/acre
Total Building Area	12,767 sq. ft.
Total Living Area	10,119 sq. ft.
Total Open Space	2,315 sq. ft.
Total Parking	21 spaces
Unit 1 Total Floor Area	1,869 sq. ft.

**Table 2-1
 Project Summary Table**

Project Element	Description
Garage Space	403 sq. ft.
Porch Space	10 sq. ft.
Open Balcony	211 sq. ft.
Storage Space	300 sq. ft.
Number of Bedrooms	4 rooms
Number of Bathrooms	3 rooms
Private Recreation Area	206 sq. ft.
Unit 2 Total Floor Area	1,828 sq. ft.
Garage Space	403 sq. ft.
Porch Space	10 sq. ft.
Open Balcony	211 sq. ft.
Storage Space	300 sq. ft.
Number of Bedrooms	4 rooms
Number of Bathrooms	3 rooms
Private Recreation Area	206 sq. ft.
Unit 3 Total Floor Area	1,534 sq. ft.
Garage Space	403 sq. ft.
Open Balcony	209 sq. ft.
Storage Space	300 sq. ft.
Number of Bedrooms	4 rooms
Number of Bathrooms	3 rooms
Private Recreation Area	217 sq. ft.
Unit 4 Total Floor Area	1,534 sq. ft.
Garage Space	403 sq. ft.
Open Balcony	209 sq. ft.
Storage Space	300 sq. ft.
Number of Bedrooms	4 rooms
Number of Bathrooms	3 rooms
Private Recreation Area	217 sq. ft.
Unit 5 Total Floor Area	1,542 sq. ft.
Garage Space	403 sq. ft.
Open Balcony	211 sq. ft.
Storage Space	300 sq. ft.
Number of Bedrooms	4 rooms
Number of Bathrooms	3 rooms
Private Recreation Area	206 sq. ft.
Unit 6 Total Floor Area	1,812 sq. ft.

**Table 2-1
 Project Summary Table**

Project Element	Description
Garage Space	425 sq. ft.
Porch Space	103 sq. ft.
Open Balcony	211 sq. ft.
Storage Space	300 sq. ft.
Number of Bedrooms	4 rooms
Number of Bathrooms	4 rooms
Private Recreation Area	206 sq. ft.

Source: Liem Nguyen. *Site Plan*. Plan dated April 19, 2018.

2.4.2 OPERATIONAL CHARACTERISTICS

The six new units will be apartment rental units. The project’s implementation could result in a population increase of 22 new residents based on a ratio of 3.63 persons per household identified by the United States Census Bureau. Conversely, these new units are estimated to add up to 30 new residents based on the number of units and bedrooms that will be provided (five residents per unit).

2.4.3 CONSTRUCTION CHARACTERISTICS

The construction of the proposed project would take approximately 11 months to complete. The key construction phases are outlined below:

- *Site Preparation.* The project site will be prepared for the construction of the proposed project. This phase will take approximately one month to complete and will involve the removal of the pavement and existing ruderal vegetation. The project site will be graded and trenched during this phase. This phase will take approximately one month to complete.
- *Construction.* The proposed units will be constructed during this phase. This phase will take approximately seven months to complete.
- *Paving.* This phase will involve the paving of the site. This phase will take approximately one month to complete.
- *Landscaping and Finishing.* This phase will involve the planting of landscaping and the completion of the on-site improvements. This phase will take approximately two months to complete.

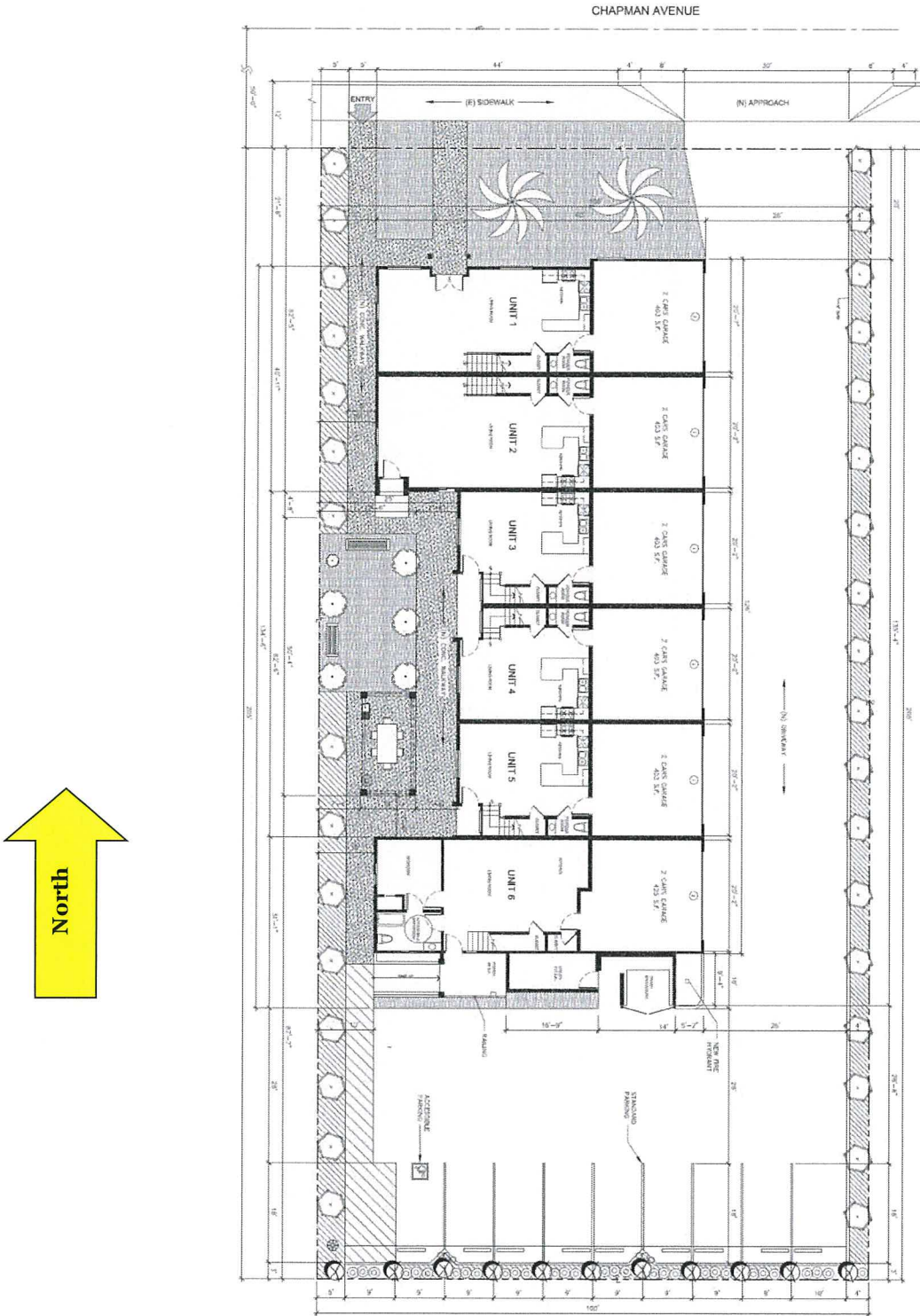


EXHIBIT 2-6
SITE PLAN
SOURCE: LIEM NGUYEN

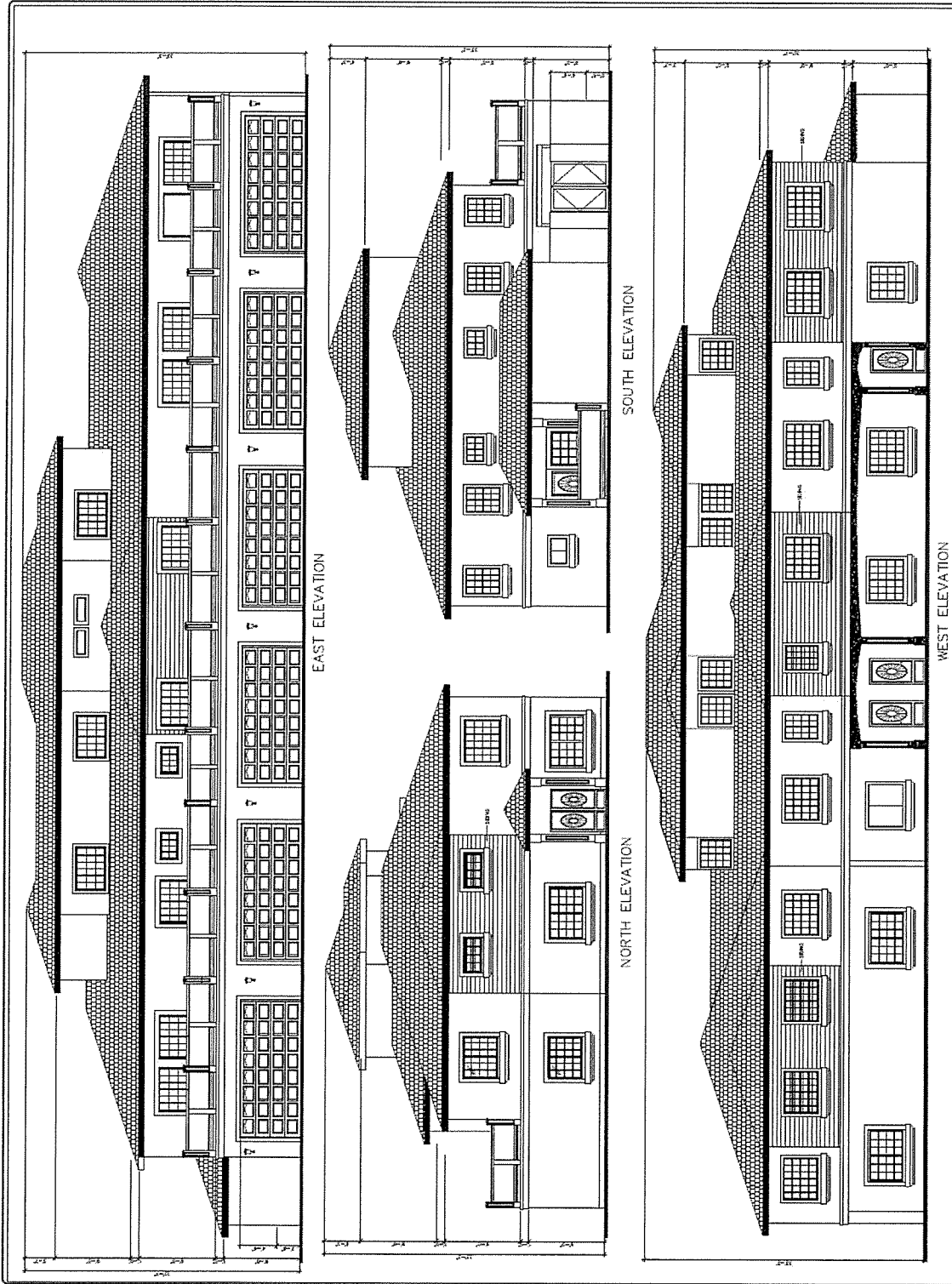


EXHIBIT 2-7
CONCEPTUAL ELEVATIONS
SOURCE: LIEM NGUYEN

2.5 DISCRETIONARY ACTIONS

A Discretionary Decision (or Action) is an action taken by a government agency (for this project, the government agency is the City of Garden Grove) that calls for an exercise of judgment in deciding whether to approve a project. The discretionary approvals required for this project includes the following:

- A *Zone Change (ZC)* from R-1 (*Single-Family Residential*) to R-3 (*Multiple-Family Residential*);
- A *General Plan Amendment (GPA)* from LDR (*Low Density Residential*) to MDR (*Medium Density Residential*) to allow the construction of a new three-story building comprised of six residential apartment units;
- A *Site Plan Approval (SPA)* to construct a new three-story building comprised of six residential apartment units;
- The approval and adoption of the *Mitigated Negative Declaration* that is required pursuant to CEQA; and,
- The approval and adoption of the associated *Mitigation Monitoring and Reporting Program* that is required pursuant to CEQA.



SECTION 3 ENVIRONMENTAL ANALYSIS

This section of the Initial Study prepared for the proposed project analyzes the potential environmental impacts that may result from the proposed project's implementation. The issue areas evaluated in this Initial Study include the following:

- Aesthetics (Section 3.1);
- Agriculture and Forestry Resources (Section 3.2);
- Air Quality (Section 3.3);
- Biological Resources (Section 3.4);
- Cultural Resources (Section 3.5);
- Energy (Section 3.6);
- Geology and Soils (Section 3.7);
- Greenhouse Gas Emissions (Section 3.8);
- Hazards and Hazardous Materials (Section 3.9);
- Hydrology and Water Quality (Section 3.10);
- Land Use and Planning (Section 3.11);
- Mineral Resources (Section 3.12);
- Noise (Section 3.13);
- Population and Housing (Section 3.14);
- Public Services (Section 3.15);
- Recreation (Section 3.16);
- Transportation (Section 3.17);
- Tribal Cultural Resources (Section 3.18);
- Utilities and Service Systems (Section 3.19);
- Wildfire (Section 3.20); and,
- Mandatory Findings of Significance (Section 3.21).

Under each issue area, a description of the thresholds of significance is provided. These thresholds will assist in making a determination as to whether there is a potential for significant impacts on the environment. The analysis considers both the short-term (construction-related) and long-term (operational) impacts associated with the proposed project's implementation, and where appropriate, the cumulative impacts. To each question, there are four possible responses:

- *No Impact.* The proposed project will not result in any adverse environmental impacts.
- *Less than Significant Impact.* The proposed project may have the potential for affecting the environment, although these impacts will be below levels or thresholds that the City of Garden Grove or other responsible agencies consider to be significant.
- *Less than Significant Impact with Mitigation.* The proposed project may have the potential to generate a significant impact on the environment. However, the level of impact may be reduced to levels that are less than significant with the implementation of the recommended mitigation measures.
- *Potentially Significant Impact.* The proposed project may result in environmental impacts that are significant. This finding will require the preparation of an environmental impact report (EIR).

3.1 AESTHETICS

3.1.1 ANALYSIS OF ENVIRONMENTAL IMPACTS.

- A. *Would the project, except as provided in Public Resources Code Section 21099, have a substantial adverse effect on a scenic vista? • No Impact.*

A scenic view is the view of an area that is visually or aesthetically pleasing from a certain vantage point. A scenic vista can be impacted by a development project that directly diminishes the scenic quality of the scenic vista or that blocks the view corridors of the scenic resource. Here, views of the San Gabriel Mountains and Santa Ana Mountains are obstructed by the existing development located in the area. The surrounding land uses include single story residential development as well as two- and three-story multiple family complexes. These residential uses occupy frontage along the north side of Chapman Avenue and are located within the project site's line-of-sight with the aforementioned mountains. Therefore, no scenic views will be impacted with the implementation of the proposed project. A field survey conducted around the project site indicated that there are no scenic view sheds located in the vicinity of the project site. As a result, no impacts will result.

- B. *Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? • No Impact.*

According to the California Department of Transportation (Caltrans), Chapman Avenue is not a designated scenic highway.¹¹ In addition, the vegetation present on-site consists of unmaintained ruderal species and the project site does not contain any scenic rock outcroppings.¹² Lastly, the project site is unoccupied and does not contain any buildings listed in the State or National registrar (refer to Section 3.5). As a result, no impacts would occur.

- C. *Would the project's location, in a non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publically accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? • Less than Significant Impact.*

As indicated previously, the project site is currently vacant and undeveloped. The site is covered over in unmaintained ruderal vegetation and contains debris, rubbish, and remnant concrete. Furthermore, graffiti is present on the wall that extends along the site's western property line. Once complete, the project will improve the appearance of the site by introducing new development featuring modern architecture, façade treatments, and a neutral color scheme. In addition, the project Applicant will plant new drought tolerant landscaping that meets the City's Water Efficiency Ordinance for water efficient landscaping and automatic irrigation. The units will have a maximum height of 33 feet or three stories, which is consistent with the height of the surrounding uses. Since the project's implementation will

¹¹ California Department of Transportation. *Official Designated Scenic Highways*. www.dot.ca.gov

¹² Blodgett Baylosis Environmental Planning. *Site survey*. Survey was conducted on February 21, 2019.

result in an improvement of the site's appearance, the potential impacts will be less than significant.

D. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? • Less than Significant Impact.

Exterior lighting can be a nuisance to adjacent land uses that are sensitive to this lighting. This nuisance lighting is referred to as *light trespass* which is typically defined as the presence of unwanted light on properties located adjacent to the source of lighting. The site is surrounded on the west, south, and east by residential uses, which are sensitive receptors. In addition, sensitive receptors occupy frontage along the north side of Chapman Avenue, opposite the project site.¹³ The predominant source of light impacts would be related to the exterior lighting and building lighting as well as lights from vehicles travelling to and from the project site. The project will be required to comply with the City's lighting requirements to ensure on-site lighting is directed and shielded away from nearby properties to avoid light and glare issues. The City of Garden Grove Zoning Ordinance (Section 9.16.040.200.B.4.c) states the following:

"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."

The developer may utilize a number of design measures to accomplish this, including the use of light shielding, directing light downward, and employing lower intensity lighting. Conformance with the standard conditions required under the City's Zoning requirements will reduce the potential light and glare impacts to levels that are less than significant. The proposed project's lighting will not affect nearby sensitive receptors because all parking lot and exterior building lighting will be shielded and aimed downward toward the ground surface pursuant to Section 9.16.040.200.B.4.c of the Garden Grove Municipal Code. The project's construction may include portable lighting. Nevertheless, any light used during the daytime hours for construction will be directed towards the project site. There will be no night time construction activities. Standard Conditions of Approval will restrict construction hours as follows: Monday through Saturday - not before 7 a.m. and not after 8 p.m. (of the same day).

Glare is related to light trespass and is defined as visual discomfort resulting from high contrast in brightness levels. Glare-related impacts can adversely affect day or nighttime views. As with lighting trespass, glare is of most concern if it would adversely affect sensitive land use or driver's vision. The exterior façade would consist of non-reflective materials, such as stucco. As a result, no daytime glare-related impacts are anticipated and the project's potential impacts would be less than significant.

3.1.2 MITIGATION MEASURES

The preceding analysis concluded that the project would not require any mitigation.

¹³ Blodgett Baylosis Environmental Planning. *Site survey*. Survey was conducted on February 21, 2019.

3.2 AGRICULTURE & FORESTRY RESOURCES

3.2.1 ANALYSIS OF ENVIRONMENTAL IMPACTS

- A. *Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?* • *No Impact.*

According to the California Department of Conservation, the project site does not contain any areas of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.¹⁴ Since the implementation of the proposed project will not involve the conversion of prime farmland, unique farmland, or farmland of statewide importance to urban uses, no impacts will occur.

- B. *Would the project conflict with existing zoning for agricultural use, or a Williamson Act Contract?*
• *No Impact.*

The project site is currently zoned as R-1 (*Single-Family Residential*) (refer to Section 3.10). According to the City's zoning code, agricultural growing and produces stands are permitted within the R-1 zone district.¹⁵ The proposed project will require the approval of a Zone Change from R-1 to R-3. The change of zone that is required to accommodate the project will not result in new agricultural land since the site is undeveloped and does not contain any agricultural operations. In addition, the project site is not subject to a Williamson Act Contract.¹⁶ Therefore, no impacts will occur since the proposed development will not be erected on a site that is subject to a Williamson Act Contract.

- C. *Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined in Public Resources Code §4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?* • *No Impact.*

The project site is located in the midst of an urbanized area and no forest lands are located within the site or this portion of the City. Therefore, no impacts on forest land or timber resources will result from the proposed project's implementation.

- D. *Would the project result in the loss of forest land or conversion of forest land to a non-forest use?*
• *No Impact.*

No forest lands are located within the vicinity of the project site. As a result, no loss or conversion of forest lands will result from the proposed project's implementation.

¹⁴ California Department of Conservation, Division of Land Resource Protection, Farmland Mapping, and Monitoring Program. *Los Angeles County Important Farmland*. <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2016/los16.pdf>

¹⁵ City of Garden Grove Municipal Code. *Title 9 – Land Use, Chapter 9.18 Mixed Use Regulations and Development Standards*. Website accessed August 24, 2016.

¹⁶ California Department of Conservation. *State of California Williamson Act Contract Land*. ftp://ftp.consrv.ca.gov/pub/dlrp/WA/2012%20Statewide%20Map/WA_2012_8x11.pdf

- E. *Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? • No Impact.*

The project site is located in the midst of an urbanized area; therefore, it would not involve the disruption or damage to the existing environment resulting from a loss of farmland to non-agricultural use or conversion of forest land to non-forest. The project site is not located in close proximity to forest land or farmland areas. As a result, no impacts will result from the implementation of the proposed project.

3.2.2 MITIGATION MEASURES

The analysis of agricultural and forestry resources indicated that no impacts on these resources would occur as part of the proposed project's implementation. As a result, no mitigation is required.

3.3 AIR QUALITY

3.3.1 ANALYSIS OF ENVIRONMENTAL IMPACTS

- A. *Would the project conflict with or obstruct implementation of the applicable air quality plan? • Less than Significant Impact.*

The South Coast Air Quality Management District (SCAQMD) has established quantitative thresholds for short-term (construction) emissions and long-term (operational) emissions for the following criteria pollutants:

- *Ozone (O_3)* is a nearly colorless gas that irritates the lungs, damages materials, and vegetation. Ozone is formed by photochemical reaction (when nitrogen dioxide is broken down by sunlight).
- *Carbon monoxide (CO)* is a colorless, odorless toxic gas that interferes with the transfer of oxygen to the brain and is produced by the incomplete combustion of carbon-containing fuels emitted as vehicle exhaust.
- *Nitrogen dioxide (NO_2)* is a yellowish-brown gas, which at high levels can cause breathing difficulties. NO_2 is formed when nitric oxide (a pollutant from burning processes) combines with oxygen.
- *Sulfur dioxide (SO_2)* is a colorless, pungent gas formed primarily by the combustion of sulfur-containing fossil fuels. Health effects include acute respiratory symptoms and difficulty in breathing for children.
- *PM_{10} and $PM_{2.5}$* refers to particulate matter less than ten microns and two and one-half microns in diameter, respectively. Particulates of this size cause a greater health risk than larger-sized particles since fine particles can more easily cause irritation.

Projects in the South Coast Air Basin (SCAB) generating construction-related emissions that exceed any of the following emissions thresholds are considered to be significant under CEQA:

- 75 pounds per day of reactive organic compounds;
- 100 pounds per day of nitrogen dioxide;
- 550 pounds per day of carbon monoxide;
- 150 pounds per day of PM₁₀;
- 55 pounds per day of PM_{2.5}; or,
- 150 pounds per day of sulfur oxides.

A project would have a significant effect on air quality if any of the following operational emissions thresholds for criteria pollutants are exceeded:

- 55 pounds per day of reactive organic compounds;
- 55 pounds per day of nitrogen dioxide;
- 550 pounds per day of carbon monoxide;
- 150 pounds per day of PM₁₀;
- 55 pounds per day of PM_{2.5}; or,
- 150 pounds per day of sulfur oxides.

The project area is located within the South Coast Air Basin, which covers a 6,600 square-mile area within Los Angeles, the non-desert portions of Los Angeles County, Orange County, and San Bernardino County.¹⁷ Measures to improve regional air quality are outlined in the SCAQMD's Air Quality Management Plan (AQMP).¹⁸ The most recent AQMP was adopted in 2017 and was jointly prepared with the California Air Resources Board (CARB) and the Southern California Association of Governments (SCAG).¹⁹ The AQMP will help the SCAQMD maintain focus on the air quality impacts of major projects associated with goods movement, land use, energy efficiency, and other key areas of growth. Key elements of the 2016 AQMP include enhancements to existing programs to meet the 24-hour PM_{2.5} Federal health standard and a proposed plan of action to reduce ground-level ozone. The primary criteria pollutants that remain non-attainment in the local area include PM_{2.5} and ozone.

Specific criteria for determining a project's conformity with the AQMP is defined in Section 12.3 of the SCAQMD's CEQA Air Quality Handbook. The Air Quality Handbook refers to the following criteria as a means to determine a project's conformity with the AQMP: *Consistency Criteria 1* refers to a proposed project's potential for resulting in an increase in the frequency or severity of an existing air quality violation or its potential for contributing to the continuation of an existing air quality violation and *Consistency Criteria 2* refers to a proposed project's potential for exceeding the assumptions included in the AQMP or other regional growth projections relevant to the AQMP's implementation.²⁰

¹⁷ South Coast Air Quality Management District, *Final 2016 Air Quality Plan*. Adopted March 2017.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ South Coast Air Quality Management District. *CEQA Air Quality Handbook*. April 1993.

In terms of Criteria 1, the proposed project's long-term (operational) airborne emissions will be below levels that the SCAQMD considers to be a significant impact (refer to the analysis included in the next section where the long-term stationary and mobile emissions for the proposed project are summarized in Table 3-2). In addition, the project's operational emissions will be well within the emissions projections identified in the most recent AQMP. As shown in Table 3-5 of the Final 2016 AQMP, the future 2031 daily operational emissions *with* the estimated population, employment, and VMT growth projections are estimated to be: 345 tons per day of VOCs; 214 tons per day of NOx; 1,188 tons per day of CO; 18 tons per day of SOx; and 65 tons per day of PM_{2.5}.

The proposed project will also conform to Consistency Criteria 2 since it will not significantly affect any regional population, housing, and employment projections prepared for the City of Garden Grove. Projects that are consistent with the projections of employment and population forecasts identified in the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) prepared by SCAG are considered consistent with the AQMP growth projections, since the RTP/SCS forms the basis of the land use and transportation control portions of the AQMP. According to the Growth Forecast Appendix prepared by SCAG for the 2016-2040 RTP/SCS, the City of Garden Grove is projected to add a total of 5,300 new residents through the year 2040.²¹ The project's implementation could result in a population increase of 22 new residents based on a ratio of 3.63 persons per household identified by the United States Census Bureau. Conversely, these new units are estimated to add up to 30 new residents based on the number of units and bedrooms that will be provided (five residents per unit). The projected number of new residents is well within SCAG's population projections for the City of Garden Grove and the proposed project will not violate Consistency Criteria 2. Since the proposed project will not be in violation of either Consistency Criteria, the project's potential impacts are considered to be less than significant.

B. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard? • Less than Significant Impact.

The analysis of daily construction emissions has been prepared utilizing the California Emissions Estimator Model (CalEEMod V.2016.3.2) developed for the SCAQMD. The entire project construction period is expected to take approximately 11 months (refer to Section 2.3.2) and would include site preparation, the erection of the new units, and the finishing of the project (paving, painting, and the planting of landscaping). Major sources of emissions during grading, building, construction, and site work include exhaust emissions from construction vehicles and equipment, fugitive dust generated by vehicles and equipment traveling over exposed surfaces, and sand disturbances from compacting and cement paving. As shown in Table 3-1, daily construction emissions are not anticipated to exceed the SCAQMD significance thresholds. Therefore, the mass daily construction-related impacts associated with the proposed project would be less than significant.

²¹ Southern California Association of Governments. *Regional Transportation Plan/Sustainable Communities Strategy 2016-2040. Demographics & Growth Forecast.* April 2016.

**Table 3-1
 Estimated Daily Construction Emissions**

Construction Phase	ROG	NO ₂	CO	SO ₂	PM ₁₀	PM _{2.5}
Site Preparation (on-site)	1.75	21.53	11.91	0.02	1.09	0.81
Site Preparation (off-site)	0.03	0.02	0.35	--	0.09	0.02
Total Site Preparation	1.78	21.55	12.26	0.02	1.18	0.83
Grading (on-site)	2.02	22.74	10.15	0.02	7.23	4.31
Grading (off-site)	0.04	0.03	0.44	--	0.11	0.03
Total Grading	2.06	22.77	10.59	0.02	7.34	4.34
Building Construction (on-site)	2.55	18.91	15.25	0.02	1.09	1.04
Building Construction (off-site)	0.02	0.12	0.20	--	0.05	0.01
Total Building Construction	2.57	19.03	15.45	0.02	1.14	1.05
Paving (on-site)	1.25	12.56	11.85	0.01	0.73	0.67
Paving (off-site)	0.07	0.05	0.67	--	0.16	0.04
Total Paving	1.32	12.61	12.52	0.01	0.89	0.71
Architectural Coatings (on-site)	1.83	1.68	1.83	--	0.11	0.11
Architectural Coatings (off-site)	--	--	0.04	--	0.01	--
Total Architectural Coatings	1.83	1.68	1.87	--	0.12	0.11
Maximum Daily Emissions	2.58	22.77	15.46	0.02	7.34	4.34
Daily Thresholds	75	100	550	150	150	55

Source: California Air Resources Board CalEEMod [computer program].

The project's construction would be required to adhere to all SCAQMD regulations related to fugitive dust generation and other construction-related emissions. According to SCAQMD Regulation 403, all unpaved demolition and construction areas shall be regularly watered up to three times per day during excavation, grading, and construction as required (depending on temperature, soil moisture, wind, etc.). Finally, the contractors must comply with other SCAQMD regulations governing equipment idling and emissions controls. The aforementioned SCAQMD regulations are standard conditions required for every construction project undertaken in the City as well as in the cities and counties governed by the SCAQMD.

Long-term emissions refer to those air quality impacts that will occur once the proposed project has been constructed and is operational. These impacts will continue over the operational life of the project. Operational emissions include those associated with electricity consumption and natural gas usage. Operational emissions also include mobile-source emissions from vehicle trips and from the project site. The long-term air quality impacts associated with the proposed project include mobile emissions associated with vehicular traffic and off-site stationary emissions associated with the generation of energy. The analysis of long-term operational impacts also used the CalEEMod computer model. As indicated in Table 3-2, the projected long-term emissions will also be below thresholds considered to be a significant impact.

Table 3-2
Estimated Operational Emissions in lbs/day - Unmitigated

Emission Source	ROG	NO ₂	CO	SO ₂	PM ₁₀	PM _{2.5}
Area-wide (lbs/day)	1.82	0.13	3.54	--	0.46	0.46
Energy (lbs/day)	--	0.03	0.01	--	--	--
Mobile (lbs/day)	0.11	0.56	1.49	--	0.43	0.11
Total (lbs/day)	1.93	0.73	5.06	0.013	0.90	0.58
Daily Thresholds	55	55	550	150	150	55
Significant Impact?	No	No	No	No	No	No

Source: California Air Resources Board CalEEMod [computer program].

As indicated in Table 3-2, the project's operation will result in emissions that are below the thresholds of significance established by the SCAQMD. As a result, the potential impacts are considered to be less than significant.

C. Would the project expose sensitive receptors to substantial pollutant concentrations? • Less than Significant Impact.

Sensitive receptors refer to land uses and/or activities that are especially sensitive to poor air quality and typically include homes, schools, playgrounds, hospitals, convalescent homes, and other facilities where children or the elderly may congregate.²² These population groups are generally more sensitive to poor air quality. Sensitive receptors (residential uses) abut the project site to the west, south, and east.²³

Most vehicles generate carbon monoxide (CO) as part of the tail-pipe emissions and high concentrations of CO along busy roadways and congested intersections are a concern. The areas surrounding the most congested intersections are often found to contain high levels of CO that exceed applicable standards and are referred to as *hot-spots*. Three variables influence the creation of a CO hot-spot: traffic volumes, traffic congestion, and the background CO concentrations for the source receptor area. Typically, a CO hot-spot may occur near a street intersection that is experiencing severe congestion (a LOS E or LOS F) where idling vehicles result in ground level concentrations of carbon monoxide. However, within the last decade, decreasing background levels of pollutant concentrations and more effective vehicle emission controls have significantly reduced the potential for the creation of hot-spots. The SCAQMD stated in its CEQA Handbook that a CO hot-spot would not likely develop at an intersection operating at LOS C or better. Since the Handbook was written, there have been new CO emissions controls added to vehicles and reformulated fuels are now sold in the SCAB. These new automobile emissions controls, along with the reformulated fuels, have resulted in a lowering of both ambient CO concentrations and vehicle emissions. The project's implementation will not result in a degradation of any intersections Level of Service. Therefore, no impacts regarding the creation of carbon hot-spots will result.

²² South Coast Air Quality Management District. *CEQA Air Quality Handbook, Appendix 9*. As amended 2017.

²³Ibid.

The SCAQMD requires that CEQA air quality analyses indicate whether a proposed project will result in an exceedance of *localized emissions thresholds* or LSTs. LSTs apply to short-term (construction) emissions at a fixed location and do not include off-site or regional emissions. The approach used in the analysis of the proposed project utilized a number of screening tables that identified maximum allowable emissions (in pounds per day) at a specified distance to a receptor. The pollutants that are the focus of the LST analysis include the conversion of NO_x to NO₂; carbon monoxide (CO) emissions from construction; PM₁₀ emissions from construction; and PM_{2.5} emissions from construction. The use of the “look-up tables” is typically used for projects proposed on less than five acres of land area. The project’s LST emissions are presented in Table 3-3.

**Table 3-3
 Local Significance Thresholds Exceedance SRA 17 for 1-Acre of Disturbance**

Emissions	Emissions (lbs/day)	Type	Allowable Emissions Threshold (lbs/day) and a Specified Distance from Receptor (in meters)				
			25	50	100	200	500
NO _x	22.77	Construction	81	83	98	123	192
CO	15.46	Construction	485	753	1,128	2,109	6,841
PM ₁₀	3.58*	Construction	4	12	28	60	158
PM _{2.5}	2.31*	Construction	3	4	9	22	85

Source: CalEEMod Version 2016.3.2.

*= Note: These figures take into account the water of the site up to three times per day, which is a standard condition required by the SCAQMD.

As indicated in Table 3-3, the emissions generated by the construction of the proposed project will not exceed the LSTs identified above. Further analysis of the CalEEMod worksheets indicated that the primary source of construction PM emissions is fugitive dust. Adherence to additional mandatory Rule 403 regulations will reduce fugitive dust emissions to levels that are less than significant. Rule 403 also requires that temporary dust covers be used on any piles of excavated or imported earth to reduce wind-blown dust. In addition, all clearing, earthmoving, or excavation activities must be discontinued during periods of high winds (i.e. greater than 15 mph), so as to prevent excessive amounts of fugitive dust. Finally, the contractors must comply with other SCAQMD regulations governing equipment idling and emissions controls. As a result, the potential impacts are considered to be less than significant.

D. Would the project result in other emissions (such as those leading to odors adversely affecting a substantial number of people)? • Less than Significant Impact.

The SCAQMD has identified land uses that are typically associated with odor complaints. These uses include activities involving livestock, rendering facilities, food processing plants, chemical plants, composting activities, refineries, landfills, and businesses involved in fiberglass molding.²⁴ The project is a proposal to construct six dwelling units. As designed, the proposed project will not be involved in any of the aforementioned odor-generating activities. Given the nature of the intended use (six residential units), no operational impacts related to odors are anticipated with the proposed project.

²⁴ South Coast Air Quality Management District. *CEQA Air Quality Handbook*, As amended 2017.

Some objectionable odors may emanate from the operation of diesel-powered construction vehicles during construction of the proposed project; however, potential truck drivers visiting the site (construction and deliveries) must adhere to Title 13 - §2485 of the California Code of Regulations, which limits the idling of diesel powered vehicles to less than five minutes. Adherence to the aforementioned standard condition will minimize odor impacts from diesel trucks. In addition, the project's construction contractors must adhere to SCAQMD Rule 403 regulations, which significantly reduce the generation of fugitive dust. Adherence to Rule 403 Regulations and Title 13 - §2485 of the California Code of Regulations will reduce potential impacts to levels that are less than significant and no mitigation is required.

3.3.3 MITIGATION MEASURES

The analysis of air quality impacts indicated no mitigation will be required.

3.4 BIOLOGICAL RESOURCES

3.4.1 ANALYSIS OF ENVIRONMENTAL IMPACTS

A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? • No Impact.

A review of the California Department of Fish and Wildlife California Natural Biodiversity Database (CNDDB) Bios Viewer for the Anaheim Quadrangle (the portion of the City of Garden Grove that contains the project site is located within the Anaheim Quadrangle) indicated that out of a total of 23 native plant and animal species, seven are either threatened or endangered. These species include the western yellow-billed cuckoo; the coastal California gnatcatcher; quino checkerspot butterfly; and the swainson's hawk.²⁵ The project site's lack of suitable riparian, chaparral, or wetland habitat precludes the presence of the aforementioned species. In addition, the underlying soils have been disturbed to accommodate the previous development in a highly urbanized area. These conditions also preclude the presence of burrowing owls or any nesting birds. As a result, no impacts on any candidate, sensitive, or special status species would result.

B. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? • No Impact.

The field survey that was conducted for this project indicated that there are no wetlands or riparian habitat present on-site or in the surrounding areas. This conclusion is also supported by a review of the U.S. Fish and Wildlife Service National Wetlands Inventory, Wetlands Mapper.²⁶ In addition, there are

²⁵ California Department of Fish and Wildlife. *Bios Viewer*. <https://map.dfg.ca.gov/bios/?tool=cnddbQuick>.

²⁶ United States Fish and Wildlife Service. *National Wetlands Inventory*. <https://www.fws.gov/Wetlands/data/Mapper.html>

no designated “blue line streams” located within the project site. As a result, no impacts on natural or riparian habitats will result from the proposed project’s implementation.

C. Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? • No Impact.

As indicated in the previous subsection, the project site and adjacent developed properties do not contain any natural wetland and/or riparian habitat.²⁷ The project site does not contain any natural hydrologic features or federally protected wetlands as defined by Section 404 of the Clean Water Act. As a result, the proposed project would not impact any protected wetland area or designated blue-line stream and no impacts would occur.

D. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? • No Impact.

The project site lacks suitable wildlife habitat because it is a vacant lot with only ruderal vegetation.²⁸ Furthermore, the site contains no natural hydrological features. Constant disturbance (noise and vibration) from Chapman Avenue limit the site’s utility as a migration corridor. Since the site is surrounded by development on all sides and lacks suitable habitat, the site’s utility as a migration corridor is restricted. Therefore, no impacts will result from the implementation of the proposed project.

E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? • Less than Significant Impact.

Title 11 (Public Property) Chapter 11.32 (Trees) of the City of Garden Grove Municipal Code serves as the City’s “Tree Ordinance.” The Tree Ordinance establishes strict guidelines regarding the removal or tampering of trees located within any public right-of-way (such as streets and alleys). There is one tree located along the portion of Chapman Avenue that extends along the site’s northern boundary. This tree will be removed to accommodate the project. Therefore, the Applicant must adhere to the standards identified in that Chapter. Specifically, the project would have to adhere to regulations such as Section 11.32.080, which states:

The City Manager or his or her designee shall certify all City permits for construction, installation, altering, moving, or razing of all buildings, utilities, sidewalks, sewers, or other operations where trees or shrubs, or parts thereof are involved.

No mitigation is required since the Applicant must obtain approval from the City Manager to remove the street tree located adjacent to the site’s northern boundary. As a result, the potential impacts are considered to be less than significant.

²⁷ United States Fish and Wildlife Service. *National Wetlands Inventory*. <https://www.fws.gov/Wetlands/data/Mapper.html>

²⁸ Blodgett Baylosis Environmental Planning. *Site survey*. Survey was conducted February 21, 2019.

F. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? • No Impact.

The project site is not located within an area governed by a habitat conservation or community conservation plan. As a result, no impacts on local, regional, or State habitat conservation plans will result from the proposed project's implementation.

3.4.2 MITIGATION MEASURES

The analysis indicated that the proposed project will not require any mitigation.

3.5 CULTURAL RESOURCES

3.5.1 ANALYSIS OF ENVIRONMENTAL IMPACTS

A. Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5? • No Impact.

Historic structures and sites are defined by local, State, and Federal criteria. A site or structure may be historically significant if it is locally protected through a local general plan or historic preservation ordinance. A site or structure may be historically significant according to State or Federal criteria even if the locality does not recognize such significance. The State, through the State Historic Preservation Office (SHPO), maintains an inventory of those sites and structures that are considered to be historically significant. Finally, the U.S. Department of Interior has established specific Federal guidelines and criteria that indicate the manner in which a site, structure, or district is to be defined as having historic significance and in the determination of its eligibility for listing on the National Register of Historic Places.²⁹ To be considered eligible for the National Register, a property's significance may be determined if the property is associated with events, activities, or developments that were important in the past, with the lives of people who were important in the past, or represents significant architectural, landscape, or engineering elements.³⁰

State historic preservation regulations include the statutes and guidelines contained in the California Environmental Quality Act (CEQA) and the Public Resources Code (PRC). A historical resource includes, but is not limited to, any object, building, structure, site, area, place, record, or manuscript, that is historically or archaeologically significant. The State regulations that govern historic resources and structures include Public Resources Code (PRC) Section 5024.1 and CEQA Guidelines Sections 15064.5(a) and 15064.5(b). The project site is vacant and undeveloped and there no structures located on-site. Furthermore, the project site is not identified as a historic resource by the City's Historical Society.³¹ Therefore, because there are no local, State, or federal historic resources on or adjacent to the

²⁹ U.S. Department of the Interior, National Park Service. *National Register of Historic Places*. <http://nrhp.focus.nps.gov>. 2010.

³⁰ Ibid.

³¹ City of Garden Grove. *City of Garden Grove Historical Society*. <http://www.ci.garden-grove.ca.us/?q=/HistoricalSociety>.

project site, no impacts are anticipated with the proposed project's implementation.

B. Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? • Less than Significant Impact with Mitigation.

The City of Garden Grove was previously inhabited by the Gabrieleño-Kizh people, named after the San Gabriel Mission.³² The Gabrieleño-Kizh tribe has lived in this region for around 7,000 years.³³ Before European contact, approximately 5,000 Gabrieleño-Kizh people lived in villages throughout the Los Angeles Basin.³⁴ Archaeological sites are often located along creek areas, ridgelines, and vistas.³⁵ Formal Native American consultation was provided in accordance with SB-18 and AB-52 (See Section 3.18(a) for a more detailed analysis of the requirements of SB-18 and AB-52). SB-18 and AB-52 consultation letters were mailed to a total of six tribes, including the different Gabrieleño subsets and the Soboba tribe. The specific tribal contacts included the following:

- Linda Candelaria, Co-Chairperson, Gabrielino-Tongva Tribe;
- Anthony Morales, Chairperson, Gabrieleno/Tongva – San Gabriel Band of Mission Indians;
- Robert F. Dorame, Tribal Chair/Cultural Resources, Gabrielino Tongva Indians of California Tribal Council;
- Joseph Ontiveros, Cultural Resource Director, Soboba Band of Luiseno Indians;
- Andrew Salas, Chairman, Gabrieleno Band of Mission Indians – Kizh Nation; and,
- Sam Dunlap, Cultural Resources Director, Gabrielino/Tongva Nation.

Only one of the aforementioned tribes responded. The tribal representative of the Gabrieleño-Kizh indicated that the project site is situated in an area of high archaeological significance. As a result, the following mitigation is required:

- In compliance with the requirements of SB-18 and AB-52, the project Applicant will be required to obtain the services of a qualified Native American Monitor during construction-related ground disturbance activities. Ground disturbance is defined by the Tribal Representatives from the Gabrieleño Band of Mission Indians, Kizh Nation as activities that include, but are not limited to, pavement removal, pot-holing or auguring, boring, grading, excavation, and trenching, within the project area. The monitor(s) must be approved by the tribal representatives and will be present on-site during the construction phases that involve any ground disturbing activities. The on-site monitoring shall end when the project site grading and excavation activities are completed, or when the monitor has indicated that the site has a low potential for archeological resources.

³² Tongva People of Sunland-Tujunga. *Introduction*. http://www.lausd.k12.ca.us/Verdugo_HS/classes/multimedia/intro.html. Website accessed in December 2014).

³³ Ibid.

³⁴ Rancho Santa Ana Botanical Garden. *Tongva Village Site*. <http://www.rsabg.org/tongva-village-site-1>. Website accessed in December 2014).

³⁵ McCawley. *The First Angelinos, The Gabrieleño Indians of Los Angeles County*. 1996.

In the unlikely event that human remains are uncovered by construction crews and/or the Native American Monitors, all excavation/grading activities shall be halted and the Garden Grove Police Department will be contacted (the Department will then contact the County Coroner). Title 14; Chapter 3; Article 5; Section 15064.5 of CEQA will apply in terms of the identification of significant archaeological resources and their salvage. Adherence to the abovementioned mitigation will reduce potential impacts to levels that are less than significant.

C. Would the project disturb any human remains, including those interred outside of dedicated cemeteries? • Less than Significant Impact.

There are no dedicated cemeteries located within the vicinity of the project site.³⁶ Magnolia Memorial Park is located 0.36 miles to the southwest of the project site and is the closest cemetery to the project site.³⁷ The proposed project would be restricted to the project site and would not affect any dedicated cemeteries. Notwithstanding the foregoing, in the unlikely event that human remains are uncovered by construction crews, all excavation and grading activities shall be halted and the Garden Grove Police Department would be contacted (the Department would then contact the County Coroner). This is a standard condition under California Health and Safety Code Section 7050.5(b), which states:

“In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with (b) Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.”

In addition, Title 14; Chapter 3; Article 5; Section 15064.5 of CEQA would apply in terms of the identification of significant archaeological resources and their salvage. Therefore, the potential impacts are considered to be less than significant.

³⁶ Google Earth. Website accessed February 21, 2019.

³⁷ Ibid.

3.5.2 MITIGATION MEASURES

The preceding analysis concluded that the project would require the following mitigation:

Mitigation Measure No. 1 (Cultural Resources). In compliance with the requirements of SB-18 and AB-52, the project Applicant will be required to obtain the services of a qualified Native American Monitor during construction-related ground disturbance activities. Ground disturbance is defined by the Tribal Representatives from the Gabrieleño Band of Mission Indians, Kizh Nation as activities that include, but are not limited to, pavement removal, pot-holing or auguring, boring, grading, excavation, and trenching, within the project area. The monitor(s) must be approved by the tribal representatives and will be present on-site during the construction phases that involve any ground disturbing activities. The on-site monitoring shall end when the project site grading and excavation activities are completed, or when the monitor has indicated that the site has a low potential for archeological resources.

3.6 ENERGY

3.6.1 ANALYSIS OF ENVIRONMENTAL IMPACTS

- A. *Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? • Less than Significant Impact.*

Title 24 of the California Code of Regulations establishes energy conservation standards for new construction. These standards relate to insulation requirements, glazing, lighting, shading, and water and space heating systems. The Garden Grove Municipal Code (GGMC) incorporates these state requirements. Construction-related energy consumption will consist largely of temporary power consumption related to the use of power tools, more specialized equipment (welding equipment, elevators, cranes, etc.), and lighting. A second major source of energy consumption will be related to temporary lighting used for both work and security. Work-related and security lighting will be required for the site during the course of the construction period. For purposes of this analysis, the entire construction period was assumed to be 11 months. The construction-related electrical consumption rate will be minimal in comparison to the operational consumption once the building is occupied. In addition, construction-related activities do not require the use of natural gas.

Table 3-4 below provides an estimate of electrical and natural gas consumption for the proposed project. As indicated in the table, the project is estimated to consume approximately 39,108 kilowatt (kWh) per year (or 3,259 kWh per month) of electricity and 1,938 therms of natural gas.

**Table 3-4
Estimated Annual Energy Consumption**

Project	Consumption Rate	Total Project Consumption
Electrical Consumption	6,518 kWh/unit/year	39,108 kWh/year total
Natural Gas Consumption	323 therms/unit/year	1,938 therms/year total

Source: Southern California Edison and Southern California Gas Company.

It is important to note that the project will include energy efficient fixtures such as energy efficient lighting, appliances, windows, roofing materials, air conditioning, and insulation. In addition, the energy consumption rates do not reflect the more stringent 2016 California Building and Green Building Code requirements. Title 24, Part 6 contains energy requirements for newly constructed buildings, additions to existing buildings, and alterations to existing buildings. These energy requirements include the use of energy efficient appliances and fixtures such as air conditioning units and lighting. The purpose of the California Green Building Code (Title 24, Part 11) is to improve public health, safety, and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction practices. Title 24, Part 6 requirements have been incorporated into the California Green Building Code. These California Green Building Code requirements include the use of energy and water efficient appliances and fixtures such as double paned windows, insulation, low flow faucets, and stormwater treatment appurtenances. Furthermore, depending on when the construction plans are submitted to the City for plan check, the project may be subject to the 2019 California Building Standards Code and the 2019 Building Energy Efficiency Standards (if submitted on, or after January 1, 2020). As a result, less than significant impacts will occur.

B. Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency? • Less than Significant Impact.

On January 12, 2010, the State Building Standards Commission adopted updates to the California Green Building Standards Code (Code), which became effective on January 1, 2011. The California Code of Regulations (CCR) Title 24, Part 11: California Green Building Standards (Title 24) became effective to aid efforts to reduce GHG emissions associated with energy consumption. Title 24 now requires that new buildings reduce water consumption, employ building commissioning to increase building system efficiencies, divert construction waste from landfills, and install low pollutant-emitting finish materials. The proposed project will be subject to the 2016 Building Code Standards, though the 2019 Standards that may be applicable if the project (construction plans for plan check) is submitted to the City on or after January 1, 2020. The California Green Building Standards Code does not prevent a local jurisdiction from adopting a more stringent code as state law provides methods for local enhancements. As indicated previously, the proposed project will be in accordance with the City's Building Code requirements and with Part 6 and Part 11 of Title 24 of the California Code of Regulations. As a result, the potential impacts are considered to be less than significant.

3.6.2 MITIGATION MEASURES

The preceding analysis concluded that the proposed project will not result in any significant impacts that would warrant mitigation.

3.7 GEOLOGY & SOILS

3.7.1 ANALYSIS OF ENVIRONMENTAL IMPACTS

- A. *Would the project, directly or indirectly, cause potential substantial adverse effects, including the risk of loss, injury, or death involving: Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42), strong seismic ground-shaking, seismic-related ground failure, liquefaction, or landslides? • Less than Significant Impact.*

The City of Garden Grove is located in a seismically active region. Earthquakes from several active and potentially active faults in the Southern California region could affect the project site. In 1972, the Alquist-Priolo Earthquake Zoning Act was passed in response to the damage sustained in the 1971 San Fernando Earthquake. The Alquist-Priolo Earthquake Fault Zoning Act's main purpose is to prevent the construction of buildings used for human occupancy on the surface trace of active faults.³⁸ A list of cities and counties subject to the Alquist-Priolo Earthquake Fault Zones is available on the State's Department of Conservation website. The City of Garden Grove is not on the list.³⁹

The potential impacts from fault rupture are considered no greater for the project site than for the surrounding areas. Surface ruptures are visible instances of horizontal or vertical displacement, or a combination of the two. The proposed improvements will be constructed in compliance with the 2016 Building Code, which contains standards for building design to minimize the impacts from fault rupture. Therefore, the potential impacts resulting from fault rupture are anticipated to be less than significant. The potential impacts in regards to ground shaking would also be considered to be less than significant. The intensity of ground shaking depends on the intensity of the earthquake, the duration of shaking, soil conditions, type of building, and distance from epicenter or fault. The proposed improvements will be constructed in compliance with the applicable 2019 Building Code, which contains standards for building design to minimize the impacts from ground shaking.

Other potential seismic issues include ground failure, liquefaction, and lateral spreading. Ground failure is the loss in stability of the ground and includes landslides, liquefaction, and lateral spreading. The project site is located within an area that has a potential for liquefaction.⁴⁰ According to the United States Geological Survey, liquefaction is the process by which water-saturated sediment temporarily loses strength and acts as a fluid. Essentially, liquefaction is the process by which the ground soil loses strength due to an increase in water pressure following seismic activity. The potential impacts with regards to liquefaction are considered to be less than significant since all soils that are not capable of supporting the proposed development will be removed and re-compacted. In addition, the project Applicant will be required to adhere to the foundation recommendations identified by the project's civil engineer. Lastly, the project site is not subject to the risk of landslides because the project site is relatively

³⁸ California Department of Conservation. *What is the Alquist-Priolo Act?* <http://www.conservation.ca.gov>

³⁹ California Department of Conservation. *Table 4, Cities and Counties Affected by Alquist Priolo Earthquake Fault Zones as of January 2010.* <http://www.conservation.ca.gov/cgs/rghm/ap/Pages/affected.aspx>

⁴⁰ California Department of Conservation. *Geologic and Seismic Hazards Shapefile.*

flat and there are no substantial hillsides or slopes immediately adjacent to the site boundary.

Lateral spreading is a phenomenon that is characterized by the horizontal, or lateral, movement of the ground. Lateral spreading could be liquefaction induced or can be the result of excess moisture within the underlying soils. Liquefaction induced lateral spreading would not affect the proposed development since all soils that are not capable of supporting the proposed development will be removed and re-compacted. In addition, the project Applicant will be required to adhere to the foundation recommendations identified by the project's civil engineer. Therefore, lateral spreading caused by liquefaction would not affect the project. The underlying soils are not prone to shrinking and swelling (refer to Section 3.7.2.D). Thus, the lateral spreading triggered due to an influx of moisture retained and released by the underlying soils is not likely to occur. As a result, the potential impacts in regards to liquefaction and landslides are less than significant.

B. Would the project result in substantial soil erosion or the loss of topsoil? • Less than Significant Impact.

The UC Davis SoilWeb soil survey was consulted to determine the nature of the soils that underlie the project site. According to the SoilWeb, the site is underlain by Metz loamy sand.⁴¹ Metz soils have a slight erosion hazard; however, construction activities and the placement of “permanent vegetative cover” will reduce the soil's erosion risk.⁴² Once operational, the project site would be paved over and landscaped, which would minimize soil erosion. In addition, the Applicant will be required to adhere to the construction Best Management Practices (BMPs) outlined in the Construction Runoff Guidance Manual Stormwater Runoff Program which includes the City of Garden Grove. This program includes the County of Orange, the cities of Orange County, and the Orange County Flood Control District. The construction BMPs identified in the Construction Runoff Guidance Manual are applicable for all projects located within Orange County.⁴³ These construction BMPs are grouped into the following categories:

- *Erosion control*, which focuses on preventing soil from being eroded by stormwater and potentially discharged from the construction site;
- *Sediment control*, which focuses on preventing eroded soil from being discharged from the construction site;
- *Wind erosion control*, which protects the soil surface and prevents the soil particles from being detached by wind;
- *Tracking control*, which prevents or reduces the amount of sediment that is tracked to paved areas from unpaved areas by vehicles or construction equipment;
- *Non-stormwater management*, which limits or reduces potential pollutants at their source

⁴¹ UC Davis. *SoilWeb*. <https://casoilresource.lawr.ucdavis.edu/gmap/>

⁴² United States Department of Agriculture, Soil Conservation Service. *Soil Survey of Orange County and Western Part of Riverside County, California*. September 1978. And UC Davis. *SoilWeb*. <https://casoilresource.lawr.ucdavis.edu/gmap/>

⁴³ Orange County Public Works. *Construction Runoff Guidance Manual*. Report dated December 2012

before they are exposed to stormwater; and,

- *Waste management and materials pollution control*, which practices that limit or reduce or prevent the contamination of stormwater by construction wastes and materials.

In addition, as a permitted subject to the MS4 permit, the City is responsible for ensuring that all new development and redevelopment comply with all pertinent requirements of the National Pollutant Discharge Elimination System (NPDES), which is a key element of the LID measures. In order to connect to the City's MS4 (municipal stormwater system), the project Applicant must obtain a Statewide General Construction Activity Stormwater Permit (GCASP). Construction activities include, but are not limited to, soil disturbance, clearing, grading, stock piling of soils, or excavation. In order to obtain a General Construction Activity Stormwater Permit (GCASP), the Applicant would be required to prepare a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP will contain construction Best Management Practices (BMPs) that will prevent the erosion of top soil, the contamination of stormwater runoff, and the discharge of runoff and soil off-site. The Applicant must ensure that a SWPPP is approved, or file a Notice of Intent to comply with the State permit prior to issuance of a grading permit.⁴⁴ The NPDES, SUSMP, and SWPPP are all elements of the MS4. As a result, the potential impacts regarding soil erosion are considered to be less than significant and no mitigation is required.

C. Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? • Less than Significant Impact.

Once complete, the project will not destabilize the new soils since the project will include new paved surfaces, new landscaping, and raised foundations, which would minimize soil erosion. Lateral spreading is a phenomenon that is characterized by the horizontal, or lateral, movement of the ground. Lateral spreading could be liquefaction induced or can be the result of excess moisture within the underlying soils. Liquefaction induced lateral spreading will not affect the proposed project because the project will be constructed in accordance with the 2016 Building Code, or the 2019 Building Code depending on when the project Application is filed. In addition, all soils that is not capable of supporting the proposed project will be removed and may be re-compacted or replaced.

The soils that underlie the project site possess a low potential for shrinking and swelling. Soils that exhibit certain shrink swell characteristics expand according to the moisture content present at the time. Since the underlying soils are not prone to shrinking and swelling, lateral spreading resulting from an influx of groundwater is slim. The likelihood of lateral spreading will be further reduced since the project's implementation will not require grading and excavation that would extend to depths required to encounter groundwater. In addition, the project will not result in the direct extraction of groundwater since the project will be connected to the City's water distribution system.

The soils that underlie the project site are also not prone to subsidence. Subsidence occurs via soil shrinkage and is triggered by a significant reduction in an underlying groundwater table, thus causing the earth on top to sink. No groundwater would be drained to accommodate the construction of the

⁴⁴ City of Garden Grove. *The Garden Grove Plan, Program Environmental Impact Report*. February 2012.

proposed project. In addition, the project would not result in the direct extraction of groundwater located below ground surface (BGS). Therefore, the likelihood of on-site subsidence is considered to be remote. As a result, the potential impacts are anticipated to be less than significant.

D. Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property? • Less than Significant Impact.

According to the UC Davis SoilWeb, the site is underlain with Metz loamy sand soils.⁴⁵ Metz soils have a slight erosion hazard and possess a low potential for shrinking and swelling.⁴⁶ The shrinking and swelling of soils (expansion) is influenced by the amount of clay present in the underlying soils.⁴⁷ As a result, the potential impacts are considered to be less than significant.

E. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? • No Impact.

No septic tanks would be used as part of proposed project. The residential units will be connected to the City's sanitary sewer system. As a result, no impacts associated with the use of septic tanks would occur as part of the proposed project's implementation.

F. Would the project, directly or indirectly, destroy a unique paleontological resource or site or unique geologic feature? • Less than Significant Impact.

No paleontological resources or geologic features are anticipated to be encountered during the project's construction phase due to the recent age (Holocene) of the soil. The soils that underlie the project area are alluvial soils. The alluvial deposits are typically quaternary-aged (from two million years ago to the present day) and span the two most recent geologic epochs, the Pleistocene and the Holocene.⁴⁸ As a result, no impacts to paleontological resources will occur and no mitigation is required.

3.7.2 MITIGATION MEASURES

The analysis determined that the proposed project would not require any mitigation.

⁴⁵ UC Davis. *SoilWeb*. <https://casoilresource.lawr.ucdavis.edu/gmap/>

⁴⁶ United States Department of Agriculture, Soil Conservation Service. *Soil Survey of Orange County and Western Part of Riverside County, California*. September 1978.

⁴⁷ Natural Resources Conservation Service Arizona. *Soil Properties Shrink/Swell Potential*. http://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/az/soils/?cid=nrcs144p2_065083

⁴⁸ United States Geological Survey. *What is the Quaternary?* http://geomaps.wr.usgs.gov/sfgeo/quaternary/stories/what_is.html. Site accessed on April 19, 2018

3.8 GREENHOUSE GAS EMISSIONS

3.8.1 ENVIRONMENTAL ANALYSIS

A. *Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? • Less than Significant Impact.*

The State of California requires CEQA documents to include an evaluation of greenhouse gas (GHG) emissions or gases that trap heat in the atmosphere. GHG are emitted by both natural processes and human activities. Examples of GHG that are produced both by natural and industrial processes include carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O). The SCAQMD has established multiple draft thresholds of significance. These thresholds include 1,400 metric tons of CO₂E (MTCO₂E) per year for commercial projects, 3,500 MTCO₂E per year for residential projects, 3,000 MTCO₂E per year for mixed-use projects, and 7,000 MTCO₂E per year for industrial projects.⁴⁹

As indicated in Table 3-5, the project’s operational CO₂E emissions (area, energy, mobile, waste, and water) are estimated to be 109 MTCO₂E per year, which is below the aforementioned thresholds. The project’s construction CO₂E emissions (site prep, grading, building, construction, paving, and architectural coating) would result in a generation of 159.45 MTCO₂E per year. When amortized over a 30-year period, these emissions decrease to 5.30 MTCO₂E per year. These amortized construction emissions were added to the project’s operational emissions to calculate the project’s total GHG emissions. As shown in the table, the project’s total operational emissions would be 114.28 MTCO₂E per year, which is still below the threshold of 3,500 MTCO₂E per year for residential projects.

**Table 3-5
Greenhouse Gas Emissions Inventory**

Source	GHG Emissions (Tons/Year)			
	CO ₂	CH ₄	N ₂ O	CO ₂ E
<i>Long-Term – Area Emissions</i>	0.10	--	--	0.10
<i>Long-Term - Energy Emissions</i>	23.99	--	--	24.09
<i>Long-Term - Mobile Emissions</i>	78.57	--	--	78.67
<i>Long-Term - Waste Emissions</i>	1.41	0.08	--	3.50
<i>Long-Term – Water Emissions</i>	2.26	0.01	--	2.60
<i>Long-Term - Total Emissions</i>	106.35	0.09	--	108.98 MTCO₂E
<i>Total Construction Emissions</i>	158.49	0.03	--	159.45 MTCO₂E
<i>Construction Emissions Amortized Over 30 Years</i>				5.30 MTCO₂E
<i>Total Emissions with Amortized Construction Emissions</i>				114.28 MTCO₂E
Significance Threshold				3,500 MTCO₂E
Significant Impact?				No

⁴⁹ South Coast Air Quality Management District. *Greenhouse Gas CEQA Significance Threshold Stakeholder Working Group #14*. [http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-14/ghg-meeting-14-main-presentation.pdf](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-14/ghg-meeting-14-main-presentation.pdf)

The GHG emissions estimates reflect what a six-unit development of the same location and description would generate once fully operational. The type of activities that may be undertaken once the project is operational have been predicted and accounted for in the model for the selected land use type.

It is important to note that the project is an “infill” development, which is seen as an important strategy in combating the release of GHG emissions. Infill development provides a regional benefit in terms of a reduction in Vehicle Miles Traveled (VMT) since the project is consistent with the regional and State sustainable growth objectives identified in the State’s Strategic Growth Council (SGC).⁵⁰ Infill development reduces VMT by recycling existing undeveloped or underutilized properties located in established urban areas. When development is located in a more rural setting, such as further east in the desert areas, employees, patrons, visitors, and residents may have to travel farther since rural development is often located a significant distance from employment, entertainment, and population centers. Consequently, this distance is reduced when development is located in urban areas since employment, entertainment, and population centers tend to be set in more established communities. As a result, the potential impacts are considered to be less than significant and no mitigation is required.

B. Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases? • Less than Significant Impact.

AB 32 requires the reduction of GHG emissions to 1990 levels, which would require a minimum 28% reduction in “business as usual” GHG emissions for the entire State. Additionally, Governor Edmund G. Brown signed into law Executive Order (E.O.) B-30-15 on April 29, 2015, the Country’s most ambitious policy for reducing Greenhouse Gas Emissions. Executive Order B-30-15 calls for a 40% reduction in greenhouse gas emissions below 1990 levels by 2030.⁵¹ The City of Garden Grove does not currently have a Climate Action Plan to reduce GHG emissions within its jurisdictional boundaries. Nevertheless, the proposed project will be in compliance with the City’s Building Code requirements and with Part 6 and Part 11 of Title 24 of the California Code of Regulations.

On January 12, 2010, the State Building Standards Commission adopted updates to the California Green Building Standards Code (Code) which became effective on January 1, 2011. The California Code of Regulations (CCR) Title 24, Part 11: California Green Building Standards (Title 24) became effective to aid efforts to reduce GHG emissions associated with energy consumption. Title 24 now require that new buildings reduce water consumption, employ building commissioning to increase building system efficiencies, divert construction waste from landfills, and install low pollutant-emitting finish materials. The 2016 version of the standards became effective as of January 1, 2017. The 2016 version addresses additional items such as clean air vehicles, increased requirements for electric vehicles charging infrastructure, organic waste, and water efficiency and conservation. The California Green Building Standards Code does not prevent a local jurisdiction from adopting a more stringent code as State law

⁵⁰ California Strategic Growth Council. <http://www.sgc.ca.gov/Initiatives/infill-development.html>. Promoting and enabling sustainable infill development is a principal objective of the SGC because of its consistency with the State Planning Priorities and because infill furthers many of the goals of all of the Council’s member agencies. Website accessed on April 20, 2018.

⁵¹ Office of Governor Edmund G. Brown Jr. *New California Goal Aims to Reduce Emissions 40 Percent Below 1990 Levels by 2030*. <http://gov.ca.gov/news.php?id=18938>

provides methods for local enhancements. Since the project will be in conformance with Part 6 and Part 11 of Title 24 of the California Code of Regulations, the potential impacts are considered to be less than significant.

In addition, it is important to note that the project is an “infill” development, which is seen as an important strategy in combating the release of GHG emissions. Infill development provides a regional benefit in terms of a reduction in Vehicle Miles Traveled (VMT) since the project is consistent with the regional and State sustainable growth objectives identified in the State’s Strategic Growth Council (SGC).⁵² Infill development reduces VMT by recycling existing undeveloped or underutilized properties located in established urban areas. When development is located in a more rural setting, such as further east in the desert areas, employees, patrons, visitors, and residents may have to travel farther since rural development is often located a significant distance from employment, entertainment, and population centers. Consequently, this distance is reduced when development is located in urban areas since employment, entertainment, and population centers tend to be set in more established communities. As a result, the potential impacts are considered to be less than significant and no mitigation is required.

3.8.2 MITIGATION MEASURES

The analysis of potential impacts related to GHG emissions indicated that the proposed project would not result in any adverse impacts. As a result, no mitigation measures are required.

3.9 HAZARDS & HAZARDOUS MATERIALS

3.9.1 ANALYSIS OF ENVIRONMENTAL IMPACTS

- A. *Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? • Less than Significant Impact.*

The project’s construction would require the use of diesel fuel to power the construction equipment. The diesel fuel would be properly sealed in tanks and would be transported to the site by truck. Other hazardous materials that would be used on-site during the project’s construction phase include, but are not limited to, gasoline, solvents, architectural coatings, and equipment lubricants.

The project site is not located on the California Department of Toxic Substances Control’s Hazardous Waste and Substances Site List - Site Cleanup (Cortese List).⁵³ In addition, the project site is not identified on any Leaking Underground Storage Tank database (LUST).⁵⁴ A search through the California Department of Toxic Substances Control’s Envirostor database indicated that the project site

⁵² California Strategic Growth Council. <http://www.sgc.ca.gov/Initiatives/infill-development.html>. Promoting and enabling sustainable infill development is a principal objective of the SGC because of its consistency with the State Planning Priorities and because infill furthers many of the goals of all of the Council’s member agencies. Site accessed on April 20, 2018.

⁵³ CalEPA. *DTSC’s Hazardous Waste and Substances Site List - Site Cleanup (Cortese List)*. http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm

⁵⁴ California State Water Resources Control Board. *GeoTracker*. <https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=gardengrove.ca>

was not included on any Federal or State clean up or Superfund lists.⁵⁵ The United States Environmental Protection Agency's multi-system search was consulted to determine whether the project site is identified on any Federal Brownfield list; Federal Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) List; Federal Resource Conservation and Recovery Act (RCRA) Treatment, Storage, and Disposal (TSD) Facilities List; and/or Federal RCRA Generators List. The project site was not identified on any of the aforementioned lists.⁵⁶ Since the project site is not listed on any of the aforementioned databases, the likelihood of encountering contamination or other environmental concerns (leaking storage tanks, transformers, etc.) during the project's construction phase is slim.

Due to the nature of the proposed project (a six-unit residential development), no hazardous materials beyond what is typically used in a household setting for routine cleaning and maintenance would be used once the project is occupied. As a result, the potential impacts are considered to be less than significant and no mitigation is required.

B. Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? • Less than Significant Impact.

The project's construction would require the use of diesel fuel to power the construction equipment. The diesel fuel would be properly sealed in tanks and would be transported to the site by truck. Other hazardous materials that would be used on-site during the project's construction phase include, but are not limited to, gasoline, solvents, architectural coatings, and equipment lubricants. As stated previously, the project site is not identified on the California Department of Toxic Substances Control's Hazardous Waste and Substances Site List - Site Cleanup (Cortese List); the Leaking Underground Storage Tank database (LUST); the California Department of Toxic Substances Control's Envirostor database; or the United States EPA Envirofacts database.^{57,58,59,60} Since the project site is not listed on any of the aforementioned databases, the likelihood of encountering contamination or other environmental concerns (leaking storage tanks, transformers, etc.) during the project's construction phase is slim.

Once occupied, the project is not likely to create a hazard involving the accidental release of hazardous materials into the environment due to the nature of the proposed project (a six-unit residential development). No hazardous materials beyond what is typically used in a household setting for routine cleaning and maintenance would be used once the project is occupied. As a result, the potential impacts

⁵⁵ CalEPA. *Envirostor*. http://www.envirostor.dtsc.ca.gov/public/mapfull.asp?global_id=&cx=-119&y=37&zl=18&ms=640.480&mt=m&findaddress=True&city=gardengrove

⁵⁶ United States Environmental Protection Agency. *Multisystem Search*. Site accessed February 22, 2019.

⁵⁷ CalEPA. *DTSC's Hazardous Waste and Substances Site List - Site Cleanup (Cortese List)*. http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm

⁵⁸ California State Water Resources Control Board. *GeoTracker*. <https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=gardengrove.ca>

⁵⁹ CalEPA. *Envirostor*. http://www.envirostor.dtsc.ca.gov/public/mapfull.asp?global_id=&cx=-119&y=37&zl=18&ms=640.480&mt=m&findaddress=True&city=santafesprings

⁶⁰ United States Environmental Protection Agency. *Multisystem Search*. Website accessed February 22, 2019.

are considered to be less than significant and no mitigation is required.

C. *Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? • Less than Significant.*

Hare High School is located 450 feet to the west of the project site, which is within one-quarter mile of the proposed project site. Due to the nature of the proposed project (a six-unit residential development), however, no hazardous materials beyond what is typically used in a household setting for routine cleaning and maintenance would be used once the project is occupied. As a result, the potential impacts are considered to be less than significant and no mitigation is required.

D. *Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? • No Impact.*

The *Cortese List*, also referred to as the Hazardous Waste and Substances Sites List or the California Superfund List, is a planning document used by the State and other local agencies to comply with CEQA requirements that require the provision of information regarding the location of hazardous materials release sites. California Government Code section 65962.5 requires the California Environmental Protection Agency to develop and update the Cortese List on an annual basis. The list is maintained as part of the California Department of Toxic Substances Control's Brownfields and Environmental Restoration Program referred to as EnviroStor. A search was conducted through the DTSC's Envirostor website to identify whether the project site is listed in the database as a Cortese site. The project site is not identified as a Cortese site.⁶¹ Therefore, no impacts would occur.

E. *Would the project for a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? • No Impact.*

The project site is not located within two miles of a public use airport. The closest airport is the Joint Forces Training Base, located four miles to the west in the City of Los Alamitos. The proposed project is not located within the Runway Protection Zone (RPZ) for the Joint Forces Training Base, and the residential development will not penetrate the airport's 100:1 slope.⁶² Essentially, the proposed project will not introduce a building that will interfere with the approach and take off of airplanes utilizing the aforementioned airport. As a result, the proposed project would not present a safety or noise hazard related to aircraft or airport operations at a public use airport to people residing or working in the project area and no impacts would occur.

⁶¹ CalEPA. *DTSC's Hazardous Waste and Substances Site List - Site Cleanup (Cortese List)*. http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm

⁶² Orange County Airport Land Use Commission. *Airport Environs Land Use Plan for Joint Forces Training Base, Los Alamitos*. Amended 2015. <http://www.ocair.com/commissions/aluc/archive/2015/2015-07-16/item1.pdf>.

F. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? • No Impact.

Operation of the proposed project would not physically interfere with an adopted emergency plan because the proposed project would be developed in accordance with the City's emergency access standards. The proposed project would also be required to comply with all applicable codes and ordinances for emergency vehicle access, which would ensure adequate access to, from, and on site for emergency vehicles. Moreover, the proposed project would provide adequate emergency access via a 30 foot paved driveway along Chapman Avenue. At no time would Chapman Avenue be completely closed to traffic during the proposed project's construction. All construction staging must occur on-site. As a result, no impacts are associated with the proposed project's implementation.

G. Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wild land fire? • No Impact.

As indicated previously, the project site and the adjacent properties are urbanized and there are no areas of native or natural vegetation found within the vicinity of the project area. In fact, the proposed project site and surrounding areas do not include brush and grass covered areas typically found in areas susceptible to wildfires. Furthermore, the project site is located outside of any area where there is natural vegetation that may represent a significant wildfire risk. As a result, no risk from wildfire is anticipated with the approval and subsequent implementation of the proposed project and no impacts will occur.

3.9.2 MITIGATION MEASURES

The environmental analysis determined that the proposed project will not require any mitigation.

3.10 HYDROLOGY & WATER QUALITY

3.10.1 ANALYSIS OF ENVIRONMENTAL IMPACTS

A. Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? • Less than Significant Impact.

The project's construction and subsequent occupation will not violate any water quality standards, waste discharge requirements, or otherwise degrade surface or groundwater quality. Construction activities such as site preparation and grading may have the potential to result in the discharge of sediment, oils, residual diesel fuel, rubbish, or other contaminants of concern into the local streets and/or stormwater infrastructure. The discharge of contaminated runoff from construction will be minimized since the Applicant will be required to adhere to the construction Best Management Practices (BMPs) outlined in the Construction Runoff Guidance Manual. The construction BMPs identified in the Construction

Runoff Guidance Manual are applicable for all projects located within Orange County.⁶³ These construction BMPs are grouped into the following categories:

- *Erosion control*, which focuses on preventing soil from being eroded by stormwater and potentially discharged from the construction site;
- *Sediment control*, which focuses on preventing eroded soil from being discharged from the construction site;
- *Wind erosion control*, which protects the soil surface and prevents the soil particles from being detached by wind;
- *Tracking control*, which prevents or reduces the amount of sediment that is tracked to paved areas from unpaved areas by vehicles or construction equipment;
- *Non-stormwater management*, which limits or reduces potential pollutants at their source before they are exposed to stormwater; and,
- *Waste management and materials pollution control*, which practices that limit or reduce or prevent the contamination of stormwater by construction wastes and materials.⁶⁴

The project Applicant will be required to prepare a Stormwater Pollution Prevention Program (SWPPP) pursuant to General Construction Activity NPDES regulations since the project would connect to the City's MS4. The SWPPP would contain additional construction BMPs that would be the responsibility of the project Applicant to implement. Furthermore, the applicant would also be required to submit a Notice of Intent to comply with the General Construction Activity NPDES Permit to the State Water Resources Control Board. The Applicant must ensure that a SWPPP is approved, or file a Notice of Intent to comply with the State permit prior to issuance of a grading permit.⁶⁵ The NPDES, SUSMP, and SWPPP are all elements of the MS4. Adherence to the aforementioned requirements will reduce the potential construction impacts to levels that are less than significant.

The project site is presently covered over in pervious surfaces. The major source of potential water pollution is related to sheet runoff, capturing surface pollutants from driveways, and other impervious areas that are then conveyed into the local storm water system that is composed of gutters, drains, catch basins, and pipes. This storm water infrastructure will collect the water runoff which will be conveyed to the local storm drain system. In the absence of certain design measures, trash, animal waste, chemicals, and other pollutants would be transported untreated through the storm water system where it is ultimately conveyed to the regional storm drain system.

The City of Garden Grove requires the preparation of a Water Quality Management Plan (WQMP) for projects that meet a certain criteria. The proposed project is considered a redevelopment project. In

⁶³ Orange County Public Works. *Construction Runoff Guidance Manual*. Report dated December 2012.

⁶⁴ DMS Consultants, Inc. *Preliminary Water Quality Management Plan (WQMP)*. Report dated May 29, 2018.

⁶⁵ City of Garden Grove. *The Garden Grove Plan, Program Environmental Impact Report*. February 2012.

addition, the project site is currently vacant, unoccupied, and is covered over in pervious surfaces and ruderal vegetation. Therefore, the project Applicant will be required to prepare a WQMP since the project is consistent with Category 8 on Table 7.11-2, which states:

“All significant redevelopment projects, where significant redevelopment is defined as the addition or replacement of 5,000 or more square feet of impervious surface on an already developed site. Redevelopment does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of the facility, or emergency redevelopment activity required to protect public health and safety.”

The project Applicant will be required to implement the post-construction Best Management Practices (BMPs) recommended in the mandatory WQMP. These BMPs will filter polluted runoff and will remove contaminants of concern prior to the discharge or percolation of runoff. From there, filtered water will either percolate into the ground, or may be discharged off-site via the local stormwater infrastructure. Thus, the project's implementation will not increase the rate or amount of surface runoff; create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems; or provide additional sources of polluted runoff. As a result, the potential impacts are considered to be less than significant.

B. Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? • Less than Significant Impact.

The grading and trenching that would be undertaken to accommodate the building footings, utility lines, and other underground infrastructure such as stormwater appurtenances and double check detector assemblies would not extend to depths required to encounter groundwater. Therefore no direct construction related impacts to groundwater supplies, or groundwater recharge activities would occur. The proposed project will be connected to the City's water lines and would not result in a direct decrease in underlying groundwater supplies. As part of this project, the applicant/property owner would be required to remove the septic tank and lateral tie in to the sewer/water system. Furthermore, the project's contractors would be required to adhere to the applicable Best Management Practices (BMPs) for the construction site. Adherence to the required BMPs would restrict the discharge of contaminated runoff into the local storm drain system. As a result, the impacts are anticipated to be less than significant.

C. Would the project substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner, which would: result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or, impede or redirect flood flows? • Less than Significant Impact.

Once implemented, the proposed project would change the site's drainage characteristics. A majority of the project site is currently covered over in pervious surfaces. Currently, stormwater runoff is

discharged off-site into the street or percolates into the ground. Following construction, runoff will either percolate into the ground or will be discharged off-site into the local stormwater infrastructure. Furthermore, the portion of Chapman Avenue that extends along the site's northern property line is paved and any runoff discharged off-site would not result in erosion or siltation. Additionally, the project's construction would be restricted to the designated project site and the project would not alter the course of any stream or river that would lead to on- or off-site siltation or erosion.

As indicated previously, the project Applicant will be required prepare a WQMP and implement all of the recommended Best Management Practices (BMPs) included in the report. These post-construction BMPs would filter out contaminants of concern, allow runoff to percolate into the ground, and would also result in the controlled discharge of excess runoff off-site. Therefore, the risk of off-site erosion and/or siltation will be minimal given the reduced water runoff and the lack of pervious surfaces outside of the project site. Thus, the project's implementation will not substantially increase the rate or amount of surface runoff; create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems; or provide additional sources of polluted runoff. As a result, the potential impacts are considered to be less than significant.

D. Would the project, in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? • Less than Significant Impact.

According to the Federal Emergency Management Agency (FEMA) flood insurance maps obtained for the City of Garden Grove, the proposed project site is located in Zone X, which is a flood zone that has an annual probability of flooding of less than 0.2% and represents areas outside the 500-year flood plain.⁶⁶ Thus, properties located in Zone X are not located within a 100-year flood plain.⁶⁷ The proposed project site is not located in an area that is subject to inundation by tsunami or seiche. The project site is located inland approximately eight miles from the Pacific Ocean and the project site would not be exposed to the effects of a tsunami.⁶⁸ Furthermore, a seiche in the Barber City Channel is not likely to happen due to the current level of channelization and volume of water present.

The project site and the majority of the City are located within an area that could be subject to flows due to failure or overflow at the Prado Dam, located approximately 20 miles to the northeast in the City of Corona. The primary impact associated with potential dam failure will be related to property damage since flood water will be relatively shallow and the flood water releases would be gradual.⁶⁹ The risk of dam inundation is no greater for the project site than the rest of the City since a majority of the City is located within the inundation path of the Prado Dam. As a result, the potential impacts with regards to flooding, tsunamis, seiches, or dam inundation are considered to be less than significant.

⁶⁶ Federal Emergency Management Agency (FEMA). *FEMA Flood Map*. <https://msc.fema.gov/portal/search?AddressQuery=Garden Grove#searchresultsanchor>

⁶⁷ FEMA. *Flood Zones, Definition/Description*. <http://www.fema.gov/floodplain-management/flood-zones>

⁶⁸ Google Earth. Website accessed February 25, 2019.

⁶⁹ United States Army Corps of Engineers, Los Angeles District. *Dam Safety Program*. <http://www.spl.usace.army.mil/Media/FactSheets/tabid/1321/Article/477349/dam-safety-program.aspx>.

E. Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? • No Impact.

The project Applicant will be required to prepare a SWPPP and implement the construction BMPS identified in the SWPPP. The Applicant will also be required to install the post-construction structural BMPS identified in the mandatory WQMP. In addition, the project's construction and operation would not interfere with any groundwater management or recharge plan. As a result, no impacts are anticipated.

3.10.2 MITIGATION MEASURES

The analysis indicated that the proposed project would not result in any hydrological, stormwater runoff, or water quality impacts. As a result, no mitigation is required.

3.11 LAND USE & PLANNING

3.11.1 ANALYSIS OF ENVIRONMENTAL IMPACTS

A. Would the project physically divide an established community? • No Impact.

Various uses occupy frontage along Chapman Avenue. The following land uses and development are located near the project site:⁷⁰

- *North of the project site.* Chapman Avenue extends along the project site's northern boundary. Apartments occupy frontage along the north side of Chapman Avenue, opposite the project site.
- *South of the project site.* A multiple-family development abuts the project site to the south.
- *East of the project site.* A multiple-family development abuts the project site to the east.
- *West of the project site.* Multiple-family units are located west of the project site. Hare High School is also located 450 feet west of the project site.

The issue is specifically concerned with the expansion of an inconsistent land use into an established neighborhood assuming that an "established community" refers to a residential neighborhood. The proposed residential use would continue to be confined within the project site's boundaries. The project's implementation would not affect the adjacent residential development. As a result, the project would not lead to any division of an existing established neighborhood and no impacts would occur.

⁷⁰ Blodgett Baylosis Environmental Planning. *Site survey*. Survey was conducted on February 20, 2019.

B. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? • Less than Significant Impact.

A Discretionary Decision (or Action) is an action taken by a government agency (for this project, the government agency is the City of Garden Grove) that calls for an exercise of judgment in deciding whether to approve a project. The discretionary approvals required for this project includes the following: a *Zone Change (ZC)* from R-1 (Single-Family Residential) to R-3 (Multiple-Family Residential); a *General Plan Amendment (GPA)* from LDR (Low Density Residential) to MDR (Medium Density Residential) to allow the construction of a new three-story building comprised of six residential apartment units; and, a *Site Plan Approval (SPA)* to construct a new three-story building comprised of six residential apartment units. No other discretionary actions are required to accommodate the project. Table 3-6 depicts the proposed project’s conformity with the City’s R-3 zoning standards (the project will require the approval of a Zone Change since this type of development is not permitted within the R-1 zone district). As shown in the table, the project conforms to the City’s development standards established for the R-3 Zone.

**Table 3-6
The Project Conformity with the City’s Zoning Standards**

Description	City Requirements	Project Element	Conforms?
Maximum Density	8 du for 19,800 to 21,599 sq. ft.	6 du	Yes
Front Setback	20 ft.	20 ft.	Yes
Building Separation to West Property Line	8'-9" for Units 1, 2, and 617'-6" for 1 st & 2 nd Floors of Units 3, 4 and 5 22'-6" for 3 rd Floor of Units 3, 4, and 5	10'-0" 25'-0" 25'-0"	Yes
Building Separation to East Property Line	8'-9"	30'-0"	Yes
Interior Side Setback	5 ft. for 1 st floor, 10 ft. for 2 nd floor	10 ft.	Yes
Rear Setback	5 ft. for 1 st floor, 10 ft. for 2 nd floor	49 ft.	Yes
Building Height	35 ft.	33 ft.	Yes
Lot Coverage	50%	31%	Yes

Source: City of Garden Grove Municipal Code Section 9.12.040

The site’s General Plan land use is Low Density Residential. The project will require the approval of a General Plan Amendment to change the site’s land use designation from Low Density Residential to Medium Density Residential. The City’s General Plan Land Use Element states that the Medium Density Residential (MDR) designation is intended to create, maintain, and enhance residential areas characterized by mostly traditional multi-family apartments, condominiums, townhomes, and single-family small-lot subdivisions at a density of 18.1 to 32 dwelling units per acre (du/acre). The project as proposed will have a maximum density of 2.82 dwelling units per acre, which is below the maximum permitted density of 18.1 to 32 du/acre established for the MDR designation in the City’s General Plan.

Since the project is consistent with the site's underlying zoning, Specific Plan, and General Plan land use designation, the potential impacts are considered to be less than significant.

3.11.2 MITIGATION MEASURES

The analysis determined that no significant impacts on land use and planning would result from the implementation of the proposed project. As a result, no mitigation measures are required.

3.12 MINERAL RESOURCES

3.12.1 ANALYSIS OF ENVIRONMENTAL IMPACTS

A. Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State? • No Impact.

A review of California Division of Oil, Gas, and Geothermal Resources (DOGGR) well finder indicates that there are no wells located within the project site.⁷¹ In addition, according to the Generalized Mineral Land Classification of Orange County, the project site is located in Mineral Resource Zone (MRZ) boundary number three (MRZ-3). Areas located in MRZ-3 are classified as areas where the significance of mineral deposits cannot be determined from the available data.⁷² Although the project site is located in MRZ-3, the implementation of the proposed project will not interfere with any active mineral resource extractions. There are a total of five active mineral resource areas in Orange County. These areas include the Santa Ana River Resource Area, the Lower Santiago Creek Resource Area, the Upper Santiago Creek Resource Area, the Arroyo Trabuco Resource Area, and the San Juan Creek Resource Area.⁷³ None of these resource areas are located near the project site, and no active mining operations exist in the City. As a result, no impacts to mineral resources will occur.

B. Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan? • No Impact.

As previously mentioned, no mineral, oil, or energy extraction and/or generation activities are located within the project site. Moreover, the proposed project will not interfere with any resource extraction activity. Therefore, no impacts will result from the implementation of the proposed project.

⁷¹ California, State of. Department of Conservation. *California Oil, Gas, and Geothermal Resources Well Finder*. <https://maps.conservation.ca.gov/doggr/wellfinder/#openModal/-117.95784/33.78484/14>

⁷² California, State of. Department of Conservation. *Generalized Mineral Land Classification of Orange County, California*. ftp://ftp.consrv.ca.gov/pub/dmg/pubs/ofr/OFR_94-15/OFR_94-15_Plate_1.pdf

⁷³ California, State of. Department of Conservation. *Update of Mineral Land Classification of Portland Cement Concrete Aggregate in Ventura, Los Angeles, and Orange Counties, California, Part III: Orange County*. Report dated 1994. ftp://ftp.consrv.ca.gov/pub/dmg/pubs/ofr/OFR_94-15/OFR_94-15_Text.pdf

3.12.2 MITIGATION MEASURES

The analysis of potential impacts related to mineral resources indicated that no impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation measures are required.

3.13 NOISE

3.13.1 ANALYSIS OF ENVIRONMENTAL IMPACTS

- A. *Would the project result in a generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? • Less than Significant Impact with Mitigation.*

The most commonly used unit for measuring the level of sound is the decibel (dB). Zero on the decibel scale represents the lowest limit of sound that can be heard by humans. Noise levels may also be expressed as dBA where an "A" weighting has been incorporated into the measurement metric to account for increased human sensitivity to noise. The A-weighted measurements correlate well with the perceived noise levels at lower frequencies. Noise may be generated from a point source, such as a piece of construction equipment, or from a line source, such as a road containing moving vehicles. The eardrum may rupture at 140 dB. In general, an increase of between 3.0 dB and 5.0 dB in the ambient noise level is considered to represent the threshold for human sensitivity. In other words, increases in ambient noise levels of 3.0 dB or less are not generally perceptible to persons with average hearing abilities.⁷⁴

Composite construction noise is best characterized in a study prepared by Bolt, Beranek, and Newman.⁷⁵ In the aforementioned study, the noisiest phases of construction are anticipated to be 89 dBA as measured at a distance of 50 feet from the construction activity. This value takes into account both the number of pieces and spacing of the heavy equipment typically used in a construction effort. In later phases during building erection, noise levels are typically reduced from these values and the physical structures further break up line-of-sight noise. In addition, the construction noise levels typically will decline as one moves away from the noise source in phenomenon known as *spreading loss*. Stationary noise subject to spreading loss experiences a 6.0 dBA reduction for every doubling of the distance beginning with the initial 50-foot distance. Noise emanating from travelling vehicles subject to spreading loss experiences a 3.0 dBA reduction for every doubling of the distance beginning with the initial 50-foot distance.

The nearest sensitive receptor to the project site includes the residential development that abuts the site to the east, west, and south. Hare High School is also a sensitive receptor and is located within 450 feet of the proposed project site. The project's construction noise levels were estimated using the Federal Highway Administration's (FHWA) Roadway Construction Noise Model Version 1.1. The pieces and

⁷⁴ Bugliarello, et. al., *The Impact of Noise Pollution*, Chapter 127, 1975.

⁷⁵ USEPA, *Protective Noise Levels*. 1971.

number of equipment that will be utilized was taken from the CalEEMod worksheets prepared for this project. The distance used between the construction activity and the nearest sensitive receptors varied depending on the individual equipment. As indicated by the model, the project's construction will result in ambient noise levels of up to 96.4 dBA at the nearest sensitive receptor. Construction noise is regulated under Section 8.47.060(D)-Special Noise Sources, which states:

“It shall be unlawful for any person within a residential area, or within a radius of 500 feet therefrom, to operate equipment or perform any outside construction or repair work on buildings, structures, or projects, or to operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist, or any other construction type device between the hours of 10:00 p.m. of one day and 7:00 a.m. of the next day in such a manner that a person of normal sensitiveness, as determined utilizing the criteria established in Section 8.47.050(B), is caused discomfort or annoyance unless such operations are of an emergency nature.”

The project Applicant will be required to adhere to the City's Noise Ordinance. Construction will take place between the hours of 7:00 AM and 10:00 PM pursuant to Section 8.47.060(D) of the City's code. In order to ensure that noise levels are further reduced, the following mitigation is required:

- The City Inspector shall ensure that the contractors use construction equipment that includes working mufflers and other sound suppression mechanisms as a means to reduce machinery noise. The Inspector must inspect the equipment prior to the start of the demolition phase.

The aforementioned mitigation calls for the use of sound suppressing equipment. For example, a typical excavator will produce noise levels of around 80.5 dBA at a distance of 50 feet. In the quietest configuration, with improved exhaust and intake muffling, fan disengaged, and three sound panels around the engine, the overall level was reduced to 71.5 dBA at a distance of 50 feet.⁷⁶ Furthermore, regular maintenance of construction equipment will ensure noise levels do not increase over time.

The project site is located within an urbanized setting and the ambient noise characteristics reflect the surrounding urban environment. The predominant source of noise in the area is related to traffic on Chapman Avenue. An *Extech* Digital Sound Meter was used to conduct the noise measurements. The meter was performed using a slow response setting, with an “A” weighting. The meter's height above the ground surface was five feet. A series of 100 discrete noise measurements were recorded along the south side of Chapman Avenue. The duration of each measurement period was 15 minutes. The results of the survey are summarized in Table 3-7.

The measurements were taken on a Wednesday afternoon at 2:51. The median ambient exterior noise level (L_{50}) was 72.8 dBA at the measurement location. The L_{50} represents the noise level that is exceeded 50% of the time (half the time the noise level exceeds this level and half the time the noise level is less than this level). As shown in Table 3-7, the average ambient noise level was 70.9 dBA.

⁷⁶ Laborers' Health and Safety Fund of North America. *Controlling Noise on Construction Sites*.
<https://www.lhsfna.org/LHSFNA/assets/File/bpguide%202014.pdf>

**Table 3-7
 Noise Measurement Results**

Noise Metric	Noise Level (dBA)
L _{max} (Maximum Noise Level)	84.7 dBA
L ₉₉ (Noise levels <99% of time)	83.6 dBA
L ₉₀ (Noise levels <90% of time)	75.8 dBA
L ₇₅ (Noise levels <75% of time)	74.7 dBA
L ₅₀ (Noise levels <50% of time)	72.8 dBA
L _{min} (Minimum Noise Level)	55.4 dBA
Average Noise Level	70.9 dBA

Source: Blodgett Baylosis Environmental Planning.

The City of Garden Grove's noise control regulations are included in Title 8, Chapter 47 (Noise Control) of the Municipal Code. The State of California has mandated that local governments prepare a noise element as part of their general plans. The Garden Grove Noise Element contains noise guidelines with respect to land use and noise exposure compatibility. These standards are contained in the Garden Grove General Plan Noise Element (page 7-7; Table 7-1). According to the General Plan, the proposed project will be constructed in an area with a conditionally acceptable to normally unacceptable ambient noise environment. However, this noise would be reduced by complying with the California Green Building code, which requires the use energy efficient windows and insulation which will further reduce interior noise levels. Insulation will be placed between the joists and studs and will serve as an additional buffer which when combined with stucco and drywall, will reduce interior noise levels by a minimum of 10.0 dBA.⁷⁷

Noise reductions of up to 20 dBA are possible with closed windows.⁷⁸ As indicated previously, roadway noise experiences a 3.0 dBA reduction for every doubling of the distance beginning with the first 50 feet. Unit 1 will be located 33 feet from Chapman Avenue. Thus, a decrease of 1.5 dBA is anticipated due to spreading loss. Overall, interior noise levels would average 58 to 59 dBA for Unit 1. The inclusion of central air conditioning will further reduce interior noise. Adherence to the construction mitigation proposed throughout this subsection will reduce potential impacts to levels that are less than significant.

B. Would the project result in a generation of excessive ground-borne vibration or ground-borne noise levels? • Less than Significant Impact.

Ground vibrations associated with construction activities using modern construction methods and equipment rarely reach the levels that result in damage to nearby buildings though vibration related to construction activities may be discernible in areas located near the construction site. A possible exception is in older buildings where special care must be taken to avoid damage. Table 3-8 summarizes the levels of vibration and the usual effect on people and buildings.

⁷⁷ California Department of Transportation. *Technical Noise Supplement to the Traffic Noise Analysis Protocol – Table 7-1*

⁷⁸ Ibid.

**Table 3-8
 Common Effects of Construction Vibration**

Peak Particle Velocity (in/sec)	Effects on Humans	Effects on Buildings
<0.005	Imperceptible	No effect on buildings
0.005 to 0.015	Barely perceptible	No effect on buildings
0.02 to 0.05	Level at which continuous vibrations begin to annoy occupants of nearby buildings	No effect on buildings
0.1 to 0.5	Vibrations considered unacceptable for persons exposed to continuous vibration.	Minimal potential for damage to weak or sensitive structures
0.5 to 1.0	Vibrations considered bothersome by most people, however tolerable if short-term in length	Threshold at which there is a risk of architectural damage to buildings with plastered ceilings and walls. Some risk to older buildings.
1.0 to 2.0	Vibrations considered unpleasant by most people.	U.S. Bureau of Mines data indicates that blasting vibration in this range will not harm most buildings.
>3.0	Vibration is unpleasant	Potential for architectural damage and possible minor structural damage

Source: U.S. Department of Transportation

The U.S. Department of Transportation (U.S. DOT) has guidelines for vibration levels from construction related to their activities, and recommends that the maximum peak-particle-velocity (PPV) levels remain below 0.05 inches per second at the nearest structures. PPV refers to the movement within the ground of molecular particles and not surface movement. Vibration levels above 0.5 inches per second have the potential to cause architectural damage to normal dwellings. The U.S. DOT also states that vibration levels above 0.015 inches per second (in/sec) are sometimes perceptible to people, and the level at which vibration becomes an irritation to people is 0.64 inches per second.

The project's implementation would not require deep foundations since the underlying fill soils would be removed and the proposed improvements would have a maximum height of 33 feet. The proposed improvements would be constructed over a shallow foundation that would extend no more than three to four feet bgs. The use of shallow foundations precludes the use of pile drivers or any auger type equipment. As shown in the construction noise model, the project's construction would not require the use of impact producing equipment.

Once occupied, the overall increase in ambient noise level would not be readily apparent to an individual with normal hearing. In addition, the project will not result in the exposure of nearby residents to the generation of excessive ground-borne noise due to the nature of the proposed use (no heavy machinery or equipment is anticipated to be in operation once the project is complete). The proposed project's future residents will be required to adhere to all pertinent City noise regulations. Furthermore, the traffic associated with the proposed project will not be great enough to result in a measurable or perceptible increase in traffic noise (it typically requires a doubling of traffic volumes to increase the ambient noise levels to 3.0 dBA or greater). As a result, the traffic noise impacts resulting from the proposed project's occupancy are deemed to be less than significant with the aforementioned mitigation.

- C. *For a project located within the vicinity of a private airstrip or- an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? • No Impact.*

The project site is not located within two miles of a private airstrip.⁷⁹ The closest airport is the Joint Forces Training Base, which is located four miles to the west in the City of Los Alamitos. The proposed project is not located within the Runway Protection Zone (RPZ) for the Joint Forces Training Base. Furthermore, the project site is located outside of the 65 CNEL noise contour boundaries for the aforementioned airport.⁸⁰ As a result, no impacts will occur.

3.13.2 MITIGATION MEASURES

The proposed project will require the following mitigation measures:

Mitigation Measure No. 2 (Noise). The City Inspector shall ensure that the contractors use construction equipment that includes working mufflers and other sound suppression mechanisms as a means to reduce machinery noise. The Inspector must inspect the equipment prior to the start of the demolition phase. The equipment must be present and in working order for the construction activities to commence.

3.14 POPULATION & HOUSING

3.14.1 ANALYSIS OF ENVIRONMENTAL IMPACTS

- A. *Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? • Less than Significant Impact.*

Growth-inducing impacts are generally associated with the provision of urban services to an undeveloped or rural area. Growth-inducing impacts include the following:

- *New development in an area presently undeveloped and economic factors which may influence development.* The site is undeveloped, though the site occupies frontage along a major arterial roadway.
- *Extension of roadways and other transportation facilities.* The project will utilize the existing roadways, driveways, and sidewalks.
- *Extension of infrastructure and other improvements.* The project will utilize the existing infrastructure, though new utility lines will be installed. The installation of these new utility lines will not lead to subsequent development.

⁷⁹ Google Earth. Website accessed February 25, 2019.

⁸⁰ Orange County Airport Land Use Commission. *Airport Environs Land Use Plan for Joint Forces Training Base, Los Alamitos.* Amended 2015. <http://www.ocair.com/commissions/aluc/archive/2015/2015-07-16/item1.pdf>.

- *Major off-site public projects (treatment plants, etc.).* The project's increase in demand for utility services can be accommodated without the construction or expansion of landfills, water treatment plants, or wastewater treatment plants.
- *The removal of housing requiring replacement housing elsewhere.* There are no housing units located on-site.
- *Additional population growth leading to increased demand for goods and services.* The population increase facilitated by the approval of the project has been accounted for by SCAG in the most recent Growth Forecast Appendix.
- *Short-term growth-inducing impacts related to the project's construction.* The project will result in temporary employment during the construction phase.

According to the Growth Forecast Appendix prepared by SCAG for the 2016-2040 RTP/SCS, the City of Garden Grove is projected to add a total of 5,300 new residents through the year 2040.⁸¹ The project's implementation could result in a population increase of 22 new residents based on a ratio of 3.63 persons per household identified by the United States Census Bureau. Conversely, these new units are estimated to add up to 30 new residents based on the number of units and bedrooms that will be provided (five residents per unit). The number of residents that will be added to the City is within the population projections prepared by the SCAG. As a result, the potential impacts are considered to be less than significant.

B. Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? • No Impact.

No housing units will be displaced as a result of the proposed project's implementation because the site is currently undeveloped. Therefore, no impacts would result.

3.14.2 MITIGATION MEASURES

The analysis of potential population and housing impacts indicated that no significant impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation is required.

⁸¹ Southern California Association of Governments. *Regional Transportation Plan/Sustainable Communities Strategy 2016-2040. Demographics & Growth Forecast.* April 2016.

3.15 PUBLIC SERVICES

3.15.1 ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for: Fire protection services; Police protection; Schools; Parks; other Governmental facilities? • Less than Significant Impact.*

The proposed use will be subject to review and approval by the Orange County Fire Authority (OCFA) to ensure that fire safety and fire prevention measures are incorporated into the project. According to the OCFA, the transition from municipal fire services to County fire services will increase response times and will provide additional employees including paramedics and professional firefighters.⁸² In addition, county-wide response times range between five to seven minutes.⁸³

Compliance with fire code requirements, installation of sprinkler systems, and approval of the site plan by the Orange County Fire Authority (OCFA) are expected to reduce potential impacts to levels that are less than significant. The Applicant will be required to submit the latest/final architectural plans to OCFA for their preliminary review/clearance. The nearest station to the project site is Garden Grove Fire Department Station 2, which is located one quarter of a mile to the northwest of the project site along the west side of Gilbert Street.⁸⁴ The proposed project will be constructed in compliance with the most recent Building Code further reducing the project's fire risk. The proposed project would only place an incremental demand on fire services since the proposed project will be constructed with strict adherence to all pertinent building and fire codes. Finally, the proposed project's implementation will not affect response times or department capacity. According to the OCFA, 50% of the emergency calls are answered within 5 minutes while 90% of the calls are answered within 8 ½ minutes. As a result, the potential impacts to fire protection services are considered to be less than significant.

Law enforcement services are provided by the Garden Grove Police Department. The Garden Grove Police Department's station is located approximately two miles southeast of the project site.⁸⁵ The proposed project would only place an incremental demand on police protection services since the project is not anticipated to be an attractor for crime due to the lack of unsecure open space. The Police Department will review the site plan for the proposed project to ensure that the development adheres to the Department requirements. Specifically, all security gates, monitoring systems, alarms, and walls will be under department review. Adherence to the abovementioned requirements will reduce potential impacts on police protection to levels that are less than significant.

⁸² OCFA – Orange County Fire Authority. *Garden Grove Transition*. <https://www.ocfa.org/NewsAndEvents/NewsAndEvents.aspx>

⁸³ OCFA – Orange County Fire Authority. *About Us*. <https://www.ocfa.org/AboutUs/FAQs.aspx>

⁸⁴ Google Earth. Website accessed February 26, 2019.

⁸⁵ Ibid.

The Garden Grove Unified School district serves a majority of the City as well as the surrounding cities of Anaheim, Fountain Valley, Cypress, Santa Ana, Stanton, and Westminster. The district currently has approximately 48,000 students enrolled in 66 schools located throughout the district. The closest schools to the project site include Louis G. Zeyen Elementary School, located 0.30 miles west of the site, Alamitos Intermediate School, located 0.83 miles southwest of the project site, and Hare High School, located 450 feet to the west of the project site. According to the 2010 Census, a total of 26% of the City's population is school aged (5 years of age to 18 years of age). As indicated in the previous section, the development's projected population is up to 30. Using the Citywide Census data, there is a potential for eight students. The project developer would be required to pay any pertinent development fees to the local school districts. Pursuant to SB-50, payment of fees to the applicable school district is considered full mitigation for project-related impacts. The proposed project's school enrollment impacts will be offset by the school fees that will be paid by the developer and as a result, the impacts will be less than significant. Furthermore, the increase in demand for local parks and recreation facilities are anticipated to be less than significant since the project will include 2,315 square feet of open space. In addition, the project Applicant will be required to pay in-lieu park fees required by the City. As a result, less than significant impacts to parks and recreational services will occur. In conclusion, no new governmental services will be needed to implement the proposed project since the proposed project will not introduce any new development. As a result, the potential impacts are considered to be less than significant.

3.15.3 MITIGATION MEASURES

The analysis determined that the proposed project would not result in any significant impact on public services. As a result, no mitigation is required.

3.16 RECREATION

3.16.1 ANALYSIS OF ENVIRONMENTAL IMPACTS

- A. *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?* • *Less than Significant Impact.*

The City of Garden Grove Community Services Department operates and maintains 26 public parks and recreational facilities located throughout the City. The closest Park is Hare School Park, located 450 feet to the west of the project site. The increase in demand for local parks and recreation facilities are anticipated to be less than significant since the project will include 2,315 square feet of open space. In addition, the project Applicant will be required to pay in-lieu park fees required by the City. The payment of this fee will allow the City to conduct regular maintenance or construct/expand new or existing facilities. As a result, the potential impacts are considered to be less than significant and no mitigation is required.

B. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? • Less than Significant Impact.

The project will include recreational facilities consisting of 2,315 square feet of open space. These amenities will be restricted for residents and their guests. In addition, these project features will be restricted to the designated project site and no outside areas will be disturbed to accommodate the installation of the aforementioned amenities. Furthermore, the subsequent increase in usage of City parks and recreational services will not be enough to result in a deterioration of park and recreational services since the developer will be required to pay park development fees. The payment of the in-lieu park fee will allow the City to construct/expand new or existing facilities. Therefore, less than significant impacts will result and no mitigation is required.

3.16.2 MITIGATION MEASURES

The analysis determined that the proposed project would not result in any significant impact on recreational facilities and services. As a result, no mitigation is required.

3.17 TRANSPORTATION

3.17.2 ANALYSIS OF ENVIRONMENTAL IMPACTS

A. Would the project conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? • Less than Significant Impact.

The proposed project is a proposal to construct six multiple-family units. The construction of the proposed project would take approximately 11 months to complete. The project site will first be graded and trenched during this initial phase that will take approximately one month to complete. During this initial phase there would be between 3 and 4 daily trips related to the equipment transport and between 8 and 10 worker trips per day. The individual units will then be constructed which will take approximately seven months to complete. During this construction phase there would be 8 daily trips related to the equipment transport and deliveries and 15 worker trips per day. The third phase will involve the paving of the drive aisles which will take approximately one month to complete. During this phase there would be 6 daily trips related to the equipment transport and 4 worker trips per day. The last phase will involve the planting of landscaping and the completion of the on-site improvements and will take approximately two months to complete. During this concluding phase, there would be 1 daily trip related to the equipment transport and 1 worker trip per day.

The project's trip generation was estimated using trip generation rates derived from the Institute of Transportation Engineer's (ITE) 10th Edition Trip Generation Handbook. The project's daily trips are presented in Table 3-9. As shown in Table 3-9, the project is anticipated to generate approximately 33 trips per day, with two of those trips occurring during the morning peak hour and three of those trips occurring during the evening peak hour.

**Table 3-9
 Project Trip Generation**

Description/Variable	Average Daily Trips	AM Peak Hour	PM Peak Hour
ITE Trip Rates for the Proposed Project (Multi-Family Residential – ITE Code 220)			
Trip Rates for Multi-Family Residential	5.44	0.36	0.44
Traffic Generation	33	2	3

The number of trips that will be added will not impact any street’s or intersection’s level of service (LOS). As a result, the potential impacts are considered to be less than significant. The project’s construction and occupation will not result in a loss of pedestrian facilities since all sidewalks that would be affected by the project’s construction would be replaced. In addition, the project will not preclude the use of the bicycle path that extends along the south side of Chapman Avenue since all of the proposed improvements will be located within the project site. As a result, the potential impacts are considered to be less than significant.

B. Would the project conflict or be inconsistent with CEQA Guidelines §15064.3 subdivision (b)? • Less than Significant Impact.

According to CEQA Guidelines §15064.3 subdivision (b)(1), vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact. Generally, projects within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor should be presumed to cause a less than significant transportation impact. Projects that decrease vehicle miles traveled in the project area compared to existing conditions should be considered to have a less than significant transportation impact. The project’s implementation will have less than significant impacts since the project will recycle existing undeveloped or underutilized properties located in established urban areas. When development is located in a more rural setting, such as further east in the desert areas, employees, patrons, visitors, and residents may have to travel farther since rural development is often located a significant distance from employment, entertainment, and population centers. Consequently, this distance is reduced when development is located in urban areas since employment, entertainment, and population centers tend to be set in more established communities. As a result, the potential impacts are considered to be less than significant.

C. Would the project substantially increases hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? • Less than Significant Impact.

Adequate sight distance is available from the driveways on Chapman Avenue. In addition, sufficient gap time is available for vehicles executing a left turn from the site onto westbound Chapman Avenue. The proposed project will not expose future residents to dangerous intersections or sharp curves and the proposed project will not introduce incompatible equipment or vehicles to the adjacent roads. As a result, the potential impacts are considered to be less than significant.

D. Would the project result in inadequate emergency access? • No Impact.

The project would not affect emergency access to any adjacent parcels. At no time will any local streets or parcels be closed to traffic. As a result, the proposed project's implementation will not result in any impacts.

3.17.2 MITIGATION MEASURES

The traffic impact analysis that was prepared for the project indicated that the project's implementation would not require any mitigation.

3.18 TRIBAL CULTURAL RESOURCES

3.18.1 ANALYSIS OF ENVIRONMENTAL IMPACTS

A. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is: listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resource Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe? • Less than Significant Impact.

A Tribal Resource is defined in Public Resources Code section 21074 and includes the following:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following: included or determined to be eligible for inclusion in the California Register of Historical Resources or included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
- A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.
- A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.

- A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “non-unique archaeological resource” as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

AB-52 requires a lead agency to begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project, if the tribe requested to the lead agency, in writing, to be informed by the lead agency of proposed projects in that geographic area and the tribe requests consultation. The project site is located within the cultural area that was formerly occupied by the Soboba Band of Luiseno Indians as well as the Gabrieleño-Kizh. The project Applicant will be required to adhere to the mitigation presented in Section 3.5.2.B. As a result, the project’s potential impacts are considered to be at a less than significant level.

3.18.2 MITIGATION MEASURES

The analysis of tribal cultural resources indicated that no significant impacts would result so long as the Applicant adheres to the mitigation measure presented in Section 3.5.2B.

3.19 UTILITIES & SERVICE SYSTEMS

3.19.1 ANALYSIS OF ENVIRONMENTAL IMPACTS

- A. Would the project require or result in the relocation or construction of new or expanded water, or wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities or relocation of which could cause significant environmental impacts? • Less than Significant Impact.*

The project site is presently undeveloped. There are no existing water or wastewater treatment plants, electric power plants, telecommunications facilities, natural gas facilities, or stormwater drainage infrastructure located on-site. Because no such plants are located on the project site, the project’s implementation will not require the relocation of any of the aforementioned facilities. In addition, the increase in demand for waste disposal, water, and wastewater treatment services can be adequately handled and no expansion of these services is required (refer to the following subsections). As a result, the potential impacts are considered to be less than significant.

- B. Would the project have sufficient water supplies available to serve the project and the reasonably foreseeable future development during normal, dry, and multiple dry years? • Less than Significant Impact.*

According to the City’s 2015 Urban Water Management Plan, the City will have an adequate of water to serve both the project and the City through the year 2040 under normal, dry, and multiple dry year scenarios.⁸⁶ Table 3-10 depicts the project’s future water consumption. Once occupied, the increase in

⁸⁶ Arcadis. 2015 *Urban Water Management Plan*. Report dated June 2016.

water consumption will be 2,862 gallons per day.

Table 3-10
Water Consumption (gals/day)

Use	Unit	Factor	Generation
Proposed Project (6 units)	6 du	477 gals/du	2,862 gals/day

Source: City of Los Angeles CEQA Thresholds Guide

The project will connect to an existing water line located along Chapman Avenue. The existing water supply facilities and infrastructure will be able accommodate this additional demand. In addition, the proposed project will be constructed in compliance with the 2016 California Green Building Code (Part 11 of Title 24 of the California Code of Regulations). More specifically, the project must comply with Division 5.3, Water Efficiency, and Conservation, which mandates the inclusion of water efficient fixtures such as faucets, toilets, showers, and water efficient landscaping. As a result, the impacts are considered to be less than significant and no mitigation is required.

C. Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments? • Less than Significant Impact.

The City of Garden Grove's sewer system operates entirely using gravity flow and the effluent is conveyed to one of several of Orange County Sanitation District's (OCS D) sewer trunk lines.⁸⁷ The Orange County Sanitation District (OCS D) is responsible for safely collecting, treating, and disposing the wastewater generated by 2.5 million people living in a 479 square-mile area of central and northwest Orange County. The OCS D's system includes approximately 580 miles of sewer lines and two treatment plants located in the Cities of Fountain Valley and Huntington Beach. Through these facilities, OCS D collects, conveys, treats, and/or reclaims approximately 230 million gallons of wastewater generated daily in its service area.

Wastewater from the City's local conveyance system is then conveyed to the OCS D trunk sewers and treated at the OCS D Plant No. 2 located in Huntington Beach. The OCS D Revenue Area 3 serves the City of Buena Park, La Habra, Garden Grove, Anaheim, Cypress, La Palma, Stanton, Los Alamitos, Westminster, and Fountain Valley. All sewage flow from Revenue Area 3 is collected and treated at Treatment Plant No. 2, which is located at 22212 Brookhurst Street, Huntington Beach.⁸⁸ The estimated average daily effluent received at Plant No. 2 is 127 million gallons (mgd). This facility currently has a total primary treatment capacity of 168 mgd, with an average daily treatment of approximately 127 mgd. Therefore, there is approximately 41 mgd of excess primary treatment capacity at OCS D Plant No. 2. Plant No. 2 also has 90 mgd of secondary treatment capacity. As indicated in Table 3-11, the proposed project is projected to generate 2,286 gallons of effluent on a daily basis, which is well under the capacity of the aforementioned WRPs.

⁸⁷ City of Garden Grove. *City of Garden Grove General Plan, Chapter 6 Infrastructure Element*. <http://www.ci.garden-grove.ca.us/>. Website accessed on February 26, 2019.

⁸⁸ Ibid.

**Table 3-11
 Wastewater (Effluent) Generation (gals/day)**

Use	Unit	Factor	Generation
Proposed Project (6 units)	6 du	381 gals/du	2,286 gals/du

Source: Sewage generation is expected to be 80% of water consumption.

The proposed project will connect to an existing sewer line located along Chapman Avenue. The existing sewer lines have sufficient capacity to accommodate the projected flows and adequate sewage collection and treatment are currently available. As a result, the potential impacts are less than significant.

D. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? • Less than Significant Impact.

The City's waste management is under the jurisdiction of the Garden Grove Sanitary District (GGSD), who contracts collection and disposal services with Republic Services. Waste collected in Orange County is disposed of either at the Frank R. Bowerman Landfill near Irvine, the Olinda Alpha Landfill near Brea, or the Prima Deshecha Landfill in San Juan Capistrano. As indicated in Table 3-12, the future daily solid waste generation is projected to be 72 pounds per day.

**Table 3-12
 Solid Waste Generation (lbs/day)**

Use	Unit	Factor	Generation
Proposed Project (6 units)	6 du	12 lbs/day/dwelling unit	72 lbs/day

Source: City of Los Angeles CEQA Thresholds Guide

The waste materials that will be transported off-site during the project's operation will be adequately handled by the existing facilities. The estimated 72 pounds of solid waste per day represents a small proportion of the remaining landfill capacity of the three area landfills that serve the City. Furthermore, this generation rate represents a small proportion of the total waste generated Citywide. As a result, the impacts are expected to be less than significant.

E. Comply with Federal, State, and local management and reduction statutes and regulations related to solid waste? • No Impact.

The proposed project, like all other development in Garden Grove, will be required to adhere to City and County ordinances with respect to waste reduction and recycling. As a result, no impacts related to State and local statutes governing solid waste are anticipated.

3.19.3 MITIGATION MEASURES

The analysis of utilities impacts indicated that no significant impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation is required.

3.20 WILDFIRE

3.20.1 ANALYSIS OF ENVIRONMENTAL IMPACTS

- A. *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan? • No Impact.*

The proposed project site is located within an urbanized area and no areas containing natural vegetation is located near the project site. Furthermore, the proposed project would not involve the closure or alteration of any existing evacuation routes that would be important in the event of a wildfire. As a result, no impacts will occur.

- B. *Would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? • Less than Significant Impact.*

The project site and the adjacent properties are urbanized and there are no areas of native or natural vegetation found within the vicinity of the project area. The proposed project may be exposed to criteria pollutant emissions generated by wildland fires due to the project site's proximity to fire hazard severity zones (the site is located ten miles west of the Santa Ana Mountains). However, the potential impacts would not be exclusive to the project site since criteria pollutant emissions from wildland fires may affect the entire City as well as the surrounding cities and unincorporated county areas. As a result, the potential impacts are considered to be less than significant.

- C. *Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? • Less than Significant Impact.*

The project will include the installation of new utility lines such as gas lines, water lines, etc. These utilities lines will be located below ground surface. As a result, the potential impacts are considered to be less than significant.

- D. *Expose people or structures to significant risks, including down slope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? • No Impact.*

There is no risk from wildfire within the project site or the surrounding area given the project site's distance from any area that may be subject to a wildfire event. The project site and surrounding areas are developed and are covered over in pavement and concrete. Therefore, the project will not expose future employees to flooding or landslides facilitated by runoff flowing down barren and charred slopes and no will occur.

3.20.2 MITIGATION MEASURES

The analysis of wildfires impacts indicated that no significant impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation is required.

3.21 MANDATORY FINDINGS OF SIGNIFICANCE

The following findings can be made regarding the Mandatory Findings of Significance set forth in Section 15065 of the CEQA Guidelines based on the results of this environmental assessment:

- *Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? • Less than Significant Impact.*

The proposed project will not have the potential to degrade the quality of the environment since the project's air quality emissions will be below the thresholds of significance outlined by the SCAQMD. No impacts to protected species or habitat would result with the implementation of the proposed project. Furthermore, the best management practices identified in the WQMP will filter out contaminants of concern present in stormwater runoff. The addition of project trips will not negatively impact any local intersection. Lastly, the project will include energy and water efficient appliances and fixtures.

- *Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? • Less than Significant Impact.*

The cumulative air quality emissions will be below the thresholds of significance established by the SCAQMD.

- *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? • Less than Significant Impact with Mitigation.*

Daytime and nighttime light and glare from both the proposed project would not contribute any significant impacts since the project must comply with the City's municipal code. The project's operational air quality impacts would be less than significant based on the proposed project's short-term (construction emissions) and long-term operational emissions (refer herein to Section 3.3). In addition, future truck drivers must adhere to Title 13 - §2485 of the California Code of Regulations, which limits the idling of diesel powered vehicles to less than five minutes. Adherence to the aforementioned standard condition will minimize odor impacts from diesel trucks. Adherence to Rule 403 Regulations and Title 13 - §2485 of the California Code of Regulations will reduce potential impacts to levels that are less than significant.

Adherence to the mitigation measure included in the analysis of cultural/tribal resources would mitigate any potential impacts in the event archaeological resources are encountered during grading and excavation activities. This mitigation measure is identified herein in Section 3.5.2. Adherence to the construction noise mitigation provided in the preceding analysis would prevent the exposure of sensitive receptors to excess noise. Lastly, the addition of the project's traffic would not result in a deterioration of any intersection's level of service or the creation of a CO hot-spot. As a result, the potential impacts are considered to be less than significant with adherence to the required mitigation measures.



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SECTION 4 CONCLUSIONS

4.1 FINDINGS

The Initial Study determined that the proposed project is not expected to have significant adverse environmental impacts. The following findings can be made regarding the Mandatory Findings of Significance set forth in Section 15065 of the CEQA Guidelines based on the results of this Initial Study:

- The proposed project *will not* have a significant effect on the environment.
- The proposed project *will not* have the potential to achieve short-term goals to the disadvantage of long-term environmental goals.
- The proposed project *will not* have impacts that are individually limited, but cumulatively considerable, when considering planned or proposed development in the immediate vicinity.
- The proposed project *will not* have environmental effects that will adversely affect humans, either directly or indirectly.
- A Mitigation Reporting and Monitoring Program *will be* required.

4.2 MITIGATION MONITORING & REPORTING PROGRAM

4.2.1. OVERVIEW OF THE PROJECT

The proposed project is a request to subdivide a 0.47-acre (20,500 square feet) site to accommodate six new dwelling units. These six new dwelling units will have a total building area of 14,206 square feet and a total living area of 10,119 square feet. In addition, a total of 2,315 square feet of recreational space will be provided. Lastly, a total of 21 parking spaces will be included. Access to the project site will be provided by a new 30-foot wide driveway located along the south side of Chapman Avenue.

4.2.2. FINDINGS RELATED TO MITIGATION MONITORING

Section 21081(a) of the Public Resources Code states that findings must be adopted by the decision-makers coincidental to the approval of a Mitigated Negative Declaration. These findings shall be incorporated as part of the decision-maker's findings of fact, in response to AB-3180. In accordance with the requirements of Section 21081(a) and 21081.6 of the Public Resources Code, the following additional findings may be made:

- A mitigation reporting or monitoring program will be required;
- Site plans and/or building plans, submitted for approval by the responsible monitoring agency, shall include the required standard conditions; and,

- An accountable enforcement agency or monitoring agency shall be identified for the mitigations adopted as part of the decision-maker's final determination.

4.2.3. MITIGATION MEASURES

Mitigation Measure No. 1 (Cultural Resources). The project Applicant will be required to obtain the services of a qualified Native American Monitor during construction-related ground disturbance activities. Ground disturbance is defined by the Tribal Representatives from the Gabrieleño Band of Mission Indians, Kizh Nation as activities that include, but are not limited to, pavement removal, pot-holing or auguring, boring, grading, excavation, and trenching, within the project area. The monitor(s) must be approved by the tribal representatives and will be present on-site during the construction phases that involve any ground disturbing activities. The on-site monitoring shall end when the project site grading and excavation activities are completed, or when the monitor has indicated that the site has a low potential for archeological resources.

Mitigation Measure No. 2 (Noise). The City Inspector shall ensure that the contractors use construction equipment that includes working mufflers and other sound suppression mechanisms as a means to reduce machinery noise. The Inspector must inspect the equipment prior to the start of the demolition phase.

4.2.4. MITIGATION MONITORING

The monitoring and reporting on the implementation of these measures, including the period for implementation, monitoring agency, and the monitoring action, are identified in Table 4.1 provided on the following pages.

TABLE 4.1 MITIGATION-MONITORING PROGRAM			
Measure	Enforcement Agency	Monitoring Phase	Verification
<p>Mitigation Measure No. 1 (Cultural Resources). The project Applicant will be required to obtain the services of a qualified Native American Monitor during construction-related ground disturbance activities. Ground disturbance is defined by the Tribal Representatives from the Gabrieleño Band of Mission Indians, Kizh Nation as activities that include, but are not limited to, pavement removal, pot-holing or auguring, boring, grading, excavation, and trenching, within the project area. The monitor(s) must be approved by the tribal representatives and will be present on-site during the construction phases that involve any ground disturbing activities. The on-site monitoring shall end when the project site grading and excavation activities are completed, or when the monitor has indicated that the site has a low potential for archeological resources.</p>	<p>Planning Department</p> <ul style="list-style-type: none"> • (Applicant is responsible for implementation) 	<p>Prior to the issuance of a grading permit.</p> <ul style="list-style-type: none"> • Mitigation ends when construction is completed. 	<p>Date:</p> <p>Name & Title:</p>

**TABLE 4.1
 MITIGATION-MONITORING PROGRAM**

Measure	Enforcement Agency	Monitoring Phase	Verification
<p>Mitigation Measure No. 2 (Noise). The City Inspector shall ensure that the contractors use construction equipment that includes working mufflers and other sound suppression mechanisms as a means to reduce machinery noise. The Inspector must inspect the equipment prior to the start of the demolition phase.</p>	<p>Planning Department and Code Enforcement Officer</p> <p>•</p> <p>(Applicant is responsible for implementation)</p>	<p>Prior to the issuance of a grading permit.</p> <p>•</p> <p>Mitigation ends when construction is completed.</p>	<p>Date:</p> <p>Name & Title:</p>
<p>Mitigation Measure No. 3 (Tribal Resources). The project Applicant will be required to obtain the services of a qualified Native American Monitor during construction-related ground disturbance activities. Ground disturbance is defined by the Tribal Representatives from the Gabrieleño Band of Mission Indians, Kizh Nation as activities that include, but are not limited to, pavement removal, pot-holing or auguring, boring, grading, excavation, and trenching, within the project area. The monitor(s) must be approved by the tribal representatives and will be present on-site during the construction phases that involve any ground disturbing activities. The on-site monitoring shall end when the project site grading and excavation activities are completed, or when the monitor has indicated that the site has a low potential for archeological resources. (NOTE: This mitigation measure is the same as Mitigation Measure No. 1)</p>	<p>Planning Department</p> <p>•</p> <p>(Applicant is responsible for implementation)</p>	<p>Prior to the issuance of a grading permit.</p> <p>•</p> <p>Mitigation ends when construction is completed.</p>	<p>Date:</p> <p>Name & Title:</p>



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SECTION 5 REFERENCES

5.1 PREPARERS

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Marc Blodgett, Project Manager
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APPENDICES

APPENDIX A – AIR QUALITY WORKSHEETS

APPENDIX B – NOISE WORKSHEETS

APPENDIX C – NATIVE AMERICAN (AB-52 CONSULTATION)

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9312 Chapman Avenue Subdivision - South Coast AQMD Air District, Summer
9312 Chapman Avenue Subdivision
 South Coast AQMD Air District, Summer

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Single Family Housing	6.00	Dwelling Unit	1.95	10,800.00	17
Parking Lot	9.00	Space	0.08	3,600.00	0

1.2 Other Project Characteristics

Urbanization	Urban	Wind Speed (m/s)	2.2	Precipitation Freq (Days)	31
Climate Zone	8			Operational Year	2021
Utility Company	Southern California Edison				
CO2 Intensity (lb/MW/hr)	702.44	CH4 Intensity (lb/MW/hr)	0.029	N2O Intensity (lb/MW/hr)	0.006

1.3 User Entered Comments & Non-Default Data

- Project Characteristics -
- Land Use -
- Construction Phase - Construction times are estimated.
- Construction Off-road Equipment Mitigation -
- Mobile Land Use Mitigation -
- Area Mitigation -
- Energy Mitigation -
- Water Mitigation -

CalEEMod Version: CalEEMod.2016.3.2

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Date: 2/20/2019 12:22 PM

9312 Chapman Avenue Subdivision - South Coast AQMD Air District, Summer

Table Name	Column Name	Default Value	New Value
tblConstructionPhase	NumDays	10.00	43.00
tblConstructionPhase	NumDays	220.00	87.00
tblConstructionPhase	NumDays	6.00	23.00
tblConstructionPhase	NumDays	10.00	22.00
tblConstructionPhase	NumDays	3.00	20.00
tblConstructionPhase	PhaseEndDate	6/11/2020	2/29/2020
tblConstructionPhase	PhaseEndDate	5/14/2020	11/30/2019
tblConstructionPhase	PhaseEndDate	7/11/2019	7/31/2019
tblConstructionPhase	PhaseEndDate	5/28/2020	12/31/2019
tblConstructionPhase	PhaseEndDate	7/3/2019	6/30/2019
tblConstructionPhase	PhaseStartDate	5/29/2020	1/1/2020
tblConstructionPhase	PhaseStartDate	7/12/2019	8/1/2019
tblConstructionPhase	PhaseStartDate	7/4/2019	7/1/2019
tblConstructionPhase	PhaseStartDate	5/15/2020	12/1/2019
tblConstructionPhase	PhaseStartDate	6/29/2019	6/1/2019
tblGrading	AcresOfGrading	11.50	3.00
tblGrading	AcresOfGrading	30.00	4.50

2.0 Emissions Summary

2.1 Overall Construction (Maximum Daily Emission)

Unmitigated Construction

Year	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio-CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
2019	2.5815	22.7785	15.4619	0.0257	6.2722	1.0913	7.3460	3.3548	1.0460	4.3427	0.0000	2,521,019 ₉	2,521,019 ₉	0.7707	0.0000	2,540,287 ₁
2020	1.8416	1.6869	1.8723	3.0600e-003	0.0112	0.1110	0.1222	2.9600e-003	0.1110	0.1140	0.0000	292.8922	292.8922	0.0221	0.0000	293.4452
Maximum	2.5815	22.7785	15.4619	0.0257	6.2722	1.0913	7.3460	3.3548	1.0460	4.3427	0.0000	2,521,019 ₉	2,521,019 ₉	0.7707	0.0000	2,540,287 ₁

Mitigated Construction

Year	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio-CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
2019	2.5815	22.7785	15.4619	0.0257	2.5143	1.0913	3.5882	1.3265	1.0460	2.3144	0.0000	2,521,019 ₉	2,521,019 ₉	0.7707	0.0000	2,540,287 ₀
2020	1.8416	1.6869	1.8723	3.0600e-003	0.0112	0.1110	0.1222	2.9600e-003	0.1110	0.1140	0.0000	292.8922	292.8922	0.0221	0.0000	293.4452
Maximum	2.5815	22.7785	15.4619	0.0257	2.5143	1.0913	3.5882	1.3265	1.0460	2.3144	0.0000	2,521,019 ₉	2,521,019 ₉	0.7707	0.0000	2,540,287 ₀

Percent Reduction	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio-CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
	0.00	0.00	0.00	0.00	59.81	0.00	50.32	60.41	0.00	45.51	0.00	0.00	0.00	0.00	0.00	0.00

CITY OF GARDEN GROVE • MITIGATED NEGATIVE DECLARATION & INITIAL STUDY
SIX-UNIT APARTMENT COMPLEX • 9312 CHAPMAN AVENUE

CalEEMod Version: CalEEMod.2016.3.2

Page 4 of 23

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9312 Chapman Avenue Subdivision - South Coast AQMD Air District, Summer

2.2 Overall Operational
Unmitigated Operational

Category	lb/day															
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Area	1.8212	0.1302	3.5483	7.8100e-003		0.4611	0.4611		0.4611	0.4611	56.2015	108.8933	165.0948	0.1685	3.8100e-003	170.4434
Energy	4.5700e-003	0.0391	0.0166	2.5000e-004		3.1600e-003	3.1600e-003		3.1600e-003	3.1600e-003		49.9047	49.9047	9.6000e-004	9.1000e-004	50.2013
Mobile	0.1112	0.5614	1.4958	5.4100e-003	0.4320	4.2100e-003	0.4362	0.1156	3.9300e-003	0.1195		550.3696	550.3696	0.0262		551.0242
Total	1.9370	0.7307	5.0608	0.0135	0.4320	0.4684	0.9005	0.1156	0.4682	0.5838	56.2015	708.1676	765.3691	0.1956	4.7200e-003	771.6688

Mitigated Operational

Category	lb/day															
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Area	0.2460	5.7300e-003	0.4970	3.0000e-005		2.7400e-003	2.7400e-003		2.7400e-003	2.7400e-003	0.0000	0.8633	0.8633	8.7000e-004	0.0000	0.9150
Energy	4.5700e-003	0.0391	0.0166	2.5000e-004		3.1600e-003	3.1600e-003		3.1600e-003	3.1600e-003		49.9047	49.9047	9.6000e-004	9.1000e-004	50.2013
Mobile	0.1084	0.5423	1.4200	5.1100e-003	0.4064	3.9800e-003	0.4104	0.1087	3.7200e-003	0.1125		519.6272	519.6272	0.0249		520.3501
Total	0.3620	0.6872	1.9337	5.3900e-003	0.4064	9.8800e-003	0.4163	0.1087	9.6200e-003	0.1184	0.0000	570.4252	570.4252	0.0267	9.1000e-004	571.3664

9312 Chapman Avenue Subdivision - South Coast AQMD Air District, Summer

ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio-CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
81.31	19.65	61.79	59.99	5.93	97.89	53.77	5.93	97.95	79.73	100.00	19.56	25.47	86.33	80.72	25.96

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Site Preparation	Site Preparation	6/1/2019	6/30/2019	5	20	
2	Grading	Grading	7/1/2019	7/31/2019	5	23	
3	Building Construction	Building Construction	8/1/2019	11/30/2019	5	87	
4	Paving	Paving	12/1/2019	12/31/2019	5	22	
5	Architectural Coating	Architectural Coating	1/1/2020	2/29/2020	5	43	

Acres of Grading (Site Preparation Phase): 4.5

Acres of Grading (Grading Phase): 3

Acres of Paving: 0.08

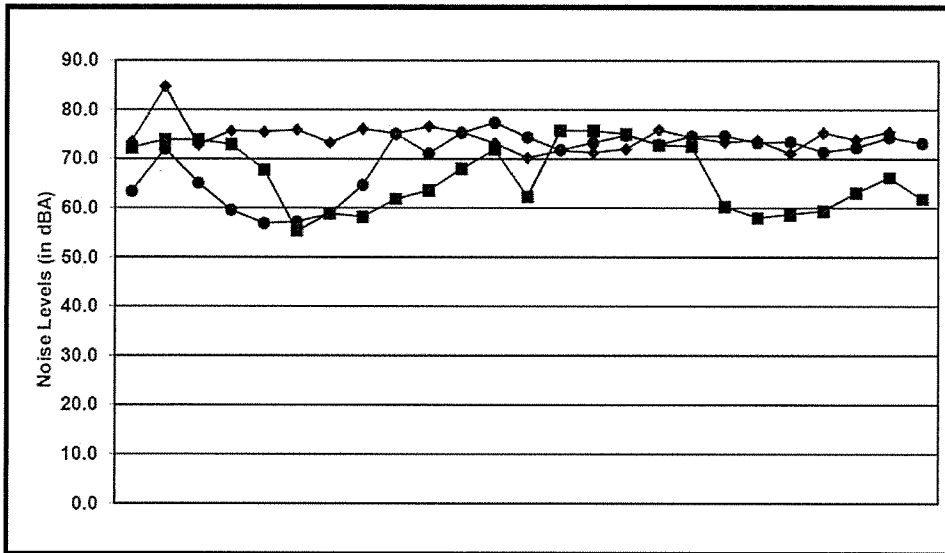
Residential Indoor: 21,870; Residential Outdoor: 7,290; Non-Residential Indoor: 0; Non-Residential Outdoor: 0; Striped Parking Area: 216 (Architectural Coating – sqft)

OffRoad Equipment

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CITY OF GARDEN GROVE • MITIGATED NEGATIVE DECLARATION & INITIAL STUDY
 SIX-UNIT APARTMENT COMPLEX • 9312 CHAPMAN AVENUE

Actual Noise Levels During Measurement				Noise Measurement Results in Leq%				
1-25	26-50	51-75	76-100	L%	1-25	26-50	51-75	76-100
75.8	73.5	72.3	63.4	L ₉₉	83.6	84.7	75.8	77.4
72.4	84.7	73.9	72.0		76.7	76.6	75.7	75.3
72.7	72.8	73.9	65.1	L ₉₀	75.8	76.1	75.1	75.1
69.9	75.7	72.9	59.6		75.8	75.9	73.9	74.8
70.2	75.5	67.8	56.9		75.7	75.9	73.9	74.7
73.7	75.9	55.4	57.2		75.7	75.7	72.9	74.6
73.9	73.3	58.9	58.8		74.8	75.5	72.8	74.4
71.0	76.1	58.2	64.7		74.2	75.5	72.6	74.4
74.8	75.2	61.8	75.1		73.9	75.4	72.3	73.5
72.7	76.6	63.6	71.1		73.8	75.3	71.9	73.3
73.2	75.4	68.0	75.3		73.7	75.2	68.0	73.3
75.7	73.2	71.9	77.4	L ₅₀	73.2	74.4	67.8	73.2
75.8	70.2	62.3	74.4		72.7	73.9	66.2	72.9
68.3	71.7	75.8	71.8		72.7	73.8	63.6	72.3
70.9	71.3	75.7	73.3		72.4	73.5	63.1	72.0
74.2	72.0	75.1	74.8		71.7	73.4	62.3	71.8
75.7	75.9	72.8	72.9		71.0	73.3	61.8	71.4
69.9	74.4	72.6	74.6		70.9	73.2	61.8	71.1
73.8	73.4	60.3	74.7		70.2	72.8	60.3	65.1
69.6	73.8	58.0	73.3	L ₂₅	69.9	72.3	59.4	64.7
83.6	71.1	58.7	73.5		69.9	72.0	58.9	63.4
71.7	75.3	59.4	71.4		69.6	71.7	58.7	59.6
76.7	73.9	63.1	72.3	L ₁₀	68.3	71.3	58.2	58.8
68.1	75.5	66.2	74.4		68.1	71.1	58.0	57.2
67.8	72.3	61.8	73.2		67.8	70.2	55.4	56.9



**Noise Measurements
 along the south side of Chapman Ave**

Source: Blodgett Baylosis Environmental Planning

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TRANSMITTAL AB-52 CONSULTATION REPORT

August 19, 2019

Linda Candelaria, Co-Chairperson
Gabrielino-Tongva Tribe
1999 Avenue of the Stars, Suite 1100
Los Angeles, California 90067

PURPOSE: The purpose of this report is to provide background information for a project being proposed in the City of Garden Grove, which is located in the northwestern portion of Orange County. The City of Garden Grove Community Development Department, in its capacity as Lead Agency for the proposed project, is requesting your Tribal Organization review this information in accordance with Public Resources Code Section 21080.3.1 sub. (b). The report is to respond to your formal request for notification and information related to proposed projects within the Tribal territory that are subject to the California Environmental Quality Act (CEQA). Questions, comments, and/or a request for formal consultation shall be submitted to the following contact person at the City of Garden Grove within 30 days of receipt of this report:

Chris Chung, Urban Planner
City of Garden Grove, Community Development Department
11222 Acacia Parkway, P.O. Box 3070
Garden Grove, California 92840
714-741-5312

PROJECT NAME: Six-Unit Apartment (9312 Chapman Avenue).

ADDRESS: The project site's legal address is 9312 Chapman Avenue. The corresponding Assessor's Parcel Number is 133-082-27.

CITY/COUNTY: City of Garden Grove, Orange County.

APPLICANT: The project Applicants are Victor Phu Nguyen and Julie Hoang Vu, 11165 Wasco Road, Garden Grove, CA 92841.

PROJECT: The proposed project is a request by the Applicant to subdivide a 0.47-acre (20,500 square-feet) vacant lot to accommodate six new dwelling units within a three-story building. These six new dwelling units will have a total building area of 12,767 square feet and a total living area of 10,119 square feet. In addition, a total of 2,315 square feet of recreational space will be provided. Lastly, a total of

21 parking spaces will be included. Access to the project site will be provided by a new 30-foot wide driveway located along the south side of Chapman Avenue. The discretionary approvals that are being requested by the project Applicant include a General Plan Amendment (GPA), Zone Change (ZC), Site Plan, and the adoption of a Mitigated Negative Declaration (MND) and associated Mitigation Monitoring and Reporting Program (MMRP).

LOCATION:

The project site is located within the corporate boundaries of the City of Garden Grove. The City is located in the western portion of Orange County. Surrounding cities include Stanton on the west; Anaheim on the north; Orange and Santa Ana on the east; and Westminster and Santa Ana on the south. Regional access to the City is provided by the Garden Grove Freeway (State Route [SR] 22) that extends through the City in an east-west orientation. A citywide map is provided in Exhibit 1. The project site is located in the northernmost portion of the City. Chapman Avenue extends along the project site's northern boundary. The project site's legal address is 9312 Chapman Avenue and the corresponding Assessor's Parcel Number is 133-082-27. Major roadways in the vicinity of the project site include: Chapman Avenue, located adjacent to the project site; Lampson Avenue, located 0.45 miles to the south of the project site; Gilbert Street, located 750 feet to the east of the project site; and Magnolia Street, located 0.28 miles to the west of the project site. Regional access to the project site is provided by SR-22, located 1.46 miles to the southwest of the site. A vicinity map is provided in Exhibit 2.

SETTING:

Various uses occupy frontage along Chapman Avenue. An aerial photograph is provided in Exhibit 3. The following land uses and development are located near the project site:

- *North of the project site.* Chapman Avenue extends along the project site's northern boundary. Apartments occupy frontage along the north side of Chapman Avenue, opposite the project site.
- *South of the project site.* A multiple-family development abuts the project site to the south.
- *East of the project site.* A multiple-family development abuts the project site to the east.
- *West of the project site.* Multiple-family units are located west of the project site.

The 0.47-acre project site is currently vacant and undeveloped. The site is fenced off and is covered over in unmaintained ruderal vegetation.

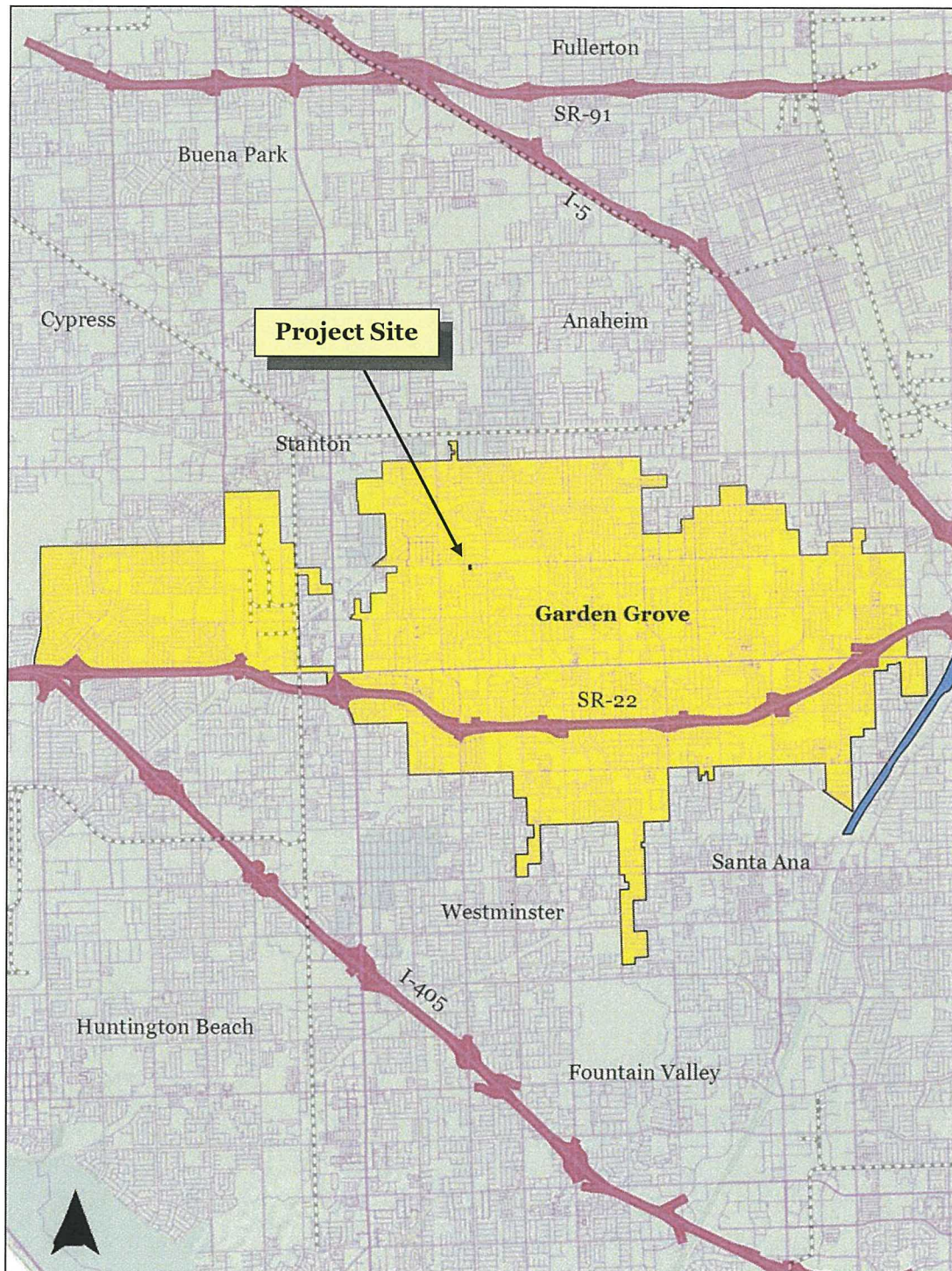


EXHIBIT 1
LOCATION OF PROJECT SITE IN THE
CITY OF GARDEN GROVE

Source: Quantum GIS



EXHIBIT 2
LOCAL MAP
Source: Quantum GIS



EXHIBIT 3
AERIAL PHOTOGRAPH
Source: Quantum GIS

CITY OF GARDEN GROVE • MITIGATED NEGATIVE DECLARATION & INITIAL STUDY
SIX-UNIT APARTMENT COMPLEX • 9312 CHAPMAN AVENUE

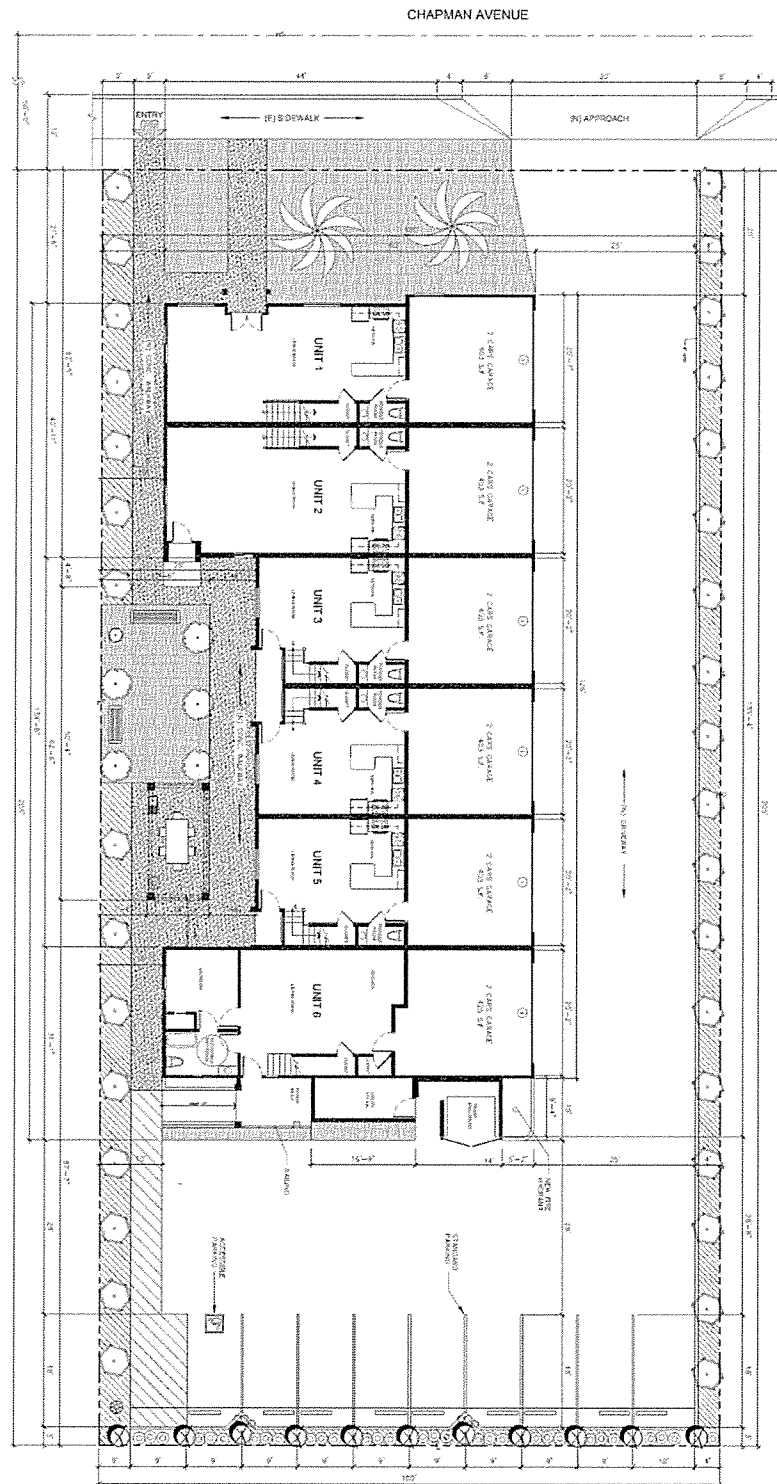


EXHIBIT 4
PROJECT SITE PLAN
SOURCE: LIEM NGUYEN

TRANSMITTAL AB-52 CONSULTATION REPORT

August 19, 2019

Anthony Morales, Chairperson
Gabrielino-Tongva Tribe
1999 Avenue of the Stars, Suite 1100
Los Angeles, California 90067

PURPOSE: The purpose of this report is to provide background information for a project being proposed in the City of Garden Grove, which is located in the northwestern portion of Orange County. The City of Garden Grove Community Development Department, in its capacity as Lead Agency for the proposed project, is requesting your Tribal Organization review this information in accordance with Public Resources Code Section 21080.3.1 sub. (b). The report is to respond to your formal request for notification and information related to proposed projects within the Tribal territory that are subject to the California Environmental Quality Act (CEQA). Questions, comments, and/or a request for formal consultation shall be submitted to the following contact person at the City of Garden Grove within 30 days of receipt of this report:

Chris Chung, Urban Planner
City of Garden Grove, Community Development Department
11222 Acacia Parkway, P.O. Box 3070
Garden Grove, California 92840
714-741-5312

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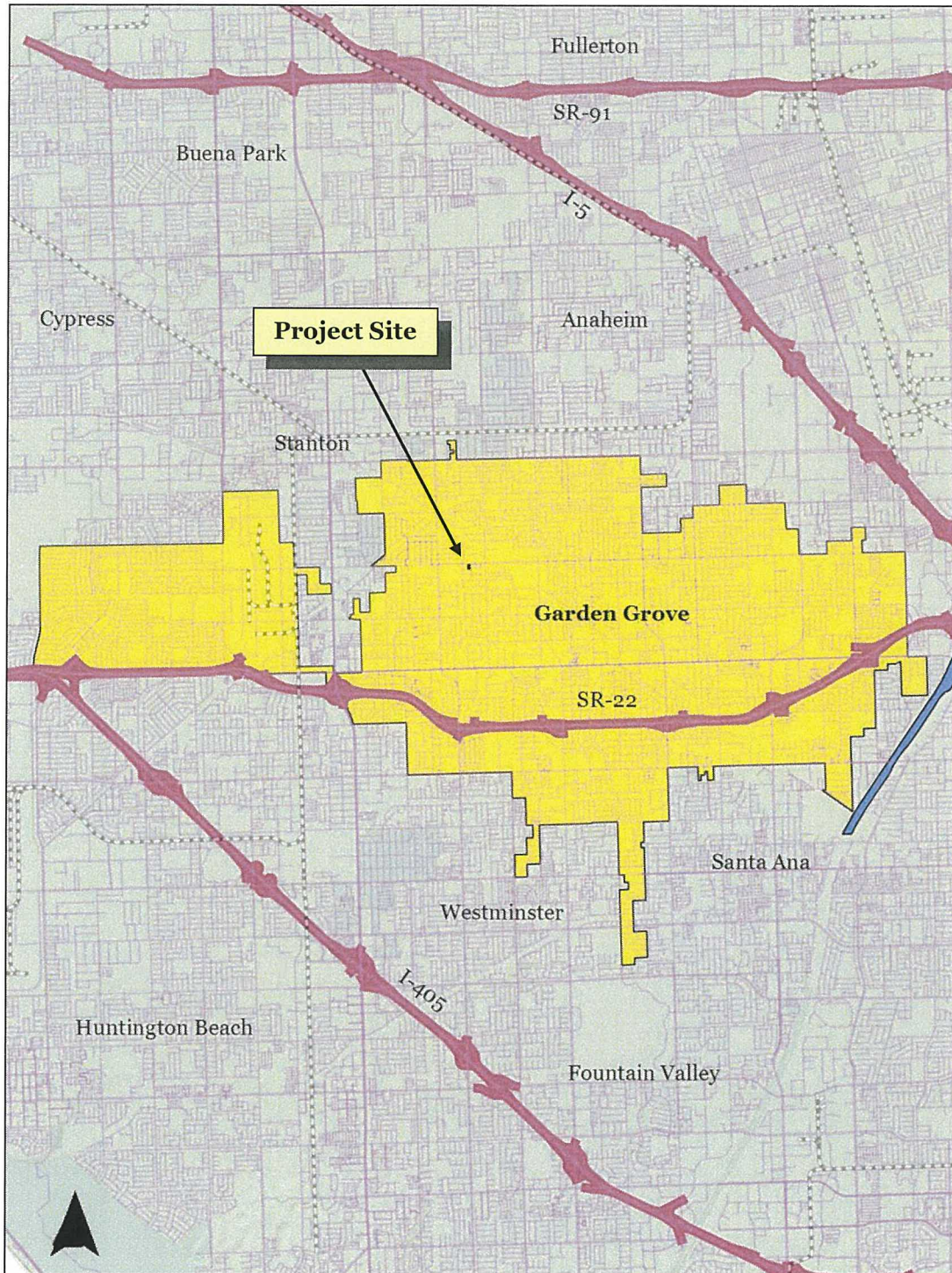


EXHIBIT 1
LOCATION OF PROJECT SITE IN THE
CITY OF GARDEN GROVE

Source: Quantum GIS



EXHIBIT 2
LOCAL MAP
Source: Quantum GIS



EXHIBIT 3
AERIAL PHOTOGRAPH
Source: Quantum GIS

CITY OF GARDEN GROVE • MITIGATED NEGATIVE DECLARATION & INITIAL STUDY
SIX-UNIT APARTMENT COMPLEX • 9312 CHAPMAN AVENUE

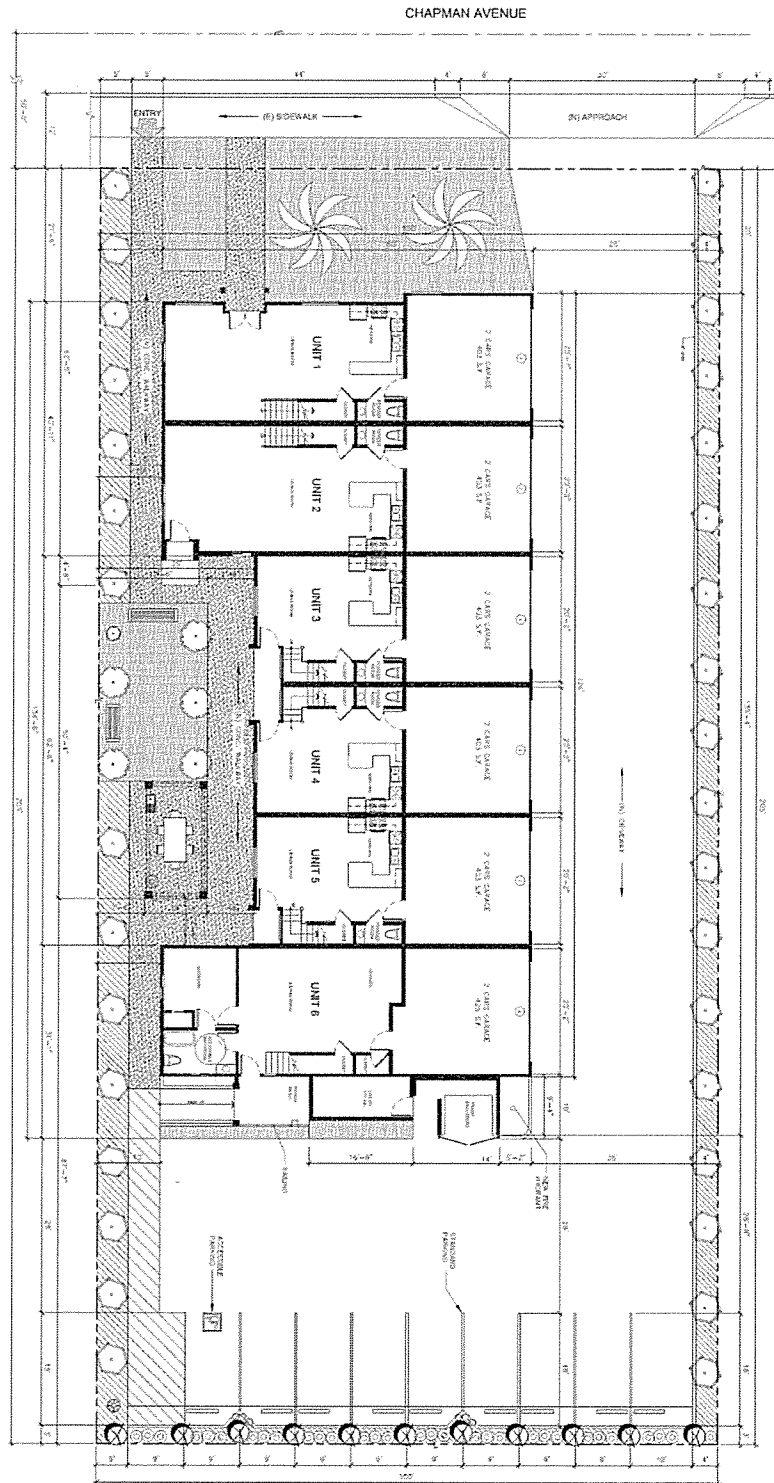


EXHIBIT 4
PROJECT SITE PLAN
SOURCE: LIEM NGUYEN

TRANSMITTAL AB-52 CONSULTATION REPORT

August 19, 2019

Andrew Salas, Chairman
Gabrieleno Band of Mission Indians-Kizh Nation
P.O. Box 393
Covina, California 91723

PURPOSE: The purpose of this report is to provide background information for a project being proposed in the City of Garden Grove, which is located in the northwestern portion of Orange County. The City of Garden Grove Community Development Department, in its capacity as Lead Agency for the proposed project, is requesting your Tribal Organization review this information in accordance with Public Resources Code Section 21080.3.1 sub. (b). The report is to respond to your formal request for notification and information related to proposed projects within the Tribal territory that are subject to the California Environmental Quality Act (CEQA). Questions, comments, and/or a request for formal consultation shall be submitted to the following contact person at the City of Garden Grove within 30 days of receipt of this report:

Chris Chung, Urban Planner
City of Garden Grove, Community Development Department
11222 Acacia Parkway, P.O. Box 3070
Garden Grove, California 92840
714-741-5312

PROJECT NAME: Six-Unit Apartment (9312 Chapman Avenue).

ADDRESS: The project site's legal address is 9312 Chapman Avenue. The corresponding Assessor's Parcel Number is 133-082-27.

CITY/COUNTY: City of Garden Grove, Orange County.

APPLICANT: The project Applicants are Victor Phu Nguyen and Julie Hoang Vu, 11165 Wasco Road, Garden Grove, CA 92841.

PROJECT: The proposed project is a request by the Applicant to subdivide a 0.47-acre (20,500 square-foot) vacant lot to accommodate six new dwelling units within a three-story building. These six new dwelling units will have a total building area of 12,767 square feet and a total living area of 10,119 square feet. In addition, a total of 2,315 square feet of recreational space will be provided. Lastly, a total of

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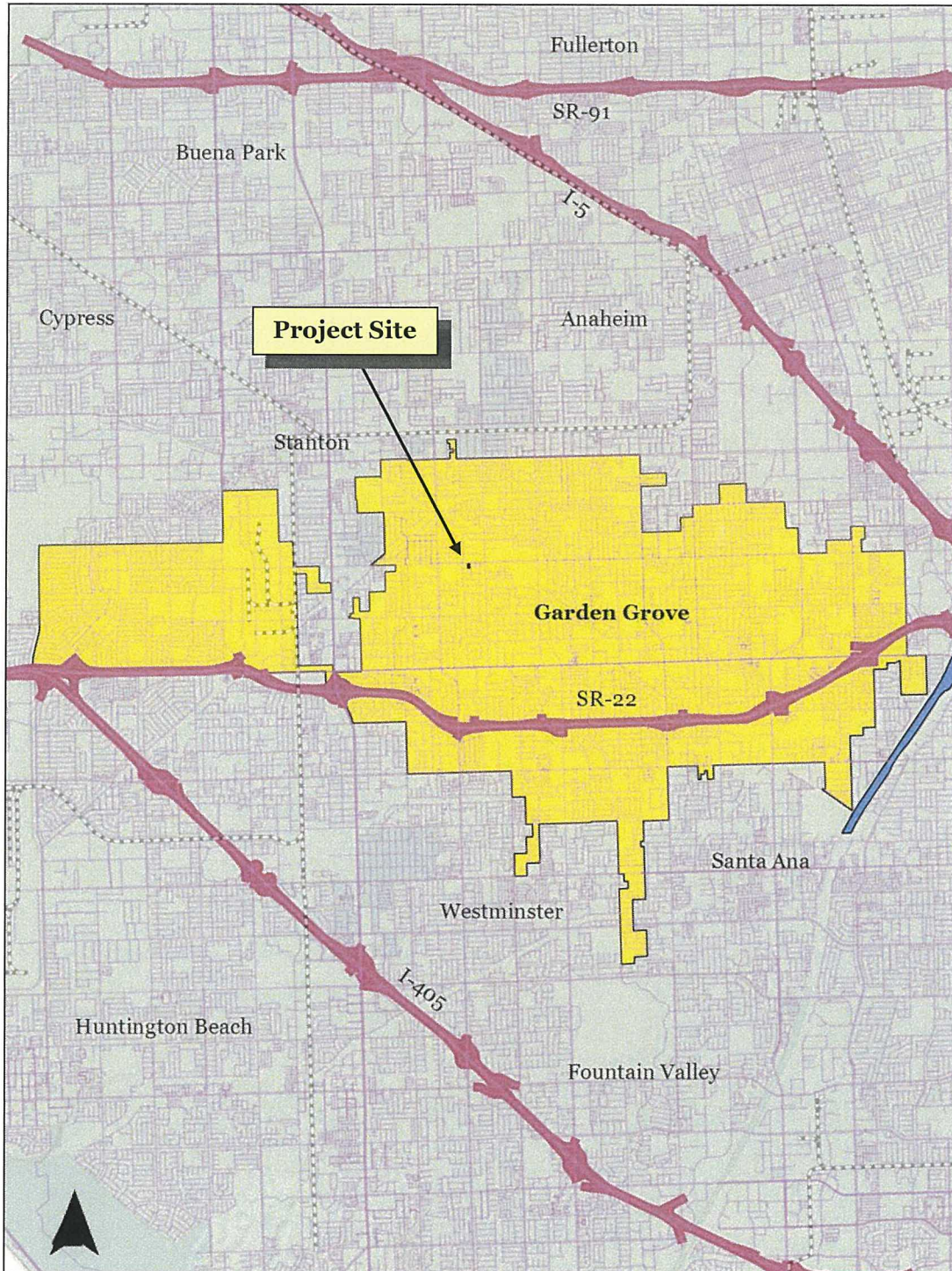


EXHIBIT 1
LOCATION OF PROJECT SITE IN THE
CITY OF GARDEN GROVE

Source: Quantum GIS

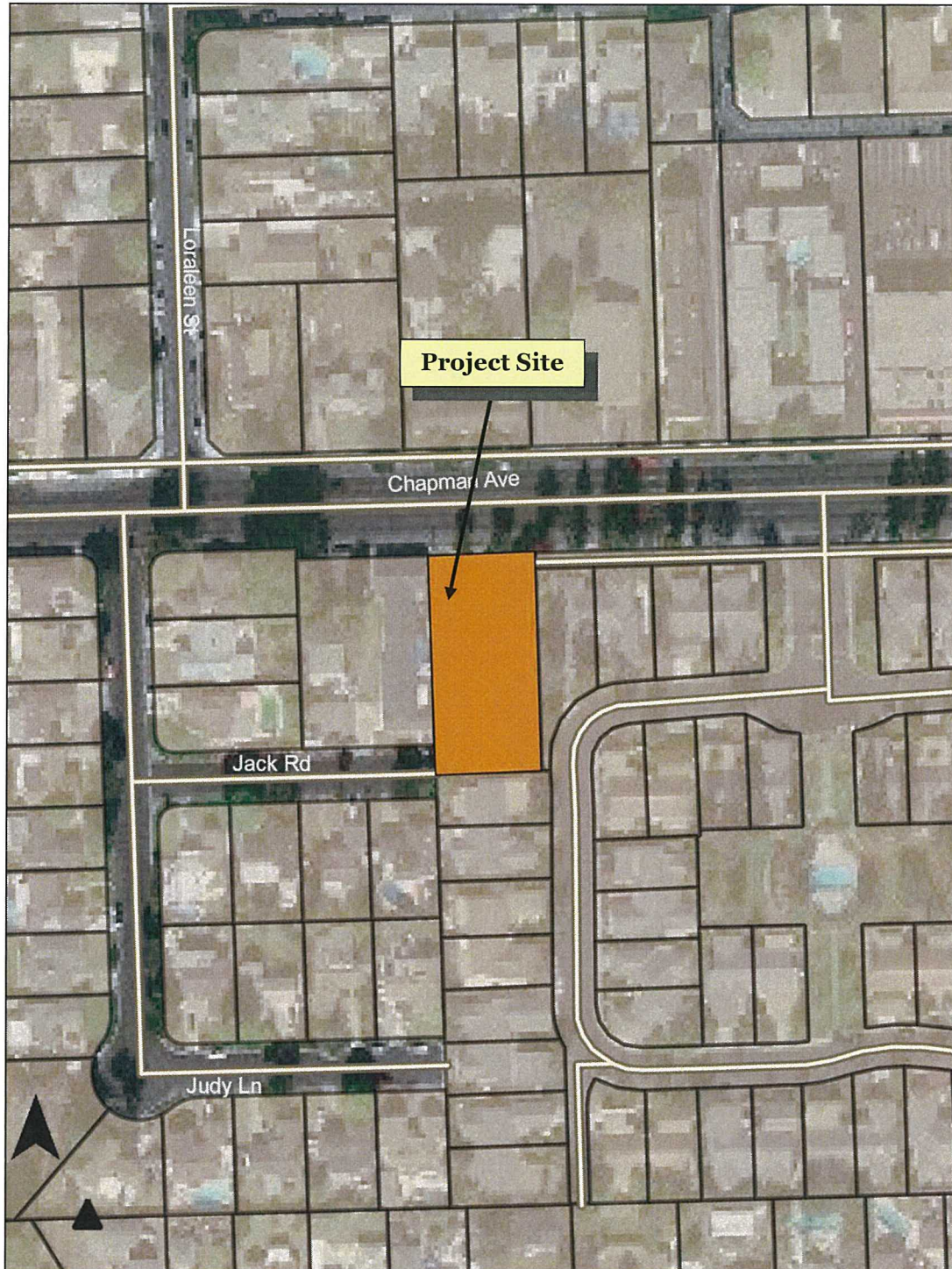


EXHIBIT 2
LOCAL MAP
Source: Quantum GIS



EXHIBIT 3
AERIAL PHOTOGRAPH
Source: Quantum GIS

CITY OF GARDEN GROVE • MITIGATED NEGATIVE DECLARATION & INITIAL STUDY
SIX-UNIT APARTMENT COMPLEX • 9312 CHAPMAN AVENUE

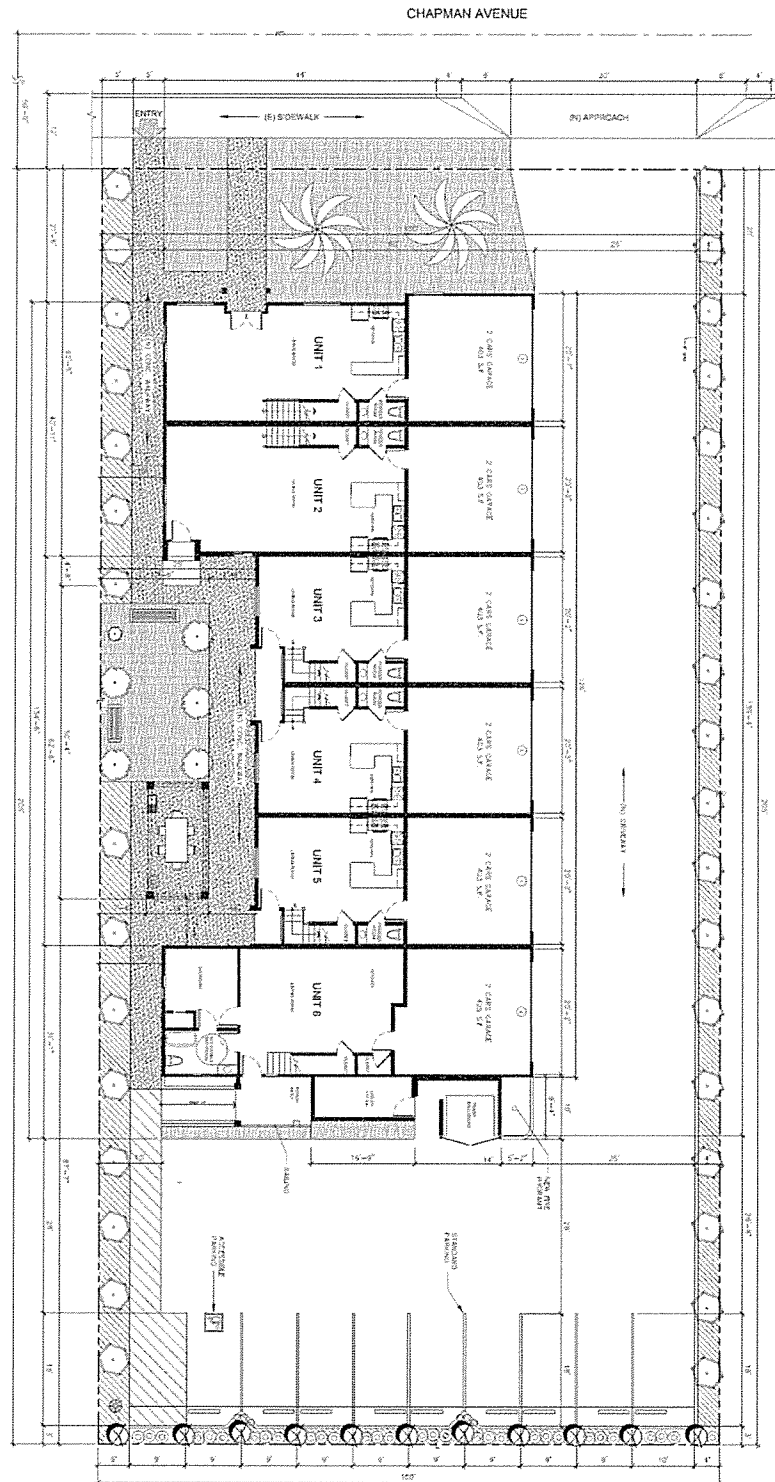


EXHIBIT 4
PROJECT SITE PLAN
SOURCE: LIEM NGUYEN

TRANSMITTAL AB-52 CONSULTATION REPORT

August 19, 2019

Joseph Ontiveros, Cultural Resource Director
Soboba Band of Luiseno Indians
23904 Soboba Road
San Jacinto, CA 92583

PURPOSE: The purpose of this report is to provide background information for a project being proposed in the City of Garden Grove, which is located in the northwestern portion of Orange County. The City of Garden Grove Community Development Department, in its capacity as Lead Agency for the proposed project, is requesting your Tribal Organization review this information in accordance with Public Resources Code Section 21080.3.1 sub. (b). The report is to respond to your formal request for notification and information related to proposed projects within the Tribal territory that are subject to the California Environmental Quality Act (CEQA). Questions, comments, and/or a request for formal consultation shall be submitted to the following contact person at the City of Garden Grove within 30 days of receipt of this report:

Chris Chung, Urban Planner
City of Garden Grove, Community Development Department
11222 Acacia Parkway, P.O. Box 3070
Garden Grove, California 92840
714-741-5312

PROJECT NAME: Six-Unit Apartment (9312 Chapman Avenue).

ADDRESS: The project site's legal address is 9312 Chapman Avenue. The corresponding Assessor's Parcel Number is 133-082-27.

CITY/COUNTY: City of Garden Grove, Orange County.

APPLICANT: The project Applicants are Victor Phu Nguyen and Julie Hoang Vu, 11165 Wasco Road, Garden Grove, CA 92841.

PROJECT: The proposed project is a request by the Applicant to subdivide a 0.47-acre (20,500 square-foot) vacant lot to accommodate six new dwelling units within a three-story building. These six new dwelling units will have a total building area of 12,767 square feet and a total living area of 10,119 square feet. In addition, a total of 2,315 square feet of recreational space will be provided. Lastly, a total of 21 parking spaces will be included. Access to the project site will be provided by a new 30-foot wide driveway located along the south side of Chapman Avenue. The

discretionary approvals that are being requested by the project Applicant include a General Plan Amendment (GPA), Zone Change (ZC), Site Plan, and the adoption of a Mitigated Negative Declaration (MND) and associated Mitigation Monitoring and Reporting Program (MMRP).

LOCATION:

The project site is located within the corporate boundaries of the City of Garden Grove. The City is located in the western portion of Orange County. Surrounding cities include Stanton on the west; Anaheim on the north; Orange and Santa Ana on the east; and Westminster and Santa Ana on the south. Regional access to the City is provided by the Garden Grove Freeway (State Route [SR] 22) that extends through the City in an east-west orientation. A citywide map is provided in Exhibit 1. The project site is located in the northernmost portion of the City. Chapman Avenue extends along the project site's northern boundary. The project site's legal address is 9312 Chapman Avenue and the corresponding Assessor's Parcel Number is 133-082-27. Major roadways in the vicinity of the project site include: Chapman Avenue, located adjacent to the project site; Lampson Avenue, located 0.45 miles to the south of the project site; Gilbert Street, located 750 feet to the east of the project site; and Magnolia Street, located 0.28 miles to the west of the project site. Regional access to the project site is provided by SR-22, located 1.46 miles to the southwest of the site. A vicinity map is provided in Exhibit 2.

SETTING:

Various uses occupy frontage along Chapman Avenue. An aerial photograph is provided in Exhibit 3. The following land uses and development are located near the project site:

- *North of the project site.* Chapman Avenue extends along the project site's northern boundary. Apartments occupy frontage along the north side of Chapman Avenue, opposite the project site.
- *South of the project site.* A multiple-family development abuts the project site to the south.
- *East of the project site.* A multiple-family development abuts the project site to the east.
- *West of the project site.* Multiple-family units are located west of the project site.

The 0.47-acre project site is currently vacant and undeveloped. The site is fenced off and is covered over in unmaintained ruderal vegetation.

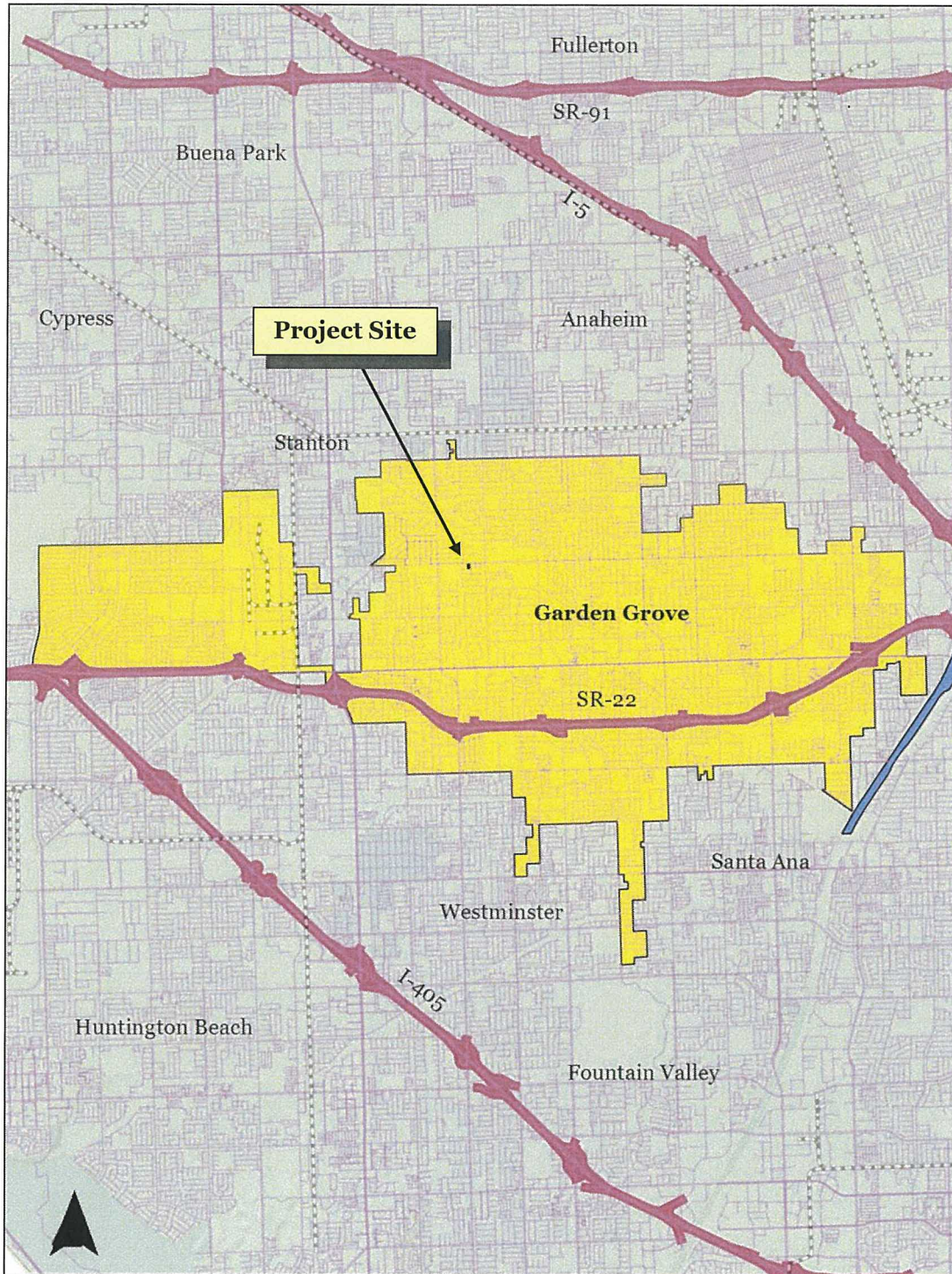


EXHIBIT 1
LOCATION OF PROJECT SITE IN THE
CITY OF GARDEN GROVE

Source: Quantum GIS



EXHIBIT 2
LOCAL MAP
Source: Quantum GIS



EXHIBIT 3
AERIAL PHOTOGRAPH
Source: Quantum GIS

CITY OF GARDEN GROVE • MITIGATED NEGATIVE DECLARATION & INITIAL STUDY
SIX-UNIT APARTMENT COMPLEX • 9312 CHAPMAN AVENUE

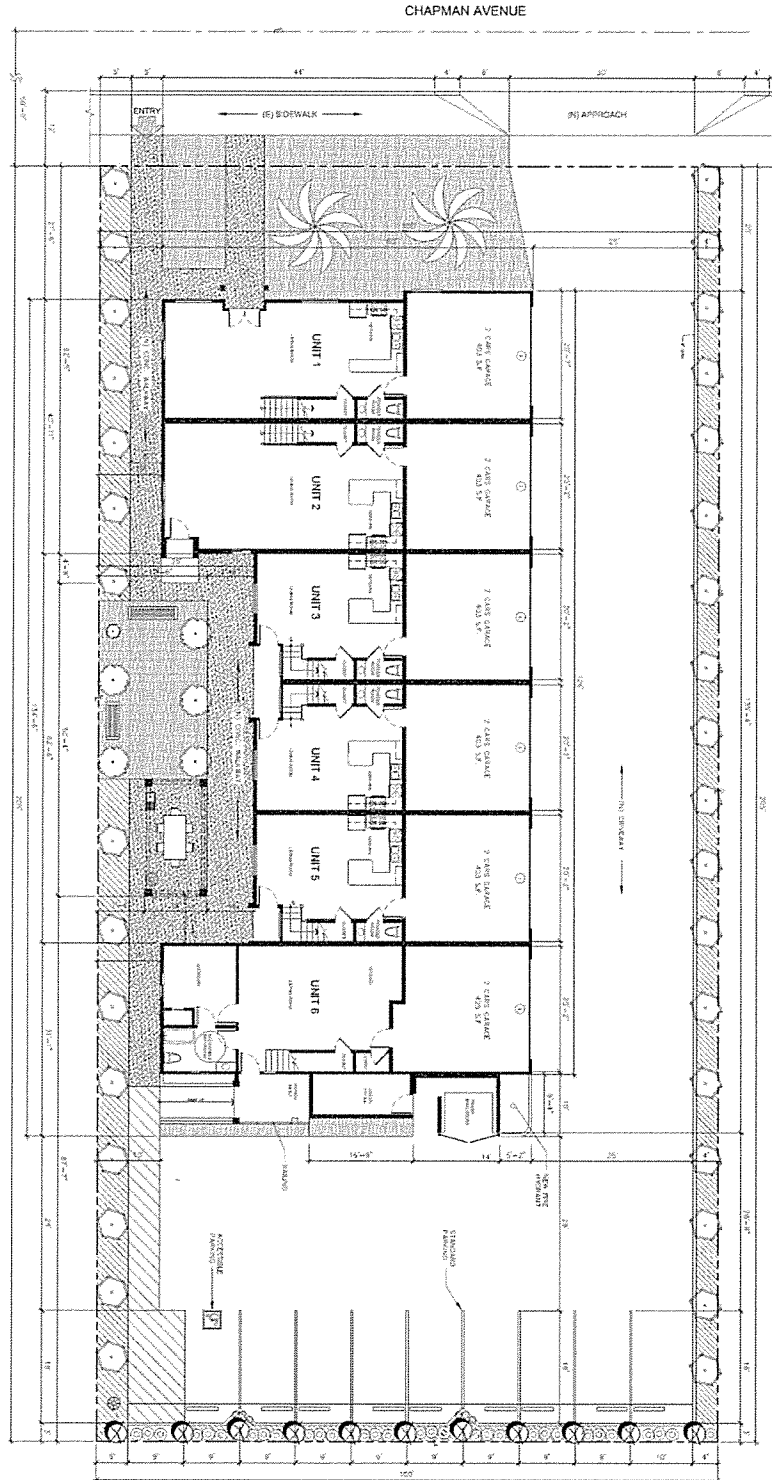


EXHIBIT 4
PROJECT SITE PLAN

SOURCE: LIEM NGUYEN

TRANSMITTAL AB-52 CONSULTATION REPORT

February 21, 2019

Robert F. Dorame, Tribal Chair/Cultural Resources
Gabrielino-Tongva Tribe
1999 Avenue of the Stars, Suite 1100
Los Angeles, California 90067

PURPOSE: The purpose of this report is to provide background information for a project being proposed in the City of Garden Grove, which is located in the northwestern portion of Orange County. The City of Garden Grove Community Development Department, in its capacity as Lead Agency for the proposed project, is requesting your Tribal Organization review this information in accordance with Public Resources Code Section 21080.3.1 sub. (b). The report is to respond to your formal request for notification and information related to proposed projects within the Tribal territory that are subject to the California Environmental Quality Act (CEQA). Questions, comments, and/or a request for formal consultation shall be submitted to the following contact person at the City of Garden Grove within 30 days of receipt of this report:

Chris Chung, Urban Planner
City of Garden Grove, Community Development Department
11222 Acacia Parkway, P.O. Box 3070
Garden Grove, California 92840
714-741-5312

PROJECT NAME: Six-Unit Apartment (9312 Chapman Avenue).

ADDRESS: The project site's legal address is 9312 Chapman Avenue. The corresponding Assessor's Parcel Number is 133-082-27.

CITY/COUNTY: City of Garden Grove, Orange County.

APPLICANT: The project Applicants are Victor Phu Nguyen and Julie Hoang Vu, 11165 Wasco Road, Garden Grove, CA 92841.

PROJECT: The proposed project is a request by the Applicant to subdivide a 0.47-acre (20,500 square-foot) vacant lot to accommodate six new dwelling units within a three-story building. These six new dwelling units will have a total building area of 12,767 square feet and a total living area of 10,119 square feet. In addition, a total of 2,315 square feet of recreational space will be provided. Lastly, a total of

21 parking spaces will be included. Access to the project site will be provided by a new 30-foot wide driveway located along the south side of Chapman Avenue. The discretionary approvals that are being requested by the project Applicant include a General Plan Amendment (GPA), Zone Change (ZC), Site Plan, and the adoption of a Mitigated Negative Declaration (MND) and associated Mitigation Monitoring and Reporting Program (MMRP).

LOCATION:

The project site is located within the corporate boundaries of the City of Garden Grove. The City is located in the western portion of Orange County. Surrounding cities include Stanton on the west; Anaheim on the north; Orange and Santa Ana on the east; and Westminster and Santa Ana on the south. Regional access to the City is provided by the Garden Grove Freeway (State Route [SR] 22) that extends through the City in an east-west orientation. A citywide map is provided in Exhibit 1. The project site is located in the northernmost portion of the City. Chapman Avenue extends along the project site's northern boundary. The project site's legal address is 9312 Chapman Avenue and the corresponding Assessor's Parcel Number is 133-082-27. Major roadways in the vicinity of the project site include: Chapman Avenue, located adjacent to the project site; Lampson Avenue, located 0.45 miles to the south of the project site; Gilbert Street, located 750 feet to the east of the project site; and Magnolia Street, located 0.28 miles to the west of the project site. Regional access to the project site is provided by SR-22, located 1.46 miles to the southwest of the site. A vicinity map is provided in Exhibit 2.

SETTING:

Various uses occupy frontage along Chapman Avenue. An aerial photograph is provided in Exhibit 3. The following land uses and development are located near the project site:

- *North of the project site.* Chapman Avenue extends along the project site's northern boundary. Apartments occupy frontage along the north side of Chapman Avenue, opposite the project site.
- *South of the project site.* A multiple-family development abuts the project site to the south.
- *East of the project site.* A multiple-family development abuts the project site to the east.
- *West of the project site.* Multiple-family units are located west of the project site.

The 0.47-acre project site is currently vacant and undeveloped. The site is fenced off and is covered over in unmaintained ruderal vegetation.

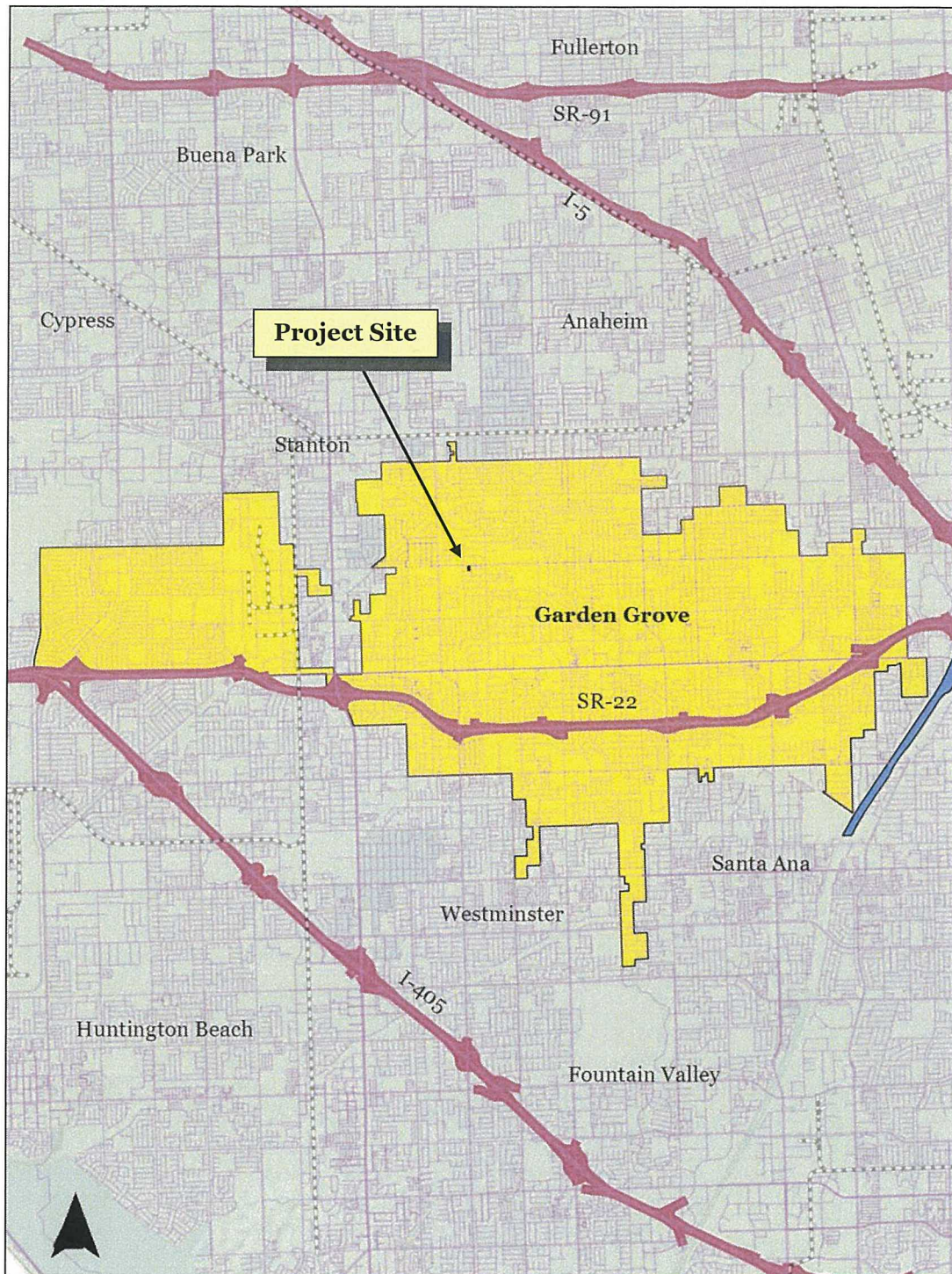


EXHIBIT 1
LOCATION OF PROJECT SITE IN THE
CITY OF GARDEN GROVE

Source: Quantum GIS

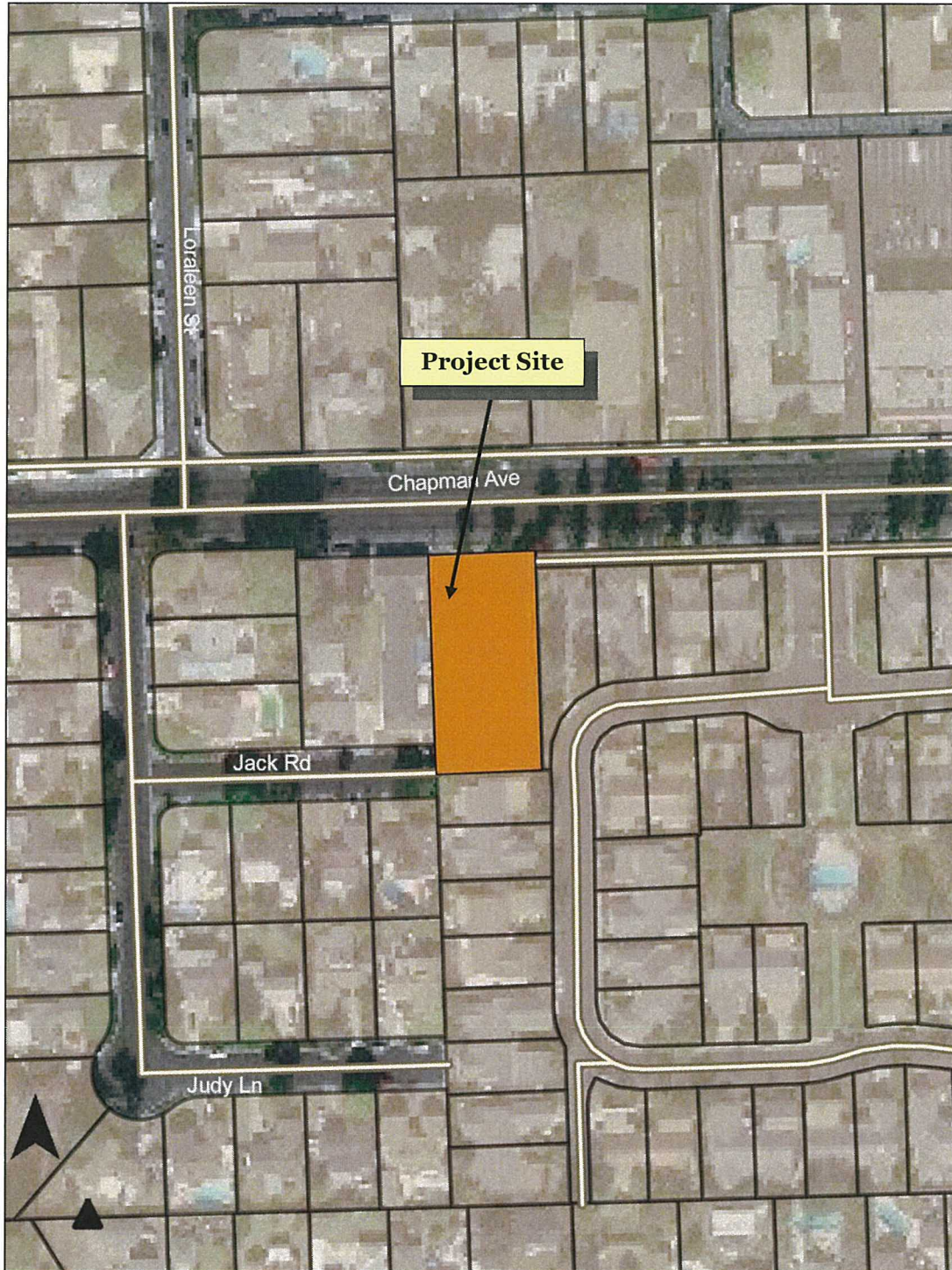


EXHIBIT 2
LOCAL MAP

Source: Quantum GIS



EXHIBIT 3
AERIAL PHOTOGRAPH
Source: Quantum GIS

CITY OF GARDEN GROVE • MITIGATED NEGATIVE DECLARATION & INITIAL STUDY
SIX-UNIT APARTMENT COMPLEX • 9312 CHAPMAN AVENUE

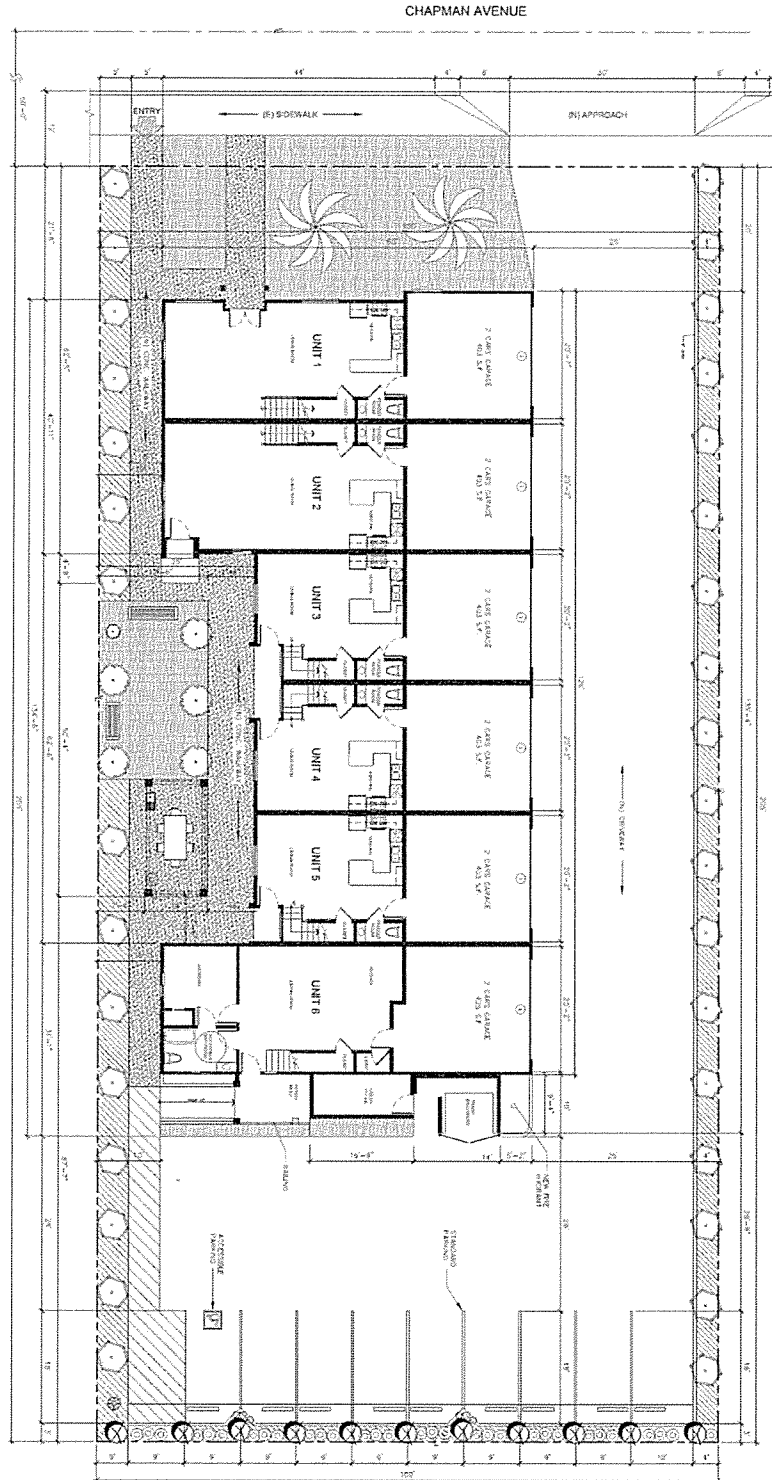


EXHIBIT 4
PROJECT SITE PLAN
SOURCE: LIEM NGUYEN

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.2.	SITE LOCATION: North side of Garden Grove Boulevard, west of Knott Street, located at 6911 Garden Grove Boulevard
HEARING DATE: January 21, 2021	GENERAL PLAN: Light Commercial
CASE NO.: Site Plan No. SP-094-2021 and Conditional Use Permit No. CUP-197-2021	ZONE: PUD-105-73 Rev. 92 (Planned Unit Development)
APPLICANT: Freeway Express Wash LLC	CEQA DETERMINATION: Exempt
PROPERTY OWNER: Same as applicant	APN: 130-501-35

REQUEST:

A request for Conditional Use Permit approval to convert an existing full-service car wash to a self-service automatic car wash along with a request for Site Plan approval to demolish an existing office building with an attached fueling canopy to allow the installation of self-service vacuum stations and equipment improvements in the car wash tunnel system that is being reversed to improve vehicular circulation and increase vehicle queuing capacity. Upon approval, CUP-109-92 allowing the existing full service car wash, shall be revoked and become null & void.

BACKGROUND:

The subject 0.80-acre site is an irregularly shaped lot improved with an existing full-service car wash, located on the north side of Garden Grove Boulevard, west of Knott Street, abutting the Garden Grove 22 Freeway along the northern property line. The subject property is zoned Planned Unit Development No. PUD-105-73 Rev. 92 with a General Plan Land Use Designation of Light Commercial. The property is adjacent to a PUD-105-73 Rev. 92 zoned property to the east improved with a tire shop that is part of the same PUD as the subject site, the Garden Grove 22 Freeway to the north, and properties located in the City of Westminster to the south, across Garden Grove Boulevard, improved with commercial and industrial uses.

In 1973, the City of Garden Grove approved PUD-105-73 to set specific criteria for the site due to its narrow depth, irregular shape, and long length of frontage along Garden Grove Boulevard. The PUD established specific standards to facilitate and encourage development of the site, including zero setbacks, and a reduction to landscaping and parking requirements. In 1973, the subject site was developed with a vehicle storage facility and a tire shop. The vehicle storage facility was

removed in 1992 when the PUD was amended to allow car wash uses subject to approval of a Conditional Use Permit. Following the PUD amendment, the subject site was improved with a full-service car wash under SP-105-92 and CUP-109-92 in 1992 and has been in operation since.

The subject full-service car wash consisted of a main car wash building centrally located on the site equipped with a car wash tunnel system and a customer convenience/car accessories retail store, a gasoline and vacuum canopy on the east side of the property, and a dry-off canopy to the west of the car wash. The car wash operation was intended as a full-service car wash, including vacuuming, gasoline, hand washing, hand drying, and touch-ups.

In 2005, the car wash removed the service of gasoline from the site. The City approved a permit to remove the fuel dispensers and to enclose a 937 square foot area under the existing canopy for offices along with two attached canopies with a combined area of 1,702 square feet to use as additional dry-off and vacuuming space.

During the onset of COVID-19, the property underwent a change of ownership. Due to risks posed to employees of full-service car wash businesses by the COVID-19 virus, the new property owner, Freeway Express Wash, is requesting Site Plan and Conditional Use Permit approval to convert the operation to an automatic car wash with the installation of self-service vacuum stations and other related equipment improvements to the car wash tunnel system, which is also being reversed for improved vehicular circulation and to increase vehicle queuing capacity. Upon approval, CUP-109-92 allowing the full service car wash, shall be revoked and become null & void.

PROJECT STATISTICS

Lot Size	0.80 acres (35,008 sf)
Building Square Footage – (E) Structures to remain	
(E) Main Car Wash	2,798 sf
(E) Tunnel System	2,370 sf
(E) Canopy (West)	2,838 sf
Building Square Footage – (E) Structures to be demolished	
(E) Office building	937 sf
(E) Canopies (East)	1,702 sf
(P) Shade Structures	13 vacuum stations

Setbacks	Provided	Required
(E) Building		
Front	5'-0"	0'-0"
Side (East)	21'-0"	0'-0"
West	385'-0"	0'-0"
Rear	0'-0"	0'-0"
(P) Shade Structures		
Front	5'-0"	0'-0"
Side (East)	28'-0"	0'-0"
West	240'-3"	0'-0"
Rear	24'-7"	0'-0"
Building Height		
(E) Main Car Wash	23'-3"	N/A
(E) Canopy (West)	15'-0"	N/A
Parking Spaces		
	7 open spaces 1 handicap stall 13 vacuum stations <u>11 queuing capacity</u> 32 spaces total	30 spaces

DISCUSSION:

SITE PLAN:

Site Design, Circulation & Floor Plan:

The subject site is currently improved with a main car wash building approximately 2,798 square feet in size, consisting of a customer convenience/car accessories retail store, restrooms, an office, and interior waiting area. The existing 2,370 square foot tunnel system is located to the north of the main car wash building. A dry-off canopy, approximately 2,838 square feet in size, is located to the west of the property, where the existing vacuums are located. To the east of the main car wash building is the existing 1,409 square foot office building and two (2) canopies with a combined area of 1,702 square feet formerly used as dry-off and additional vacuuming space. There is an outdoor waiting area between the west canopy and the main car wash building.

To accommodate the proposed improvements to convert the full-service car wash to a self-service automatic car wash, the applicant is proposing to demolish the office building and attached canopies located to the east side of the property. The applicant is also proposing to remove the vacuum stations located at the west canopy, along with the outdoor waiting area, to allow for the new vehicle queuing lanes. In addition, the applicant is proposing to reverse the access into the tunnel system, which is proposed to be accessed from the west instead of the east side of

the tunnel. Lastly, the applicant is proposing to install 13 self-serve vacuum stations (vacuum hoses attached to the arched canopy structure), set back 5'-0" from the front property line, on the east side of the tunnel system. Two (2) aluminum shade structures with fabric awnings will be located at the self-serve vacuum stations. A 3'-0" high block wall, painted to match the main car wash building, will be installed along the southernmost row of parking spaces and vacuum stations along Garden Grove Boulevard to provide screening of the equipment from public view.

The site is currently accessed from four (4) driveway approaches along Garden Grove Boulevard, which will remain in place. To improve site vehicular circulation and increase the vehicle queuing capacity, three (3) new queuing lanes are being proposed underneath the existing west canopy to originate on the west side of the site. The three (3) queuing lanes narrow down to one (1) lane as vehicles enter the tunnel. As vehicles exit the tunnel, two (2) rows of vacuum stations will be located immediately to the south of the site. Customers not wishing to vacuum their vehicles will be able to exit the site via the easternmost drive approach. The City's Traffic Engineering Division has reviewed the proposed vehicular circulation, including stacking capacity and turning radii, and is supportive of the proposal.

Additional improvements include a new CMU trash enclosure on the northeast corner of the property to replace the site's existing nonconforming trash enclosure to be painted to match the main car wash building. A new striped access way is being proposed to provide clear access to the trash enclosure during trash pick-up. A new vacuum equipment CMU enclosure will be attached to the proposed trash enclosure to be the furthest from the public right-of-way and closer to the rear of the property directly adjacent to the Garden Grove 22 Freeway. The existing automatic car wash business has not had any recent code enforcement cases related to noise complaints. Nonetheless, the new vacuum system is expected to produce substantially less noise than the current existing vacuum equipment. The automatic car wash will continue to operate in compliance with the City's Noise Ordinance.

Parking:

The site is currently improved with eight (8) parking spaces on the westernmost portion of the site. Seven (7) of these parking spaces will remain as customer and employee parking. One (1) parking space is being removed due to its nonconformity. Each of the 13 self-service vacuum stations has an angled parking space. Along the easternmost portion of the site, one (1) handicap parking space will remain (uncovered and with no vacuum station). Title 9 of the Municipal requires automatic car wash establishments to provide a number of parking spaces at five (5) times the internal washing capacity for stacking and drying, plus one (1) space per employee based on the maximum shift, not less than three (3), with the internal capacity defined as the conveyor length divided by 20 feet. Based on this requirement, the minimum number of parking spaces required is 30. With the proposed improvements, the site will have parking and vehicular queuing space to accommodate 32 vehicles, which exceeds the minimum required by two (2) spaces.

CASE NO. SP-094-2021 and CUP-197-2021

The City has also allowed the queuing capacity of automatic car wash facilities to be used toward the minimum parking count requirement. Therefore, the parking used to satisfy the parking requirements is as follows: 13 vacuum station stalls, seven (7) open parking stalls, one (1) handicap stall, and 11 queuing capacity.

Landscaping:

The subject site is currently improved with landscaping along the property's frontage facing Garden Grove Boulevard and along the rear property line. Conditions of approval will require that the existing landscaped areas be maintained. New landscape areas are only being proposed in the new self-serve vacuum station area on the east portion of the site. The applicant is required to provide a landscape and irrigation plan that complies with the requirements of Title 9 of the Municipal Code for these landscape improvements and comply with the City's Water Efficiency Guidelines.

CONDITIONAL USE PERMIT:

The PUD requires Conditional Use Permit approval to operate an automatic carwash. Conditions of approval have been incorporated to ensure that the car wash will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area. In addition, the car wash incorporates design features that will minimize noise, especially noise generated from the vacuums and dryers. The vacuum equipment will be located inside a new CMU enclosure, to be set the furthest from the public right-of-way and closer to the rear of the property directly adjacent to the Garden Grove 22 Freeway. All other equipment, including the dryers, will be located inside the car wash tunnel, which is also located to the rear of the property, to reduce noise.

If noise complaints are received about the subject car wash, the operator will be required to address and resolve the issue to the satisfaction of the Community and Economic Development Department. All standard conditions of approval for an automatic car wash use will apply.

The Municipal Code restricts business hours for automatic car wash businesses to not operate before 7:00 a.m. and after 10:00 p.m. The subject car wash will continue to maintain its existing business hours of 8:00 a.m. to 7:00 p.m., seven (7) days a week.

Upon approval, CUP-109-92 allowing the full service car wash, shall be revoked and become null & void.

CEQA:

The proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301, Existing Facilities, and Section 15303, New Construction or Conversion of Small Structures, of the CEQA Guidelines (14 Cal.

Code Regs., Sections 15301 and 15303). The CEQA Class 1 exemption under Section 15301, Existing Facilities, applies to interior and exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances. The interior mechanical improvements being proposed to the main car wash building to reverse the vehicular access into the tunnel system are exempt from CEQA under this exemption. The CEQA Class 3 exemption under Section 15303, New Construction or Conversion of Small Structures, consists of construction and location of limited numbers of new, small facilities or structures and installation of small new equipment and facilities in small structures. The installation of the proposed self-serve vacuum stations and the aluminum shade structures with fabric awnings are exempt from CEQA under this exemption.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

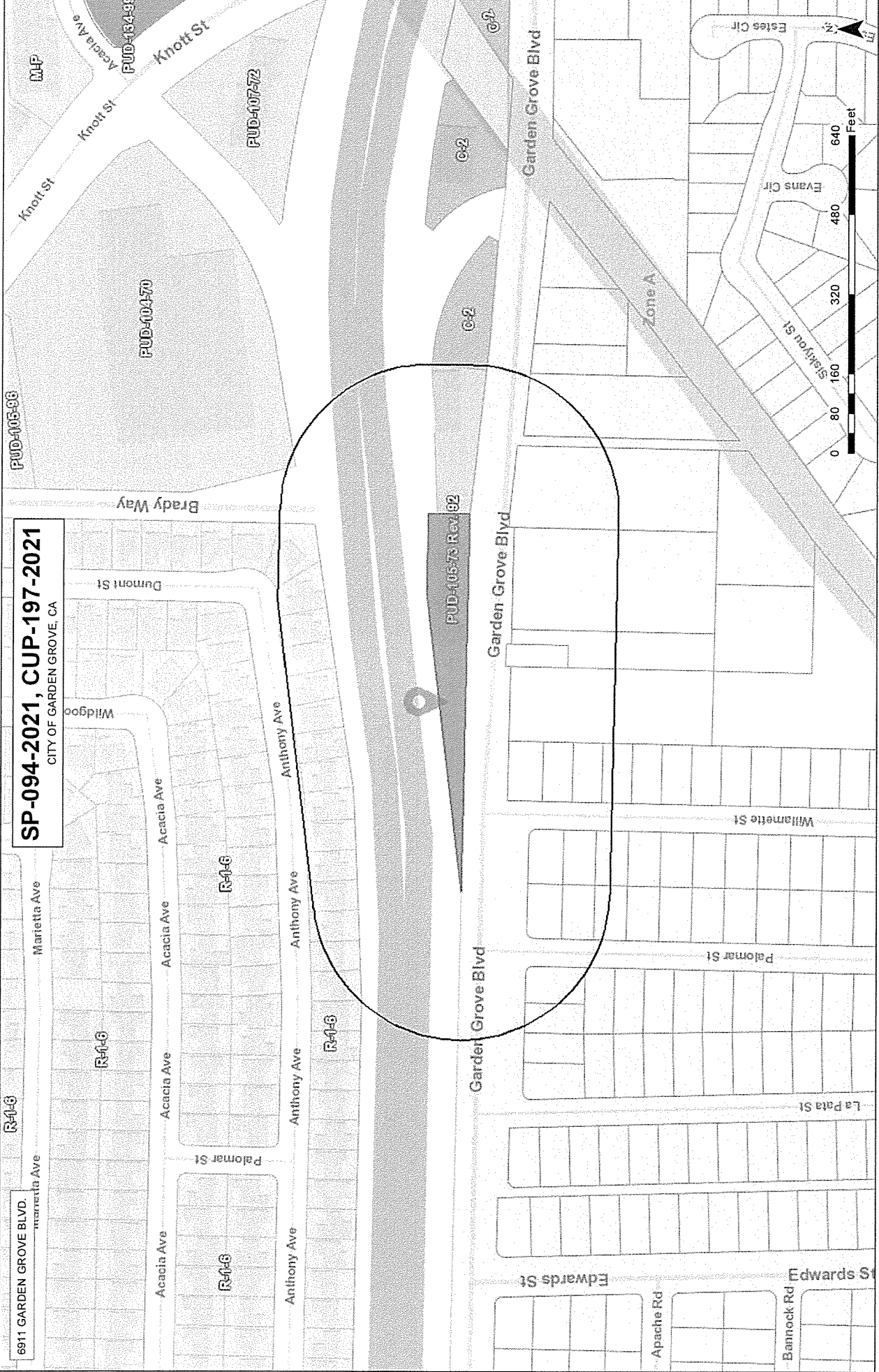
1. Adopt Resolution No. 6014-21 approving Site Plan No. SP-094-2021 and Conditional Use Permit No. CUP-197-2021, subject to the recommended Conditions of Approval.



Lee Marino
Planning Services Manager



By: Mary Martinez
Associate Planner



SP-094-2021, CUP-197-2021
CITY OF GARDEN GROVE, CA

PUD-105-73 Rev. 82

6911 GARDEN GROVE BLVD.
marietta Ave

R-1-6

R-1-6

R-1-6

R-1-6

R-1-6

R-1-6

PUD-105-98

PUD-104-70

PUD-107-72

PUD-134-99

Garden Grove Blvd

Garden Grove Blvd

Garden Grove Blvd

Apache Rd

Bannock Rd

Edwards St

Edwards St

La Pata St

Palomar St

Williamette St

Wildgoose

Dumont St

Brady Way

Knott St

Knott St

Knott St

M.P.

Estes Cir

Evans Cir

Siskyou St

Feet

480

320

160

0

80

160

240

320

400

480

640

800

960

1120

1280



Project:
 DEMOLITION OF OFFICE
 BUILDING AND CANOPY
 WITH INSTALLATION OF
 VACUUM SYSTEM AT
 EXISTING CARWASH

For:
 FREEMAY
 CARWASH

804 GARDEN GROVE BLVD
 GARDEN GROVE, CA 92841

Permits:

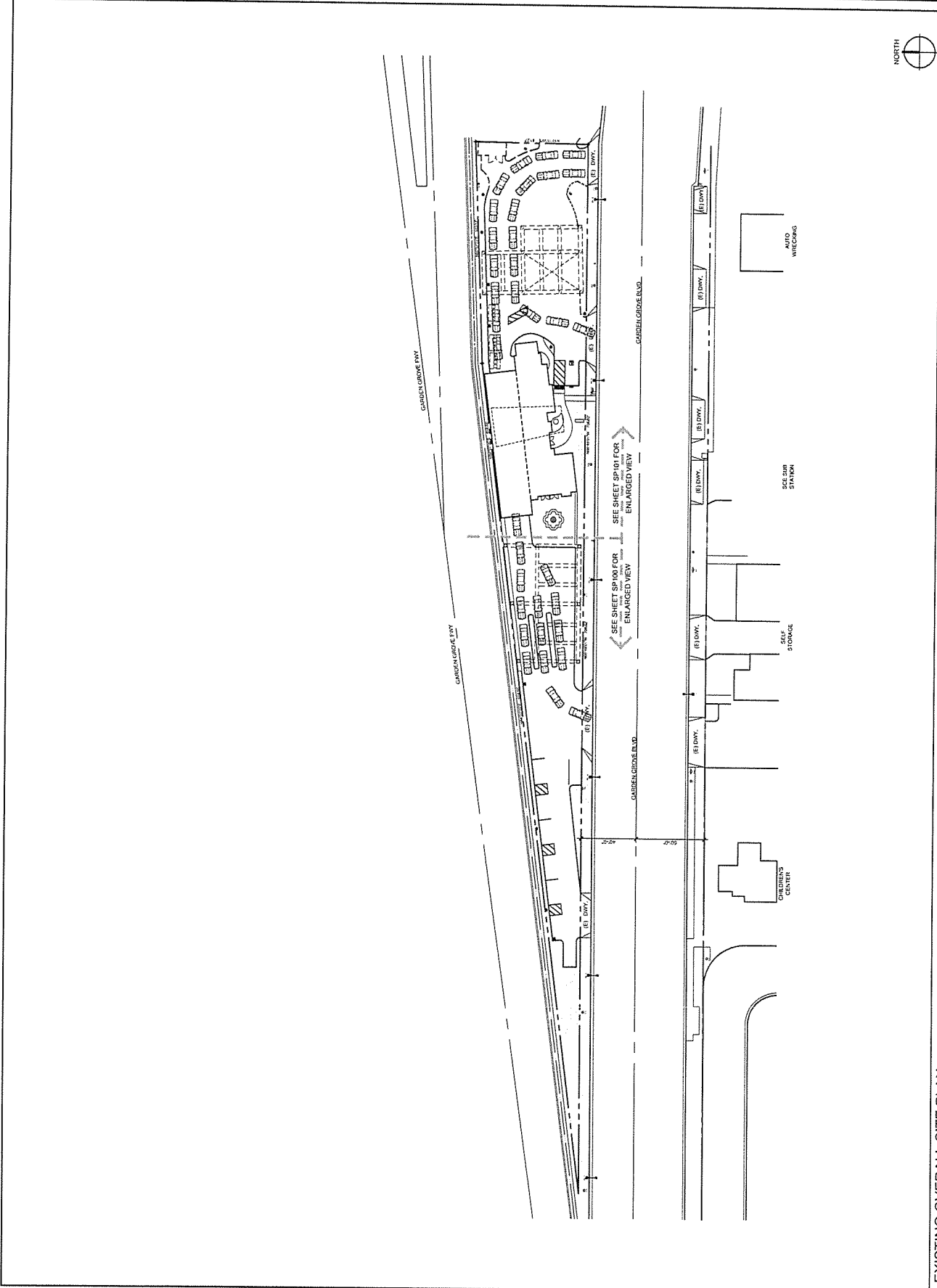
071720 - DEMOLITION PERMITTING
 080520 - REVIEW FOR REGIONAL ENVIRONMENTAL IMPACT STATEMENT
 091520 - REVIEW FOR REGIONAL ENVIRONMENTAL IMPACT STATEMENT
 091620 - REVIEW FOR REGIONAL ENVIRONMENTAL IMPACT STATEMENT
 100220 - REGIONAL FREIGHT REVIEW APP

Comments / Issue Dates:

07/17/20 - DEMOLITION PERMITTING
 08/05/20 - REVIEW FOR REGIONAL ENVIRONMENTAL IMPACT STATEMENT
 09/15/20 - REVIEW FOR REGIONAL ENVIRONMENTAL IMPACT STATEMENT
 09/16/20 - REVIEW FOR REGIONAL ENVIRONMENTAL IMPACT STATEMENT
 10/02/20 - REGIONAL FREIGHT REVIEW APP

Drawn By: JB/DJ/CJ
Checked By: JC
Project No.: 1155-20
Date: 11/15/20
Sheet Title: EXISTING OVERALL SITE PLAN

Sheet Number: SP050





Project: DEMOLITION OF OFFICE BUILDING AND CANOPY AND RE-PLACEMENT OF FREEMWAY CARWASH AT EXISTING CARWASH

FOR: FREEMWAY CARWASH

811 GARDEN GROVE BLVD
 GARDEN GROVE, CA 92641

Revised: [Blank] [Blank] [Blank]

Comments / Issue Dates:
 07/17/20 - 10/26/20 (CP)
 08/26/20 - REVIEW FOR RECORD
 08/26/20 - REVIEW FOR RECORD
 09/16/20 - REVIEW FOR RECORD
 09/16/20 - REVIEW FOR RECORD
 10/26/20 - 10/26/20 (CP)
 10/26/20 - 10/26/20 (CP)
 10/26/20 - 10/26/20 (CP)

Drawn By: J.S.G.O.E.D.
 Checked By: J.C.
 Project No: 115-20
 Date: 11/5/20
 Sheet Title: NOTED

EXISTING / DEMOLITION SITE PLAN

Sheet Number: SP100

KEYNOTE LEGEND

1	PROTECT IN PLACE EXISTING CANOPY	14	PROTECT IN PLACE EXISTING CONCRETE WALKWAY
2	PROTECT IN PLACE EXISTING CONCRETE PLANTER CURB	15	PROTECT IN PLACE EXISTING VEHICULAR ACCESSIBLE PARKING STALL ACCESSIBLE AND
3	PROTECT IN PLACE EXISTING CONCRETE CURB AND GUTTER	16	PROTECT IN PLACE EXISTING VEHICULAR RECLAIM TANK
4	PROTECT IN PLACE EXISTING STORM WATER COLLECTION	17	PROTECT IN PLACE EXISTING UNDERGROUND OIL/WATER TANK
5	PROTECT IN PLACE EXISTING CONCRETE PAVEMENT	18	EXISTING 6" TYPICAL TRASH ENCLOSURE TO BE DEMOLISHED
6	PROTECT IN PLACE EXISTING DIRECTIONAL CONCRETE ISLANDS	19	PROTECT IN PLACE EXISTING SIGNAGE
7	PROTECT IN PLACE EXISTING CONCRETE FREEMWAY WALL	20	PROTECT IN PLACE EXISTING SIGNAGE
8	PROTECT IN PLACE EXISTING CONCRETE DRIVEWAY SWALL	21	EXISTING LANDSCAPE AND PLANTERS TO BE DEMOLISHED
9	PROTECT IN PLACE EXISTING LANDSCAPING	22	PROTECT IN PLACE EXISTING LIGHT POLE
10	PROTECT IN PLACE EXISTING PARKING STRIPS	23	PROTECT IN PLACE EXISTING 4" WIRE CONCRETE PARTY OF TRAVEL FROM PUBLIC
11	PROTECT IN PLACE EXISTING CANOPY COLLAR	24	PROTECT IN PLACE EXISTING 4" WIRE CONCRETE PARTY OF TRAVEL FROM PUBLIC
12	PROTECT IN PLACE EXISTING PLASTER WALL	25	EXISTING LIGHT POLE TO BE DEMOLISHED
13	PROTECT IN PLACE EXISTING LIGHT		

VEHICLE CIRCULATION

SEE SHEET SP100 FOR VEHICLE CIRCULATION. THE EXISTING DRIVEWAY ENTRANCE AT ONE END AND EXITING AT THE OTHER END.

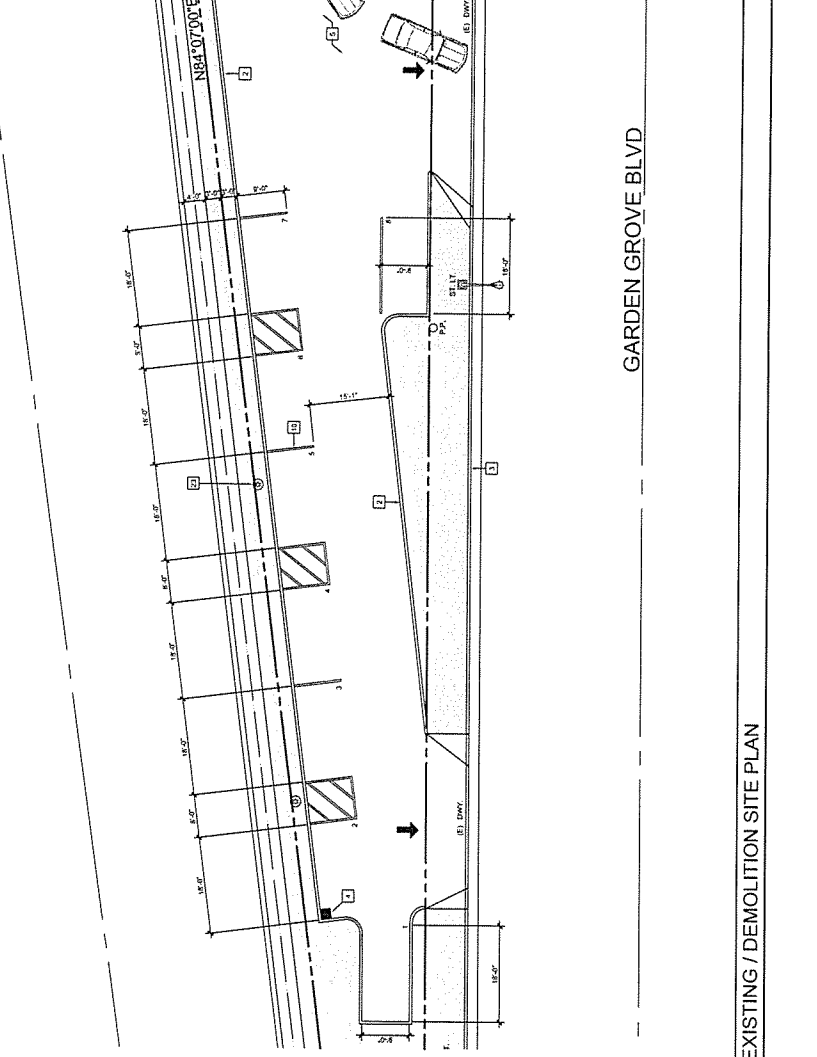
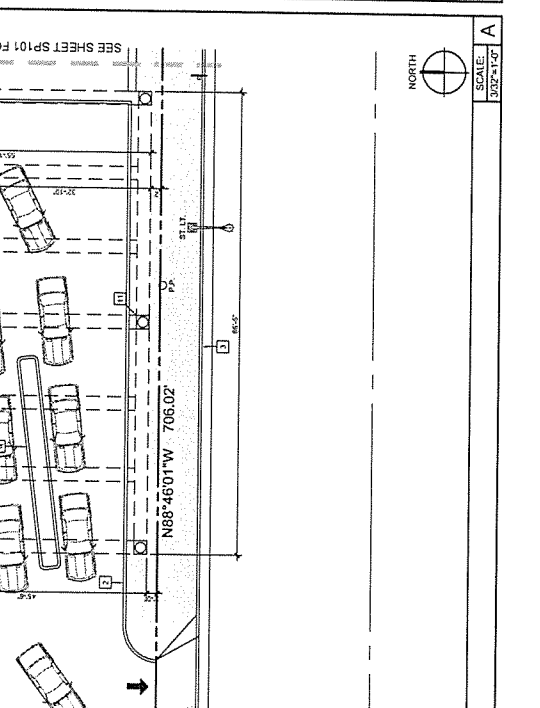
PROPOSED VEHICLE STAGING

REGULATORY UNITS SHALL BE SPACED 20' ON CENTER

REGULATORY UNITS SHALL BE SPACED 15' ON CENTER

SYMBOL LEGEND

INDICATES EXISTING LANDSCAPE AREA



NOT USED

SYMBOL LEGEND



INDICATES EXISTING LANDSCAPE AREA

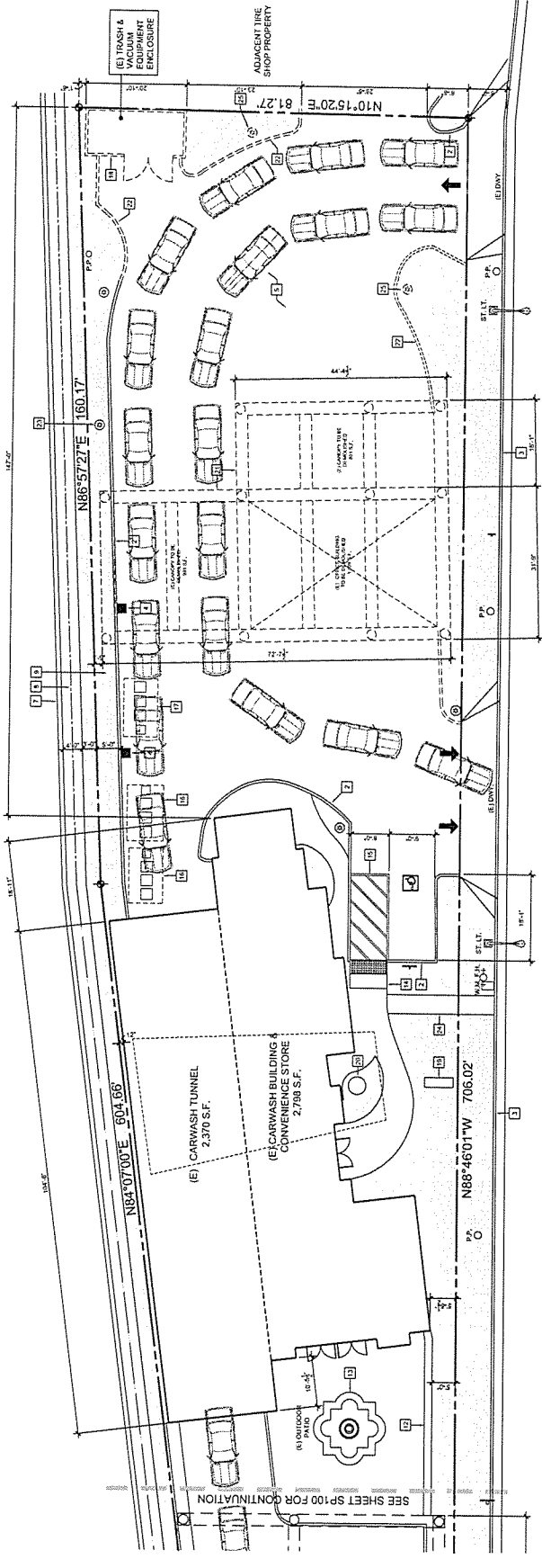
VEHICLE CIRCULATION

SEE NOTES FOR ALL INFORMATION REGARDING THE SITE'S VEHICLE CIRCULATION. THE SITE'S VEHICLE CIRCULATION PLAN IS SUBJECT TO THE APPROVAL OF THE LOCAL JURISDICTION. THE SITE'S VEHICLE CIRCULATION PLAN IS SUBJECT TO THE APPROVAL OF THE LOCAL JURISDICTION.

KEYNOTE LEGEND

- 1 PROTECT IN PLACE EXISTING CANOPY
- 2 PROTECT IN PLACE EXISTING CONCRETE PLANTER CURB
- 3 PROTECT IN PLACE EXISTING CONCRETE CURB AND GUTTER
- 4 PROTECT IN PLACE EXISTING STORM WATER CATCHMENT
- 5 PROTECT IN PLACE EXISTING CONCRETE PAVEMENT
- 6 PROTECT IN PLACE EXISTING DIRECTIONAL CONCRETE ISLANDS
- 7 PROTECT IN PLACE EXISTING CONCRETE FREEWAY WALL
- 8 PROTECT IN PLACE EXISTING CONCRETE DRAINAGE SWALE
- 9 PROTECT IN PLACE EXISTING PARKING STRIPING
- 10 PROTECT IN PLACE EXISTING PARKING STRIPING
- 11 PROTECT IN PLACE EXISTING PAINTED WATER WALL
- 12 PROTECT IN PLACE EXISTING CANOPY
- 13 PROTECT IN PLACE EXISTING CONCRETE PAVEMENT
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- 97 PROTECT IN PLACE EXISTING WALKWAY ACCESSIBLE PARKING SPACES AND SPORNE
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- 99 PROTECT IN PLACE EXISTING WALKWAY ACCESSIBLE PARKING SPACES AND SPORNE
- 100 PROTECT IN PLACE EXISTING WALKWAY ACCESSIBLE PARKING SPACES AND SPORNE

GARDEN GROVE FWY



GARDEN GROVE BLVD



EXISTING / DEMOLITION SITE PLAN

Scale: 3/32" = 1'-0"

Sheet Number: SP101

JEFF COFFMAN ARCHITECT
 2000 e chapman avenue
 suite 207
 fullerton, ca 92631
 714.736.7045
 714.525.9822



Project: DEMOLITION OF OFFICE BUILDING AND CANOPY AND REPLACEMENT OF EXISTING DRIVE AISLES AT EXISTING CARWASH

FOR: FREEMAN CARWASH

601 GARDEN GROVE BLVD
 GARDEN GROVE, CA 92641

Comments / Issue Dates:

07/17/19	ISSUED FOR REVIEW
08/02/19	REVISIONS
08/20/19	REVISED FOR PERMITS
09/10/19	REVISED FOR PERMITS
09/20/19	REVISED FOR PERMITS
10/02/19	REVISED FOR PERMITS
10/23/19	REVISED FOR PERMITS

Drawn By:	J.C.
Checked By:	J.C.
Project No.:	1150-20
Date:	NOTED
Sheet Title:	EXISTING / DEMOLITION SITE PLAN

Sheet Number: SP101



Project: DEMOLITION OF OFFICE BUILDING AND CANOPY AND REPLACEMENT OF EXISTING OFFICE BUILDING WITH EXISTING CARWASH

FOR: FREEMAY CARWASH

6011 GARDEN GROVE BLVD
 GARDEN GROVE, CA 92641

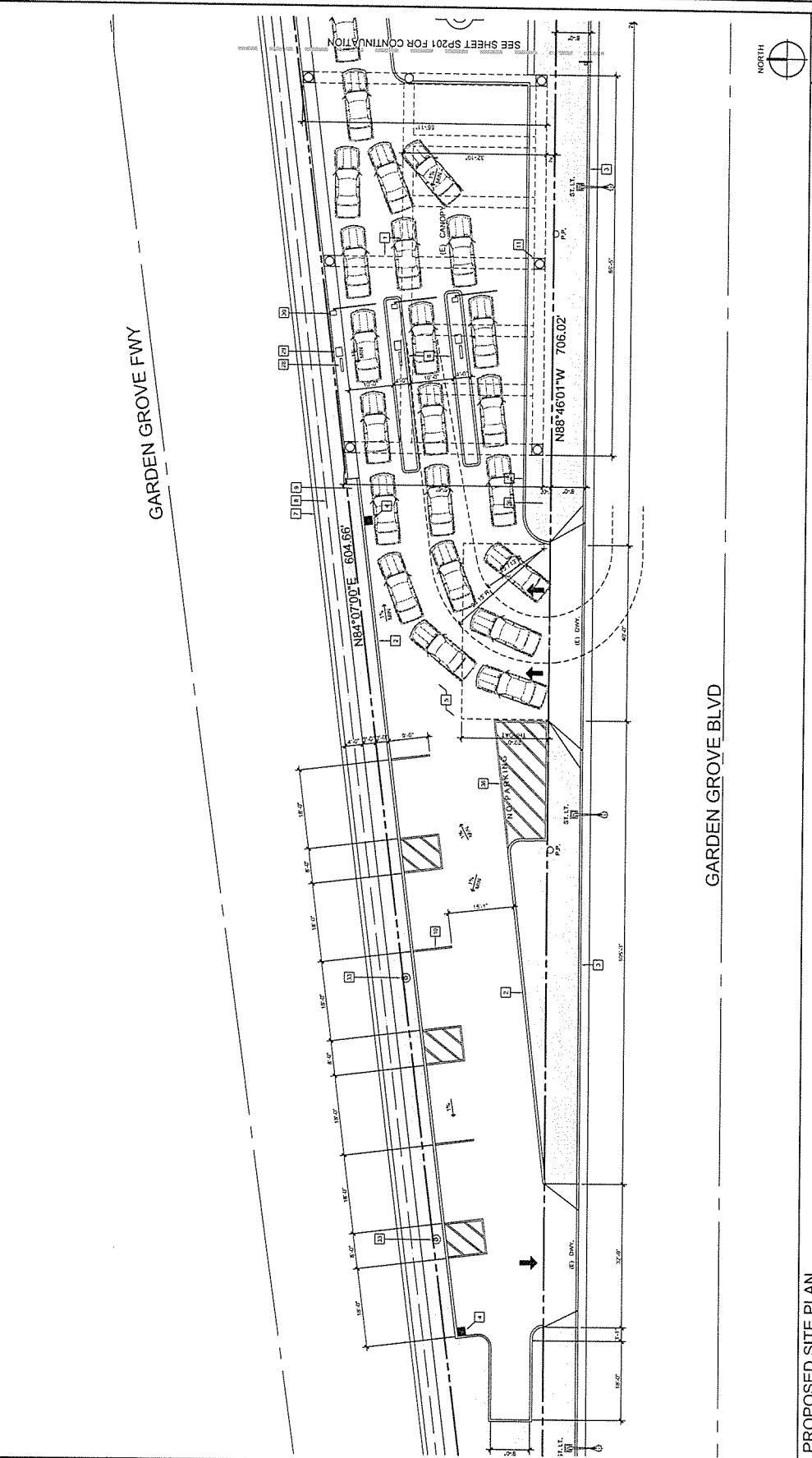
Comments / Issue Dates:

- 07/17/20 - DESIGN FOR REVIEW
- 08/20/20 - REVIEW FOR PERMITS
- 09/15/20 - DESIGN FOR PERMITS
- 10/20/20 - PERMITS
- 11/03/20 - REVIEW FOR PERMITS

Drawn By: J.C.
 Checked By: J.C.
 Project No.: 1165-26
 Date: NOTED
 Sheet Title: PROPOSED SITE PLAN

Sheet Number: SP200

SYMBOL LEGEND	VEHICLE CIRCULATION	PARKING ANALYSIS	KEYNOTE LEGEND
<p>INDICATE EXISTING LANDSCAPE AREA</p> <p>INDICATE NEW LANDSCAPE AREA</p>	<p>BE TO THE LONG NARROW SITE CONFIGURATION, THE SITE OPERATES IN ONE DIRECTION ENTERING AT ONE END AND EXITING AT THE OPPOSITE END.</p> <p>PROPOSED VEHICLE STACKING:</p> <p>INGRESS (WEST END) (THIS SHEET) 23</p> <p>EGRESS (EAST END) (SEE SHEET SP201) 16 (PLUS 13 VACUUM STALLS)</p>	<p>PARKING REQUIRED PER SECTION 8.16.04(1)(9)</p> <p>VEHICLE STACKING AND DRIVE-IN + INTERNAL WASHING CAPACITY:</p> <p>VEHICLE STALLS 27</p> <p>VEHICLE STALLS 27</p> <p>TOTAL PARKING REQUIRED: 54</p> <p>PARKING PROVIDED:</p> <p>PARALLEL PARKING SPACES 6</p> <p>STANDARD PARKING SPACES 1</p> <p>VAN ACCESSIBLE PARKING (P+R + F ACCESSIBLE): 1</p> <p>SELF-SERVE VACUUM STALLS (11 FEET): 13</p> <p>VEHICLE QUEUING - INGRESS ONLY (23 FEET WALKER 3.03 + 11.5): 11</p> <p>TOTAL PARKING PROVIDED: 32</p>	<p>1 USE OF EXISTING CANOPY</p> <p>2 EXISTING CONCRETE PLANTER CURB</p> <p>3 EXISTING STORM WATER COLLECTION</p> <p>4 EXISTING CONCRETE PAVEMENT</p> <p>5 EXISTING DIRECTIONAL CONCRETE ISLANDS</p> <p>6 EXISTING CONCRETE FREETWAY WALL</p> <p>7 EXISTING CONCRETE DRAINAGE SWALE</p> <p>8 EXISTING LANDSCAPING</p> <p>9 EXISTING PARKING STRIPING</p> <p>10 EXISTING CANOPY COLUMN</p> <p>11 EXISTING PLANTER WALL</p> <p>12 EXISTING FOUNTAIN</p> <p>13 EXISTING CONCRETE WALKWAY</p> <p>14 EXISTING ACCESSIBLE PARKING STALL AND ACCESS ISLE</p> <p>15 EXISTING UNDERGROUND RECLAIM TANK</p> <p>16 EXISTING UNDERGROUND CLARIFIER TANK</p> <p>17 NEW 60" HIGH CONCRETE TRASH AND VACUUM EQUIPMENT BUILDING (CITY STD. 500) TO MATCH EXISTING</p> <p>18 NEW CONCRETE PLANTER CURB</p> <p>19 NEW UNDERGROUND VACUUM PIPES</p> <p>20 NEW SELF-SERVE VACUUM STATION (TYPE 13)</p> <p>21 NEW CONCRETE TRUNK STOP</p> <p>22 EXISTING MONUMENT SIGN</p> <p>23 EXISTING BELMOUNT SIGN</p> <p>24 PATCH EXISTING PAVEMENT TO MATCH EXISTING BUILDING AND CANOPY</p> <p>25 EXISTING SIGN</p> <p>26 EXISTING SIGN</p> <p>27 3" HIGH CONCRETE WALL WITH PLASTER TO MATCH EXISTING</p> <p>28 EXISTING WASH PUMP STATION (TYPE 3)</p> <p>29 EXISTING WASH GATE (TYPE 3)</p> <p>30 CONCRETE WALKWAY WITH REINFORCED WALKING SURFACE</p> <p>31 EXISTING 4" WIDE CONCRETE PATH OF TRAVEL FROM PUBLIC RIGHT OF WAY</p> <p>32 EXISTING LIGHT POLE</p> <p>33 EXISTING VACUUM STALL WITH 5" WIDE ACCESS FROM STREET</p> <p>34 4" WIDE WHITE STRIPING WITH 17" HIGH WHITE LETTERS</p>
<p>ALL GRADING AND DRAINAGE EXISTING. THE VERTICAL AND HORIZONTAL SURFACES SHALL BE IDENTICAL TO EXISTING SURFACES UNLESS OTHERWISE NOTED BY THE PROPERTY LINE.</p> <p>SINKS AND DRAINAGE TIE IN SHALL BE EFFECTED BY THE PROPOSED BENCHMARKS.</p> <p>INDICATES DIRECTION OF EXISTING STORM WATER FLOW AND SLOPE</p>	<p>TURN RADIUS</p> <p>TURN RADIUS SHOWN ON THIS PLAN ARE BASED ON VEHICLE TRACKING SIMULATED ON A ROAD 110' WIDE, 14' HIGH, 44' STEEP SLOPE. IF ROAD AS INDICATED BY CITY OF GARDEN GROVE TRAFFIC ENGINEER.</p>	<p>33 EXISTING CONCRETE PLANTER CURB</p> <p>34 EXISTING STORM WATER COLLECTION</p> <p>35 EXISTING CONCRETE PAVEMENT</p> <p>36 EXISTING DIRECTIONAL CONCRETE ISLANDS</p> <p>37 EXISTING CONCRETE FREETWAY WALL</p> <p>38 EXISTING CONCRETE DRAINAGE SWALE</p> <p>39 EXISTING LANDSCAPING</p> <p>40 EXISTING PARKING STRIPING</p> <p>41 EXISTING CANOPY COLUMN</p> <p>42 EXISTING PLANTER WALL</p> <p>43 EXISTING FOUNTAIN</p> <p>44 EXISTING CONCRETE WALKWAY</p> <p>45 EXISTING ACCESSIBLE PARKING STALL AND ACCESS ISLE</p> <p>46 EXISTING UNDERGROUND RECLAIM TANK</p> <p>47 EXISTING UNDERGROUND CLARIFIER TANK</p> <p>48 NEW 60" HIGH CONCRETE TRASH AND VACUUM EQUIPMENT BUILDING (CITY STD. 500) TO MATCH EXISTING</p> <p>49 NEW CONCRETE PLANTER CURB</p> <p>50 NEW UNDERGROUND VACUUM PIPES</p> <p>51 NEW SELF-SERVE VACUUM STATION (TYPE 13)</p> <p>52 NEW CONCRETE TRUNK STOP</p> <p>53 EXISTING MONUMENT SIGN</p> <p>54 EXISTING BELMOUNT SIGN</p> <p>55 PATCH EXISTING PAVEMENT TO MATCH EXISTING BUILDING AND CANOPY</p> <p>56 EXISTING SIGN</p> <p>57 EXISTING SIGN</p> <p>58 3" HIGH CONCRETE WALL WITH PLASTER TO MATCH EXISTING</p> <p>59 EXISTING WASH PUMP STATION (TYPE 3)</p> <p>60 EXISTING WASH GATE (TYPE 3)</p> <p>61 CONCRETE WALKWAY WITH REINFORCED WALKING SURFACE</p> <p>62 EXISTING 4" WIDE CONCRETE PATH OF TRAVEL FROM PUBLIC RIGHT OF WAY</p> <p>63 EXISTING LIGHT POLE</p> <p>64 EXISTING VACUUM STALL WITH 5" WIDE ACCESS FROM STREET</p> <p>65 4" WIDE WHITE STRIPING WITH 17" HIGH WHITE LETTERS</p>	





Project: DEMOLITION OF OFFICE BUILDING AND CANOPY AND REPLACEMENT OF ACCESSIBLE PARKING AT EXISTING CARWASH

FOR: FREEMWAY CARWASH

Address: 661 GARDEN GROVE BLVD GARDEN GROVE, CA 92841

Revisions:

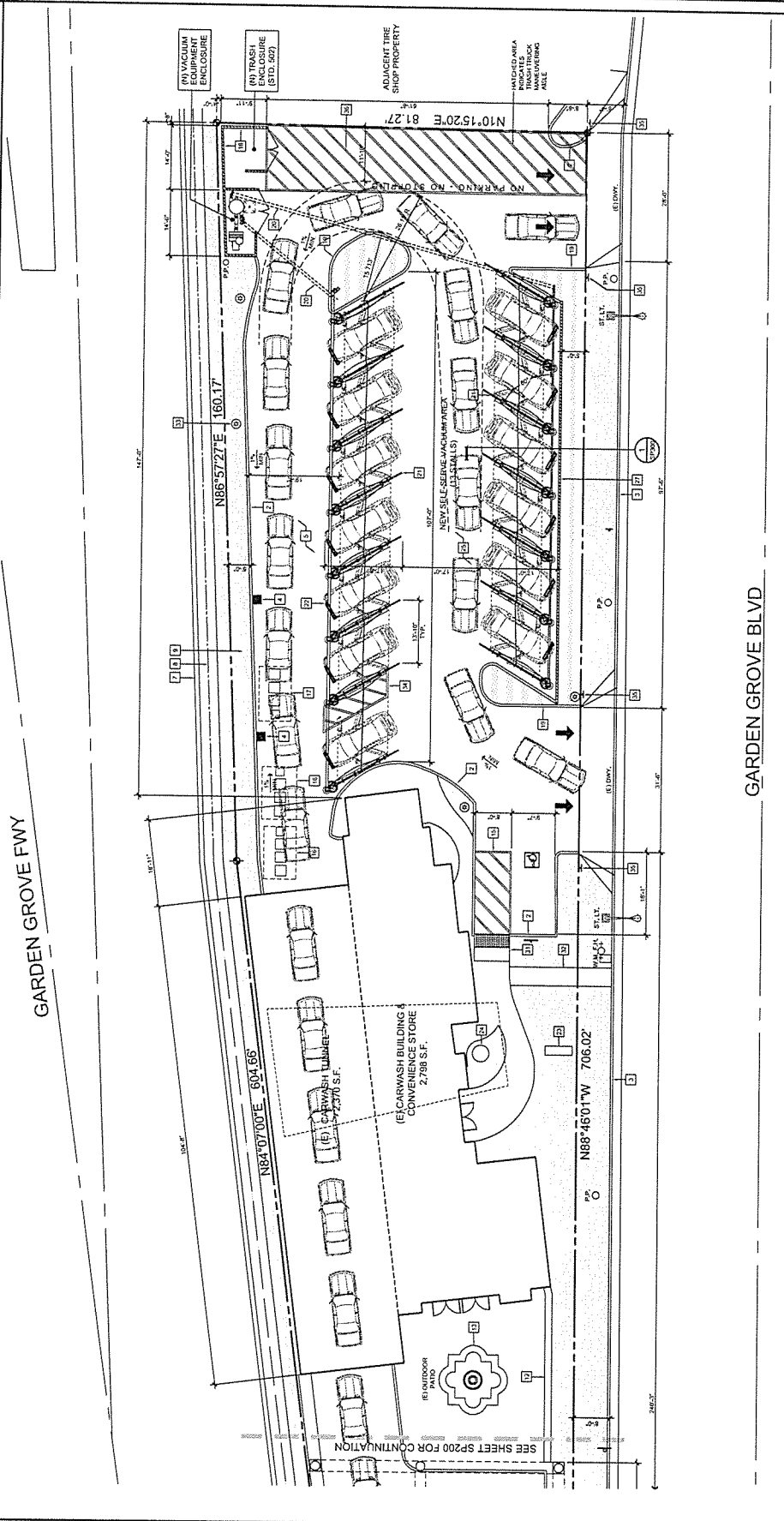
1. [Symbol] [Symbol] [Symbol] [Symbol]

Comments / Issue Dates:

01/17/20 - ISSUED FOR PERMITS
 01/20/20 - REVIEW ONLY - PLANNING REVIEW
 01/21/20 - REVISED PERMITS
 01/21/20 - REVISED PERMITS
 01/21/20 - REVISED PERMITS
 01/21/20 - REVISED PERMITS

Drawn By: J.S.C./J.E.O.
Checked By: J.C.
Project No.: 119020
Date: 03/20/20
Sheet Title: PROPOSED SITE PLAN
Sheet Number: SP201

SYMBOL LEGEND	VEHICLE CIRCULATION	PARKING ANALYSIS	KEYNOTE LEGEND
<p>INDICATES EXISTING LANDSCAPE AREA</p> <p>INDICATES NEW LANDSCAPE AREA</p>	<p>ONE TO THE LONGER PARALLEL SIDE COMPARTMENT. THE SIDE COMPARTMENT IN THE DIRECTION ENTERING AT ONE END AND EXITING AT THE OPPOSITE END.</p> <p>PROPOSED VEHICLE STAGING</p> <p>INGRESS (WEST END) SHEET SP200</p> <p>EGRESS (EAST END) SHEET THIS SHEET</p> <p>23 PLUS 13 VACUUM STALLS</p>	<p>PARKING REQUIRED PER SECTION 8.15(a)(1)(2)</p> <p>EXISTING PARKING</p> <p>VEHICLE STAGING AND DRIVING (S + INTERNAL WASHING CAPACITY)</p> <p>STANDARD PARKING (S)</p> <p>VEHICLE STAGING AND DRIVING (S + INTERNAL WASHING CAPACITY)</p> <p>TOTAL PARKING REQUIRED</p> <p>PARKING PROVIDED</p> <p>PARALLEL PARKING (P)</p> <p>STANDARD PARKING (S)</p> <p>VEHICLE STAGING AND DRIVING (S + INTERNAL WASHING CAPACITY)</p> <p>VEHICLE STAGING AND DRIVING (S + INTERNAL WASHING CAPACITY)</p> <p>TOTAL PARKING PROVIDED</p>	<p>1 LINE OF EXISTING CANOPY</p> <p>2 EXISTING CONCRETE PLANTER CURB</p> <p>3 EXISTING CONCRETE STREET CURB AND GUTTER</p> <p>4 EXISTING DOWN WATER CATCHMENT</p> <p>5 EXISTING CONCRETE PAVEMENT</p> <p>6 EXISTING DIRECTIONAL CONCRETE CLANGS</p> <p>7 EXISTING CONCRETE FREEWAY WALL</p> <p>8 EXISTING CONCRETE DRAINAGE SWALE</p> <p>9 EXISTING UNPAVED ASPHALT</p> <p>10 EXISTING UNPAVED ASPHALT</p> <p>11 EXISTING UNPAVED ASPHALT</p> <p>12 EXISTING UNPAVED ASPHALT</p> <p>13 EXISTING UNPAVED ASPHALT</p> <p>14 EXISTING UNPAVED ASPHALT</p> <p>15 EXISTING UNPAVED ASPHALT</p> <p>16 EXISTING UNPAVED ASPHALT</p> <p>17 EXISTING UNPAVED ASPHALT</p> <p>18 EXISTING UNPAVED ASPHALT</p> <p>19 EXISTING UNPAVED ASPHALT</p> <p>20 EXISTING UNPAVED ASPHALT</p> <p>21 EXISTING UNPAVED ASPHALT</p> <p>22 EXISTING UNPAVED ASPHALT</p> <p>23 EXISTING UNPAVED ASPHALT</p> <p>24 EXISTING UNPAVED ASPHALT</p> <p>25 EXISTING UNPAVED ASPHALT</p> <p>26 EXISTING UNPAVED ASPHALT</p> <p>27 EXISTING UNPAVED ASPHALT</p> <p>28 EXISTING UNPAVED ASPHALT</p> <p>29 EXISTING UNPAVED ASPHALT</p> <p>30 EXISTING UNPAVED ASPHALT</p> <p>31 EXISTING UNPAVED ASPHALT</p> <p>32 EXISTING UNPAVED ASPHALT</p> <p>33 EXISTING UNPAVED ASPHALT</p> <p>34 EXISTING UNPAVED ASPHALT</p> <p>35 EXISTING UNPAVED ASPHALT</p> <p>36 EXISTING UNPAVED ASPHALT</p> <p>37 EXISTING UNPAVED ASPHALT</p> <p>38 EXISTING UNPAVED ASPHALT</p> <p>39 EXISTING UNPAVED ASPHALT</p> <p>40 EXISTING UNPAVED ASPHALT</p> <p>41 EXISTING UNPAVED ASPHALT</p> <p>42 EXISTING UNPAVED ASPHALT</p> <p>43 EXISTING UNPAVED ASPHALT</p> <p>44 EXISTING UNPAVED ASPHALT</p> <p>45 EXISTING UNPAVED ASPHALT</p> <p>46 EXISTING UNPAVED ASPHALT</p> <p>47 EXISTING UNPAVED ASPHALT</p> <p>48 EXISTING UNPAVED ASPHALT</p> <p>49 EXISTING UNPAVED ASPHALT</p> <p>50 EXISTING UNPAVED ASPHALT</p> <p>51 EXISTING UNPAVED ASPHALT</p> <p>52 EXISTING UNPAVED ASPHALT</p> <p>53 EXISTING UNPAVED ASPHALT</p> <p>54 EXISTING UNPAVED ASPHALT</p> <p>55 EXISTING UNPAVED ASPHALT</p> <p>56 EXISTING UNPAVED ASPHALT</p> <p>57 EXISTING UNPAVED ASPHALT</p> <p>58 EXISTING UNPAVED ASPHALT</p> <p>59 EXISTING UNPAVED ASPHALT</p> <p>60 EXISTING UNPAVED ASPHALT</p> <p>61 EXISTING UNPAVED ASPHALT</p> <p>62 EXISTING UNPAVED ASPHALT</p> <p>63 EXISTING UNPAVED ASPHALT</p> <p>64 EXISTING UNPAVED ASPHALT</p> <p>65 EXISTING UNPAVED ASPHALT</p> <p>66 EXISTING UNPAVED ASPHALT</p> <p>67 EXISTING UNPAVED ASPHALT</p> <p>68 EXISTING UNPAVED ASPHALT</p> <p>69 EXISTING UNPAVED ASPHALT</p> <p>70 EXISTING UNPAVED ASPHALT</p> <p>71 EXISTING UNPAVED ASPHALT</p> <p>72 EXISTING UNPAVED ASPHALT</p> <p>73 EXISTING UNPAVED ASPHALT</p> <p>74 EXISTING UNPAVED ASPHALT</p> <p>75 EXISTING UNPAVED ASPHALT</p> <p>76 EXISTING UNPAVED ASPHALT</p> <p>77 EXISTING UNPAVED ASPHALT</p> <p>78 EXISTING UNPAVED ASPHALT</p> <p>79 EXISTING UNPAVED ASPHALT</p> <p>80 EXISTING UNPAVED ASPHALT</p> <p>81 EXISTING UNPAVED ASPHALT</p> <p>82 EXISTING UNPAVED ASPHALT</p> <p>83 EXISTING UNPAVED ASPHALT</p> <p>84 EXISTING UNPAVED ASPHALT</p> <p>85 EXISTING UNPAVED ASPHALT</p> <p>86 EXISTING UNPAVED ASPHALT</p> <p>87 EXISTING UNPAVED ASPHALT</p> <p>88 EXISTING UNPAVED ASPHALT</p> <p>89 EXISTING UNPAVED ASPHALT</p> <p>90 EXISTING UNPAVED ASPHALT</p> <p>91 EXISTING UNPAVED ASPHALT</p> <p>92 EXISTING UNPAVED ASPHALT</p> <p>93 EXISTING UNPAVED ASPHALT</p> <p>94 EXISTING UNPAVED ASPHALT</p> <p>95 EXISTING UNPAVED ASPHALT</p> <p>96 EXISTING UNPAVED ASPHALT</p> <p>97 EXISTING UNPAVED ASPHALT</p> <p>98 EXISTING UNPAVED ASPHALT</p> <p>99 EXISTING UNPAVED ASPHALT</p> <p>100 EXISTING UNPAVED ASPHALT</p>
GRADING AND DRAINAGE	TURN RADII	PARKING ANALYSIS	KEYNOTE LEGEND
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PROJECT:
 DEMOLITION OF OFFICE BUILDING AND RELOCATION OF VACUUM SYSTEM AT EXISTING CARWASH

FOR:
 FREEWAY
 CARWASH

8911 GARDEN GROVE BLVD
 GARDEN GROVE, CA 92841

Revisions:

△
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Comments / Issue Dates:

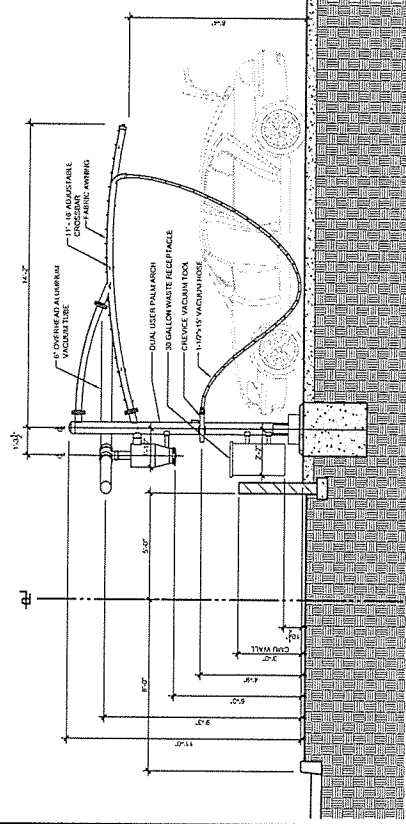
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- 02/02/20 - ISSUED FOR PERMITS
- 02/27/20 - ISSUED FOR PERMITS
- 03/10/20 - ISSUED FOR PERMITS
- 03/24/20 - ISSUED FOR PERMITS
- 04/07/20 - ISSUED FOR PERMITS
- 04/21/20 - ISSUED FOR PERMITS
- 05/05/20 - ISSUED FOR PERMITS
- 05/19/20 - ISSUED FOR PERMITS
- 06/02/20 - ISSUED FOR PERMITS

Drawn By: J.S.C./J.E.G.
Checked By: J.C.
Project No.: 171220
Date: 01/17/20
Sheet Title: 001/02

VACUUM STALL
 SECTION AT
 SOUTH
 PROPERTY LINE

Sheet Number:

SP300



VACUUM STALL SECTION AT SOUTH PROPERTY LINE

SCALE: 3/8"=1'-0"
 A



PROJECT:
 RENOVATION OF OFFICE
 BUILDING AND CANOPY
 AND REPLACEMENT OF
 VACUUM SYSTEM AT
 EXISTING CARWASH

FOR:
 FREEWAY
 CARWASH

8011 GARDEN GROVE BLVD
 GARDEN GROVE, CA 92841

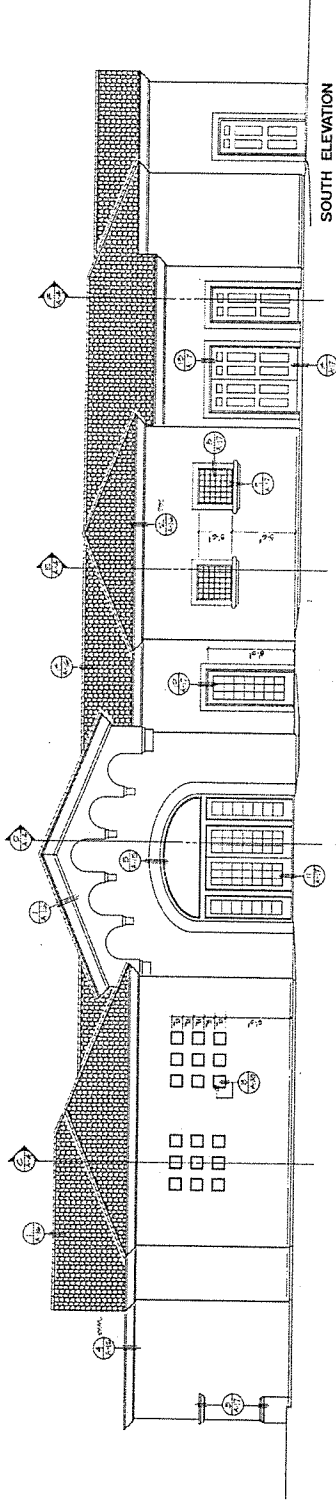
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Comments / Issue Dates:

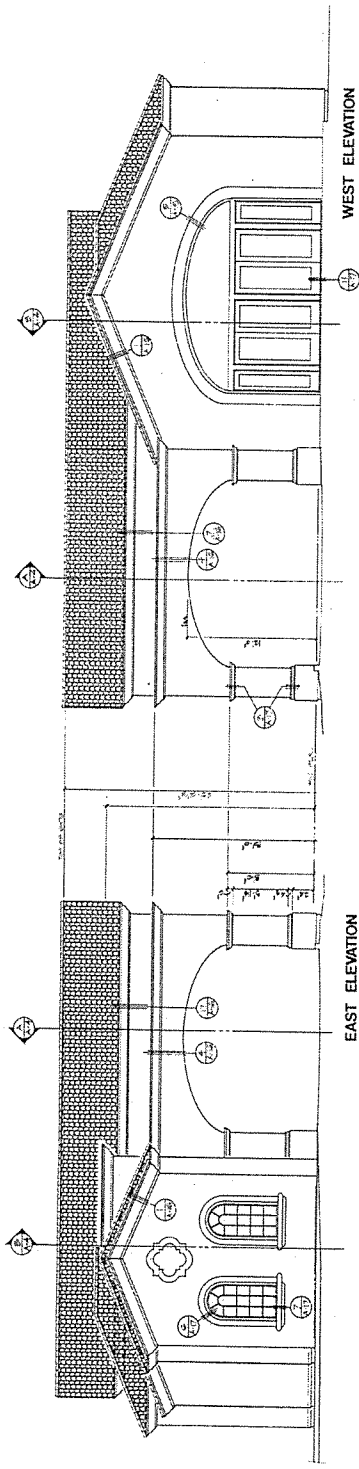
07/17/09	ISSUED FOR
08/20/09	ISSUED FOR PRELIM
09/23/09	ISSUED FOR CITY OF
10/20/09	ISSUED FOR REVIEW
11/02/09	REDESIGN PRELIM
02/16/10	FOR CITY OF

Drawn By:	J.S.C./J.C.
Checked By:	J.C.
Project No.:	181339
Date:	10/12/09
Sheet Title:	EXISTING ELEVATIONS

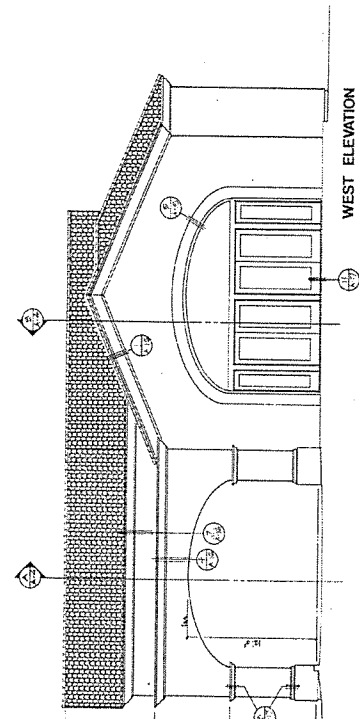
Sheet Number:
A200



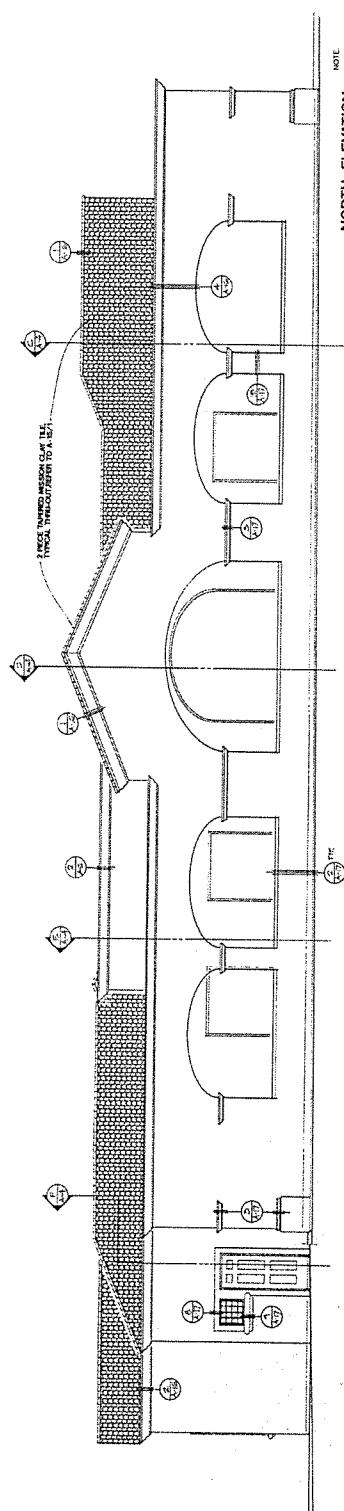
SOUTH ELEVATION



EAST ELEVATION



WEST ELEVATION



NORTH ELEVATION

NOTE:
 THIS DRAWING IS A COPY OF THE ORIGINAL
 EXISTING ELEVATIONS PREPARED BY OTHERS
 AND IS NOT TO BE USED FOR CONSTRUCTION.
 ILLUSTRATE THE EXISTING EXTERIOR,
 INTERIOR, AND SECTION REFERENCES.
 PLEASE NOTE THAT NO WORK IS PROPOSED ON
 THE EXISTING BUILDING.

EXISTING ELEVATIONS

SCALE:
 3/16" = 1'-0"

A



Project: DESIGNATION OF OFFICE BUILDING AND CANOPY AND REPLACEMENT OF VACUUM SYSTEM AT EXISTING CARWASH

FOR: FREEMAN CARWASH

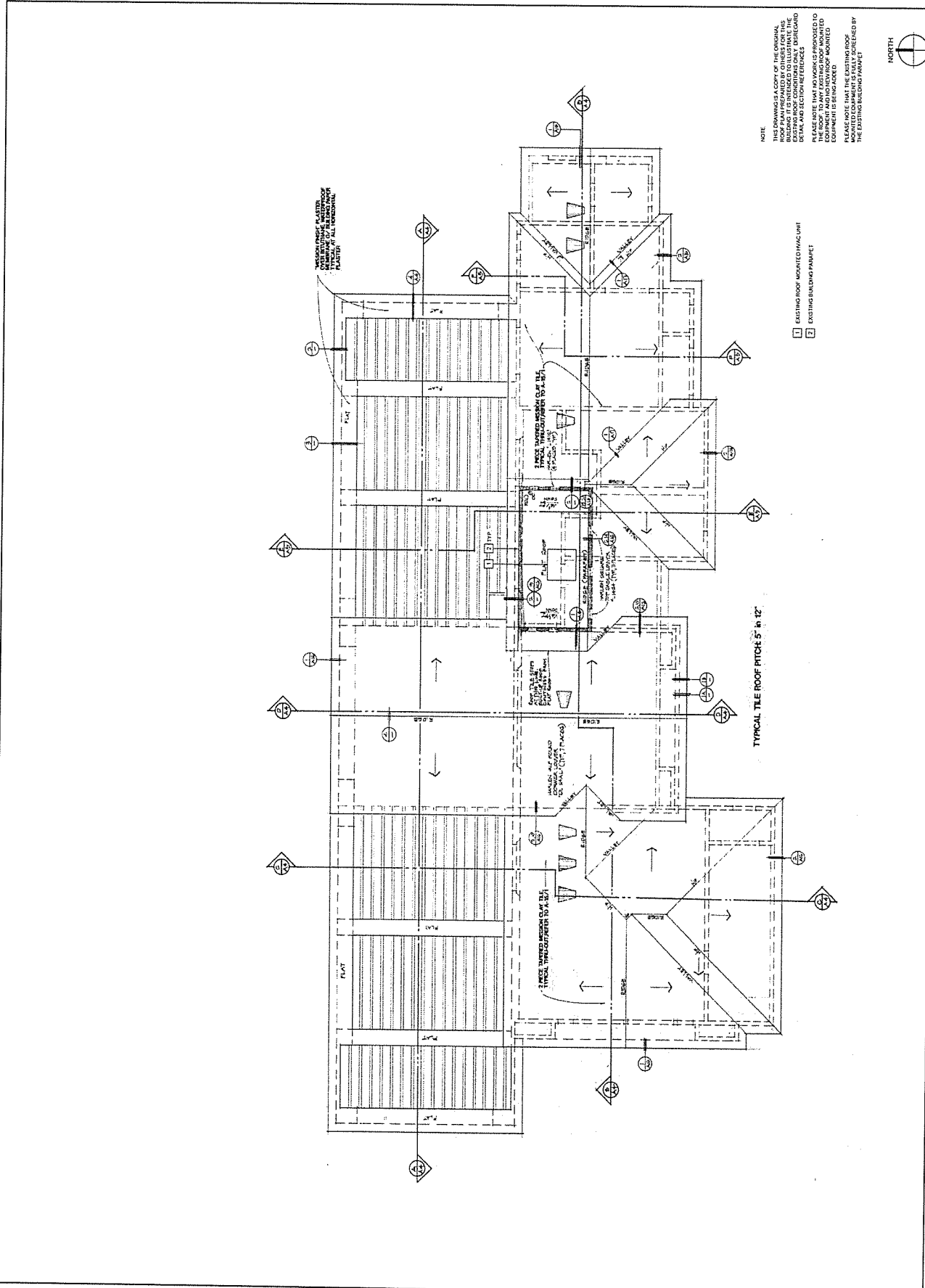
6911 GARDEN GROVE BLVD. GARDEN GROVE, CA 92841

References:

Comment / Issue Date:
 07/17/20 - ISSUED FOR PERMIT PLANNING
 08/25/20 - ISSUED FOR PERMIT
 10/15/20 - ISSUED FOR CITY OF FULLERTON REVIEW
 10/26/20 - REVISED PERMIT REVIEW
 11/02/20 - REGULAR PERMIT ISSUED FOR PERMIT

Drawn By: J.S. COFFMAN
 Checked By: J.C.
 Project No.: 18020
 Date: 10/20
 Sheet Title: EXISTING ROOF PLAN

Sheet Number: A300



NOTE: THIS DRAWING IS A COPY OF THE ORIGINAL ROOF PLAN PREPARED BY OTHERS FOR THE EXISTING ROOF CONDITIONS ONLY. REFER TO DETAIL AND SECTION REFERENCES IN THE SPECIFICATIONS FOR THE VACUUM SYSTEM. THE VACUUM SYSTEM SHALL BE MOUNTED TO THE EXISTING ROOF STRUCTURE. THE VACUUM SYSTEM SHALL BE MOUNTED TO THE EXISTING BUILDING FOOTPRINT.

- EXISTING ROOF MOUNTED VACUUM
- EXISTING BUILDING FOOTPRINT



SCALE: 1/4" = 1'-0"

EXISTING ROOF PLAN

RESOLUTION NO. 6014-21

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-094-2021 AND CONDITIONAL USE PERMIT NO. CUP-197-2021 FOR PROPERTY LOCATED AT 6911 GARDEN GROVE BOULEVARD, ASSESSOR'S PARCEL NO. 130-501-35.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on January 21, 2021, does hereby approve Site Plan No. SP-094-2021 and Conditional Use Permit No. CUP-197-2021 for a parcel located on the north side of Garden Grove Boulevard, west of Knott Street, at 6911 Garden Grove Boulevard, Assessor's Parcel No. 130-501-35, subject to the Conditions of Approval attached hereto as "Exhibit A".

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-094-2021 and Conditional Use Permit No. CUP-197-2021, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Freeway Express Wash, LLC., applicant and property owner.
2. A request for Conditional Use Permit approval to convert an existing full-service car wash to a self-service automatic car wash along with a request for Site Plan approval to demolish an existing office building with an attached fueling canopy to allow the installation of self-service vacuum stations and equipment improvements in the car wash tunnel system that is being reversed to improve vehicular circulation and increase vehicle queuing capacity. Upon approval, CUP-109-92 allowing the existing full service car wash, shall be revoked and become null & void.
3. The Planning Commission has determined that the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301, Existing Facilities, and Section 15303, New Construction or Conversion of Small Structures, of the CEQA Guidelines (14 Cal. Code Regs., Sections 15301 and 15303).
4. The property has a General Plan Land Use Designation of Light Commercial, and is zoned PUD-105-73 Rev. 92 (Planned Unit Development). The subject 0.80-acre site is improved with an existing full-service car wash.
5. Existing land use, zoning, and General Plan designation of property within the vicinity of the subject property have been reviewed.
6. Report submitted by City Staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on January 21, 2021, 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 January 21, 2021, and considered all oral and written testimony presented regarding the project.

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

FACTS:

The subject 0.80-acre site is an irregularly shaped lot improved with an existing full-service car wash, located on the north side of Garden Grove Boulevard, west of Knott Street, abutting the Garden Grove 22 Freeway along the northern property line. The subject property is zoned Planned Unit Development No. PUD-105-73 Rev. 92 with a General Plan Land Use Designation of Light Commercial. The property is adjacent to a PUD-105-73 Rev. 92 zoned property to the east improved with a tire shop that is part of the same PUD as the subject site, the Garden Grove 22 Freeway to the north, and properties located in the City of Westminster to the south across Garden Grove Boulevard improved with commercial and industrial uses.

In 1973, the City of Garden Grove approved PUD-105-73 to set specific criteria for the site due to its narrow depth, irregular shape, and long length of frontage along Garden Grove Boulevard. The PUD established specific standards to facilitate and encourage development of the site, including zero setbacks, and a reduction to landscaping and parking requirements. In 1973, the subject site was developed with a vehicle storage facility and a tire shop. The vehicle storage facility was removed in 1992 when the PUD was amended to allow car wash uses subject to approval of a Conditional Use Permit. Following the PUD amendment, the subject site was improved with a full-service car wash under SP-105-92 and CUP-109-92 in 1992 and has been in operation since.

The subject full-service car wash consisted of a main car wash building centrally located on the site equipped with a car wash tunnel system and a customer convenience/car accessories retail store, a gasoline and vacuum canopy on the east side of the property, and a dry-off canopy to the west of the car wash. The car wash operation was intended as a full-service car wash, including vacuuming, gasoline, hand washing, hand drying, and touch-ups.

In 2005, the car wash removed the service of gasoline from the site. The City approved a permit to remove the fuel dispensers and to enclose a 937 square foot area under the existing canopy for offices along with a new 682 square foot attached covered canopy used as a dry-off area.

During the onset of COVID-19, the property underwent a change of ownership. Due to risks posed to employees of full-service car wash businesses by the COVID-19 virus, the new property owner, Freeway Express Wash, is requesting Site Plan and

Conditional Use Permit approval to convert the operation to an automatic car wash with the installation of self-service vacuum stations and other related equipment improvements to the car wash tunnel system, which is also being reversed for improved vehicular circulation and to increase vehicle queuing capacity. Upon approval, CUP-109-92 allowing the full service car wash, shall be revoked and become null & void.

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 and is consistent with the General Plan.

The property has a General Plan Land Use Designation of Light Commercial and is zoned Planned Unit Development No. PUD-105-73 Rev. 92. The Light Commercial designation is intended to allow a range of commercial activities that serve local residential neighborhoods and the larger community. The project is consistent with the General Plan Land Use Designation and complies with the zoning requirements for the PUD, which was amended in 1992 to allow for car wash uses subject to approval of a Conditional Use Permit. With approval of the proposed improvements to convert the full-service car wash to a self-service automatic car wash, the vehicular circulation will be improved and the queuing capacity will increase. Furthermore, the location of the proposed vacuum canopy structures is consistent with the setbacks established in the PUD. Therefore, the proposed improvements are consistent with the spirit and intent of the requirements of the Municipal Code.

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.

The site is currently accessed from four (4) driveway approaches along Garden Grove Boulevard, which will remain in place. To improve site vehicular circulation and increase the queuing capacity, three (3) new queuing lanes are being proposed underneath the existing west canopy to originate on the west side of the site. The three (3) queuing lanes narrow down to one (1) lane as vehicles enter the tunnel. With the proposed improvements, the vehicular circulation will be improved and the queuing capacity will increase to avoid back-up of vehicles onto Garden Grove Boulevard. Furthermore, the site will provide parking spaces available to customers and employees, parking at each vacuum station, and adequate queuing capacity to meet the requirements of the Municipal Code. The City's Traffic Engineering Division has reviewed the proposed vehicular circulation, including stacking capacity and turning radii, and is supportive of the proposal.

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 will be adequate to accommodate the development once the developer provides the necessary improvements for the project. The site is currently accessed from four (4) driveways along Garden Grove Boulevard and will continue to be so when the improvements are completed to improve vehicular site circulation and to provide sufficient queuing capacity.

The subject site does not tie into the Garden Grove Sanitary District's Service area and is not serviced by Garden Grove Water Services. The applicant has contacted the City of Westminster for review of the proposed improvements and they are in support of the request. Additionally, conditions of approval required that the applicant contact the City of Westminster for permits for any work performed within the public right-of-way.

4. That the proposed development will not adversely impact the City's ability to perform its required public works functions.

The Public Works Department has reviewed the project, and all appropriate conditions of approval to improve the site have been included. The subject site does not tie into the Garden Grove Sanitary District's Service area and is not serviced by Garden Grove Water Services. The applicant has contacted the City of Westminster for review of the proposed improvements and they are in support of the request. Additionally, conditions of approval require that the applicant contact the City of Westminster for permits for any work performed within the public right-of-way.

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

The property is adjacent to a tire shop to the east, the Garden Grove 22 Freeway to the north, and properties located in the City of Westminster to the south across Garden Grove Boulevard improved with commercial and industrial uses. The subject site was improved with a car wash in 1992 intended as a full-service car wash, including vacuuming, gasoline, hand washing, hand drying, and touch-ups. Under the proposal, all structures will remain on-site, with the exception of one structure, to allow for the proposed improvements to convert the full-service car wash into an automatic car wash. The applicant is proposing to install 13 self-serve vacuum stations under two (2) aluminum shade structures with fabric awnings satisfying the setbacks of the PUD. The improved car wash will continue to possess characteristics that are compatible with the neighboring uses and will continue to be consistent with the surrounding area, while improving on-site vehicular circulation and increasing the queuing capacity of vehicles.

6. 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.

The subject site was improved with a car wash in 1992 intended as a full-service car wash, including vacuuming, gasoline, hand washing, hand drying, and touch-ups. All structures will remain on-site, with the exception of one structure, to allow for the proposed improvements. The site is currently improved with a main car wash building and a tunnel system located to the north of the main car wash building. An existing dry-off canopy is located to the west of the property. The existing vacuums are located at the west canopy. To the east of the main car wash building is an existing office building and canopy to be demolished to allow for the improvements to convert the full-service car wash to a self-service automatic car wash. The applicant is proposing to remove the vacuum stations located at the west canopy for the new queuing lanes. The main car wash tunnel structure will undergo interior equipment modifications to reverse the access into the tunnel system. Lastly, the applicant is proposing to install 13 self-serve vacuum stations on the east side of the tunnel system. Two (2) aluminum shade structures with fabric awnings will be located at the self-serve vacuum stations satisfying the setbacks of the PUD. Exterior improvements to any of the existing structures to remain are not being proposed, therefore, the site will continue retain an attractive environment for the occupants of the property.

Conditions of approval will require that the existing landscaped areas be maintained. New landscape areas are only being proposed in the new self-serve vacuum station area on the east portion of the site. The applicant is required to provide a landscape and irrigation plan that complies with the requirements of Title 9 of the Municipal Code for these landscape improvements, complying with the City's Water Efficiency Guidelines.

CONDITIONAL USE PERMIT:

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

The subject property has a land use designation of Light Commercial and is zoned Planned Unit Development No. PUD-105-73 Rev. 92. The Light Commercial designation is intended to allow a range of commercial activities that serve local residential neighborhoods and the larger community. The PUD established specific standards to facilitate and encourage development of the site, including zero setbacks, and a reduction to landscaping and parking requirements. In 1973, the subject site contained a vehicle storage facility, which was removed in 1992 when the PUD was amended to allow car wash uses subject to approval of a Conditional Use Permit. Following the PUD amendment, the subject site was improved with a full-service car wash under

SP-105-92 and CUP-109-92 in 1992 and has been in operation since. Approval of CUP-197-2021 will continue to be consistent with the intent of the PUD and the General Plan, which describes a Planned Unit Development as a precise plan that provide the means for the regulations of buildings, structures, and uses of land to facilitate the implementation of the General Plan. Provided that the conditions of approval are complied with, the use will be consistent with the General Plan.

2. That the requested use at the location proposed will not: adversely affect the health, peace, comfort, or welfare of the persons residing or working in the surrounding area, or unreasonably interfere with the use, enjoyment, or valuation of the property of other persons located in the vicinity of the site, or jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare.

The existing car wash was built in 1992. For the proposed modifications to convert the operation to an automatic car wash, the PUD requires Conditional Use Permit approval. Conditions of approval have been incorporated to ensure that the car wash will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area. In addition, the car wash incorporates design features that will minimize noise, especially noise generated from the vacuums and dryers. The vacuum equipment will be located inside a new CMU enclosure, to be set the furthest from the public right-of-way and closer to the rear of the property directly adjacent to the Garden Grove 22 Freeway. All other equipment, including the dryers, will be located inside the car wash tunnel, which is also located to the rear of the property, to reduce noise. The existing automatic car wash business has not had any recent code enforcement cases related to noise complaints. Nonetheless, the new vacuum system is expected to produce substantially less noise than the current existing vacuum equipment. The automatic car wash will continue to operate in compliance with the City's Noise Ordinance.

The Municipal Code restricts business hours for automatic car wash businesses to not operate before 7:00 a.m. and after 10:00 p.m. The subject car wash will continue to maintain its existing business hours of 8:00 a.m. to 7:00 p.m., seven (7) days a week. All standard conditions of approval for an automatic car wash use will apply. Provided the conditions of approval are adhered to for the life of the project, the automatic car wash use will be harmonious with the persons who work and live in the area.

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

In 1973, the City of Garden Grove approved PUD-105-73 to set specific criteria for the site due to its narrow depth, irregular shape, and long length of frontage along Garden Grove Boulevard. The PUD established specific standards to facilitate and encourage development of the site, including zero setbacks, and a reduction to landscaping and parking requirements. The site has been developed with a car wash use since 1992. The overall project site is 0.80 acres and has been sufficient in size to accommodate the existing car wash. With the proposed improvements to convert the full-service car wash to a self-service automatic car wash, the vehicular circulation will be improved and the queuing capacity will increase. To improve site vehicular circulation and increase the queuing capacity, the applicant is proposing to reverse the access into the tunnel system. The City's Traffic Engineering Division has reviewed the proposed vehicular circulation, including stacking capacity and turning radii, and is supportive of the proposal. Other site improvements to accommodate the proposed modifications will further revitalize and enhance the subject site.

4. That the proposed site is adequately served: 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 by other public or private service facilities as required.

The site is adequately served by Garden Grove Boulevard and has accessible driveways providing both ingress and egress. The site is also adequately served by the public service facilities required such as public utilities: gas, electric, water, and sewer facilities.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN THE STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. Site Plan No. SP-094-2021 and Conditional Use Permit No. CUP-197-2021 do possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030.
2. In order to fulfill the purpose and intent of the Municipal Code, and thereby promote the health, safety, and general welfare, the following conditions of approval, attached as Exhibit "A", shall apply to Site Plan No. SP-094-2021 and Conditional Use Permit No. CUP-197-2021

EXHIBIT "A"

Site Plan No. SP-094-2021 and Conditional Use Permit No. CUP-197-2021

6911 Garden Grove Boulevard
Assessor's Parcel No. 130-501-35

CONDITIONS OF APPROVAL

General Conditions

1. Each owner of the property shall execute, and the applicant shall record, 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 recordation is required prior to the 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 the project applicant, the owner(s) and tenant(s) of the property, and each of their respective successors and assigns, including all subsequent purchasers and/or tenants. The applicant and subsequent owner/operators of such business shall adhere to the conditions of approval for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the Planning Commission, except as otherwise provided herein.
3. Site Plan No. SP-094-2021 and Conditional Use Permit No. CUP-197-2021 only authorizes approval to convert an existing full-service car wash to a self-service automatic car wash for a property located at 6911 Garden Grove Boulevard (APN: 130-501-35), and to demolish an existing office building with an attached fueling canopy to allow the installation of self-service vacuum stations and equipment improvements in the car wash tunnel system that is being reversed to improve vehicular circulation and increase queuing capacity, as depicted on the plans submitted by the applicant and made part of the record of the January 21, 2021 Planning Commission proceedings. Approval of this Site Plan and Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
4. Minor modifications to the site plan, floor 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 approved use, floor plan, site plan 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.

Public Works Engineering Division

6. The applicant shall be subject to Traffic Mitigation 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 said fees shall be calculated based on the City's current fee schedule at the time of permit issuance.
7. All vehicular access drives to the site shall be provided in locations approved by the City Traffic Engineer.
8. Any new modification to the existing drive approach to the site on Garden Grove Boulevard shall be in accordance with Garden Grove Standard B-120 (Option #2).
9. All driving aisles with parking 60 degree angle of shall have a minimum width of 17 feet in accordance with City of Garden Standard B-311.
10. All parking spaces that abut to sidewalks that are not elevated with a curb face to the stall, if any shall have wheel stops in order to prevent vehicle overhang into sidewalk. Minimum 6-foot width sidewalk is required for parking spaces that are utilizing elevated sidewalk curb face as a wheel stop and must maintain 4-foot minimum from the overhang of the vehicle bumper for ADA pathway.
11. No parallel curb parking shall be permitted anywhere on the site.
12. The applicant shall provide the City with documentation on existing reciprocal access agreement on the easterly corner of the property. Should no agreement exist, the applicant shall enter into an agreement with the adjacent property owner located at 7031 Garden Grove Boulevard (American Tire Depot) and record said agreement in a manner meeting the approval of the City Engineer prior to the issuance of a building permit.
13. The applicant shall submit site improvement plan and horizontal control plan to the Building and Safety Division. The site improvement plan shall provide

Site Plan No. SP-094-2021 and Conditional Use Permit No. CUP-197-2021
Conditions of Approval

- direction on removal and replacement of the drive thru improvements (landscaping, asphalt curb and outdoor pay station). Minimum grades on the site improvement plan shall be 0.50% for concrete flow lines and 1.25% for asphalt.
14. A separate street permit is required for any work performed within the public right-of-way from City of Westminster.
 15. In accordance with the Orange County Storm Water Program manual, the applicant and/or its contractors shall provide dumpsters on-site during construction unless an Encroachment Permit is obtained for placement in street.
 16. 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 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.
 17. The applicant shall identify a temporary parking site(s) for construction crew and construction trailers office staff prior to issuance of a building permit. No construction parking is allowed on local streets.
 18. Prior to issuance of a building permit, the applicant shall submit and obtain approval of a work-site traffic control plan, satisfactory to the City Traffic Engineer.

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19. 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.
20. Any required lane closures should occur outside of peak travel periods.
21. Construction vehicles should be parked off traveled roadways in a designated parking.
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.

Public Works Engineering Division

23. Trash enclosure shall be sized to hold a municipal solid waste container and a recycling container per the Space Guidelines for Recycling, Organics and Refuse Services for Designers of Multifamily and Commercial Building guidelines.

Orange County Fire Authority

24. Prior to issuance of temporary or final certificate of occupancy, all OCFA inspections shall be completed to the satisfaction of the OCFA inspector and be in substantial compliance with codes and standards applicable to the project and commensurate with the type of occupancy (temporary or final) requested. Inspections shall be scheduled at least five days in advance by calling OCFA Inspections Scheduling at 714-573-6150.
25. The applicant shall comply with all applicable Orange County Fire Authority requirements, including, but not limited to, the Fire Master Plan.

Building and Safety Division

26. Equipment installed at accessible parking stall shall meet the requirements of the California Building Code (CBC) Chapter 11-B.

27. Plans submitted for plan check review shall comply with the 2019 Edition of the California Building Standards Code.

Community and Economic Development Department

28. 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:
- a. All on-site and off-site utilities pertaining to the improvements proposed under this Site Plan shall be installed or relocated underground pursuant to Chapter 9.48 of the Garden Grove Municipal Code.
 - b. All above-ground utility equipment (e.g., electrical, gas, telephone, cable TV, water meters, electrical transformer) shall not be located in the street setback and shall be screened to the satisfaction of the Community and Economic Development Director.
 - c. No roof-mounted mechanical equipment 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. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
 - d. All ground or wall-mounted mechanical equipment shall be screened from view from any place on or off the site.
 - e. 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. All roof access ladders shall be accessed from inside the building.
29. Hours and days of construction and grading shall be as follows as set forth in the City of Garden Grove's Municipal Code Title Sections 8.47.040 to 8.47.060 referred to as the Noise Control Ordinance as adopted, except that:
- a. Monday through Saturday - not before 7 a.m. and not after 8 p.m. (of the same day).

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- b. Sunday and Federal Holidays – may work the same hours, but be subject to the restrictions as stipulated in Sections 8.47.040 to 8.47.060 of the Municipal Code.
30. The property owner(s) and all tenants shall comply with the adopted City Noise Ordinance.
31. All landscaping shall be consistent with the landscape requirements of Title 9 of the Municipal Code. The developer shall submit a complete landscape plan governing the entire development. The landscape irrigation plans shall include type, size, location and quantity of all plant material. The landscape plan shall include irrigation plans and staking and planting specifications. All landscape irrigation shall comply with the City's Landscape Ordinance and associated Water Efficiency Guidelines. The landscape plan is also subject to the following:
 - a. A complete, permanent, automatic remote control irrigation system shall be provided for all landscaping areas shown on the plan. The sprinklers shall be of drip or microspray system sprinkler heads for water conservation.
 - b. The plan 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. Trees planted within ten feet (10') 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.
 - d. The landscaping treatment along the Garden Grove Boulevard frontage, including the area designated as public right-of-way and parking areas, shall incorporate a mixture of groundcover, flowerbeds, shrubs, and trees to enhance the appearance of the property. The Community and Economic Development Department shall review the type and location of all proposed trees and plant materials. Said landscape area shall be the responsibility of the applicant to maintain.

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- e. The landscape plan shall incorporate and maintain for the life of the project those means and methods to address water run-off also identified as Low Impact Development 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.
 - f. At the time of irrigation installation, the irrigation system shall comply with all applicable provisions of the City's Water Conservation Ordinance, the City's Municipal Code landscape provisions, and all applicable state regulations.
32. Litter shall be removed daily from the project site, including adjacent public sidewalks and all parking areas under the control of the applicant. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.
33. The applicant shall abate all graffiti vandalism within the premises. The applicant shall implement best management practices to prevent and abate graffiti vandalism within the premises throughout the life of the project, including, but not limited to, timely removal of all graffiti, the use of graffiti resistant coatings and surfaces, the installation of vegetation screening of frequent graffiti sites, and the installation of signage, lighting, and/or security cameras, as necessary. Graffiti shall be removed/eliminated by the applicant as soon as reasonably possible after it is discovered, but not later than 72 hours after discovery.
34. There shall be no deliveries from or to the premises before 7:00 a.m. and after 10:00 p.m., seven days a week.
35. All signs shall comply with the sign requirements of PUD-105-73 Rev. 92. All signs shall require a separate permit and shall be installed in accordance with the provisions of the sign ordinance. All signage shall be limited to individual channel letters. No roof signs shall be permitted.
36. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
37. Signs shall comply with the City of Garden Grove sign requirements. No more than 15% of the total window area and clear doors shall bear advertising or signs of any sort.

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38. All lighting structures shall be placed so as to confine direct rays to the subject property. All exterior lights shall be reviewed and approved by the City's Planning Services Division. Lighting adjacent to residential properties shall be restricted to low decorative type wall-mounted lights, or a ground lighting system. Any new lighting that is provided within the parking lot area shall maintain a minimum of two foot-candles of light on the parking areas during business hours. Lighting in the parking areas shall be directed, positioned, or shielded in such manner so as not to unreasonably illuminate the windows of adjacent properties.
39. The applicant shall submit a light plan (photometric plan) to Planning Services Division for review. All lighting shall be provided throughout the parking areas at a minimum of two-foot candle of light during the hours of darkness when the businesses are open, and a one-foot candle of light during all other hours of darkness.
40. New perimeter walls, if proposed, shall be developed to City Standards or designed by a Registered Engineer, and shall be measured from the on-site finished grade, and shall be shown on the grading plan.
41. 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.
42. Any satellite dish antennas installed on the premises shall be screened, subject to approval by the Community and Economic Development Department, Planning Division. No advertising material shall be placed thereon.
43. During construction, if paleontological or archeological resources are found, all attempts will be made to preserve in place or leave in an undisturbed state in compliance with applicable law.
44. The proposed trash enclosure shall be designed to comply with the City's B-502 trash enclosure standard, or with an alternative design approved by the Public Works Engineering Division.

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45. The trash enclosure and equipment enclosure shall have unifying color and exterior finish that matches, and are integrated, with the existing main car wash building. The proposed roof design of the trash enclosure shall be architecturally compatible with the design of the development. The Planning Services Division shall review and approve the design of the proposed roof and the material(s). The proposed roof and materials shall also comply with the building code requirements.
46. The applicant shall install a 3'-0" high block wall along the southernmost row of vacuum stations along Garden Grove Boulevard to provide screening of the equipment from public view. The block wall shall be painted to match the main car wash building.
47. The trash bins shall be kept inside the trash enclosure, and gates closed at all times, except during disposal and pick-up. The property owner shall provide sufficient trash bins and pick-up to accommodate the site.
48. As part of the finalized working drawings for Planning Division, Engineering Division, and Building Plan Check, the applicant shall submit a detailed and dimensioned plot plan, floor plans, exterior elevations and landscape plans that reflect the above conditions of approval. The plans shall indicate landscape materials, wall materials, and building materials proposed for the project, including the fabric aluminum shade structures at the self-serve vacuum stations.
49. Any and all corrections notice(s) generated through the plan check and/or inspection process is/are hereby incorporated by reference as conditions of approval and shall be fully complied with by the owner, applicant and all agents thereof.
50. 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-094-2021 and Conditional Use Permit No. CUP-197-2021. The applicant shall pay the City's defense costs, including attorney fees and all other litigation related expenses, and shall reimburse the City for court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award, which may issue against the City, including, but not limited to, any award of

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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.

51. A copy of the decision approving Site Plan No. SP-094-2021 and Conditional Use Permit No. CUP-197-2021 shall be kept on the premises at all times.
52. The permittee shall submit a signed letter acknowledging receipt of the decision approving Site Plan No. SP-094-2021 and Conditional Use Permit No. CUP-197-2021, and his/her agreement with all conditions of the approval.
53. This Conditional Use Permit may be called for review by City Staff, the City Council, or the Planning Commission for any reason, including if noise or other complaints are filed and verified as valid by the Code Enforcement office or other city department concerning the violation of approved conditions, the Garden Grove Municipal Code, or any other applicable provisions of law.
54. Unless a time extension is granted pursuant to Section 9.32.030.D.9 of Title 9 of the Municipal Code, the use authorized by this approval of Site Plan No. SP-094-2021 and Conditional Use Permit No. CUP-197-2021 shall become null and void if the subject use or construction necessary and incidental thereto is not commenced within one (1) year of the expiration of the appeal period and thereafter diligently advanced until completion of the project.

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.3.	SITE LOCATION: Citywide
HEARING DATE: January 21, 2021	GENERAL PLAN: N/A
CASE NO.: Amendment No. A-027-2020	ZONE: N/A
APPLICANT: City of Garden Grove	
OWNER: N/A	CEQA DETERMINATION: Exempt

REQUEST:

Recommend approval to the City Council of a City-initiated zoning text amendment to Title 9 of the Garden Grove Municipal Code (Land Use Code) pertaining to the regulation of accessory dwelling units and junior accessory dwelling units to conform to changes in State law.

BACKGROUND:

Accessory Dwelling Units (ADUs) have been identified by the State of California as providing an important affordable housing option essential to meeting the State’s growing housing shortage.

In 1982, the State enacted legislation that authorized local jurisdictions to adopt provisions permitting second-units while maintaining local control. In 2002, Assembly Bill (AB) 1866 was adopted to update the second-unit law to require local jurisdictions to allow second-units by-right on lots improved with an existing single-family home, subject to reasonable zoning and development standards.

In 2016, Senate Bill (SB) 1069 and Assembly Bill (AB) 2299 were adopted amending State law to further restrict local control over second-units for the purpose of allowing property owners more flexibility to build ADUs.

In 2019, the State legislature adopted of series of bills, SB 13, AB 68, AB 587, AB 671 and AB 881, that became effective on January 1, 2020, which further restricted local control over ADUs and Junior ADUs (JADUs) in order to facilitate more housing production. The new State ADU/JADU law strictly limits the scope of zoning regulations and development standards local jurisdictions may apply to ADUs, while allowing local jurisdictions some flexibility to continue to regulate certain aspects of ADUs, such as maximum unit size, height, setback, and architectural review, within specified parameters. Pursuant to State law, local jurisdictions must adopt a new ordinance consistent with State law in order to impose any zoning regulations on ADUs and JADUs beyond the minimum default standards specified in State law.

During the interim period, from January 1, 2020 to the present, the City has applied the minimum default requirements in the new State law to all ADU and JADU projects submitted for plan check review, and has continued to issue building permits for their construction pending approval of a new ADU and JADU ordinance.

On July 16, 2020, the Planning Commission held a Public Hearing to consider Amendment No. A-027-2020 and a draft ordinance proposed by staff. Amendment No. A-027-2020 would repeal portions of Chapter 9.08 of Title 9 (Zoning) of the Garden Grove Municipal Code pertaining to Accessory Dwelling Units, and would add Chapter 9.54 to Title 9 of the Municipal Code to establish regulations for Accessory Dwelling Units and Junior Accessory Dwelling Units to comply with State law. The Planning Commission voted 7-0 to adopt Resolution No. 5995-20 recommending that the City Council approve Amendment No. A-027-2020 and adopt the draft ordinance proposed by staff.

On August 25, 2020, the City Council held a Public Hearing to consider Amendment No. A-027-2020 and the draft ordinance recommended by the Planning Commission. At the meeting, the City Council recognized that State law mandates jurisdictions to allow ADUs and JADUs; however, the City Council also recognized the impacts ADUs and JADUs have on the community, including changing the character of residential neighborhoods. The City Council voted 7-0 to direct staff to further review State law to identify areas of the law where the City could exercise further local control over ADUs and JADUs and to consider additional revisions to the draft ordinance to ensure it provides for as much local control possible, while still ensuring compliance with State law.

On September 8, 2020, staff presented a revised draft ordinance to the City Council, which proposed revisions staff believed to be consistent with State law (Attachment 1). The proposed revisions included, but were not limited to: limiting the maximum number of bedrooms in an ADU to two (2); reducing the maximum unit size of ADUs; and increasing the building separation between ADUs and the detached structures. Following a Public Hearing and discussion, the City Council voted 7-0 that the revised draft ordinance be remanded to the Planning Commission for review and recommendation to the City Council.

State law requires local jurisdictions to submit a copy of their adopted ADU and JADU ordinance to the Department of Housing and Community Development (HCD) for review to determine compliance with State Law. Local jurisdictions may also submit draft ADU and JADU ordinances to HCD for preliminary review and feedback. State law also authorizes HCD to adopt guidelines to implement uniform standards or criteria that supplement or clarify the State ADU law.

On September 15, 2020, the City submitted a copy of the revised draft ordinance as presented to City Council at the September 8, 2020 City Council Meeting to HCD for preliminary review.

In September 2020, HCD also released an updated Accessory Dwelling Unit (ADU) Handbook setting forth HCD's guidance clarifying the intent of the new State ADU law and providing answers to frequently asked questions about ADUs (Attachment 2).

On October 22, 2020, a meeting was held between City staff and HCD to discuss the revised draft ordinance. At the meeting, HCD noted several areas of the revised draft ordinance that HCD believed were inconsistent with State law, including the limit on the number of bedrooms allowed in ADUs.

Staff has prepared an updated revised draft ordinance for the Planning Commission's consideration based on the guidance contained in HCD's September 2020 ADU Handbook and the feedback provided by HCD during the October 22, 2020 meeting (Attachment 3). This updated revised draft ordinance incorporates the City Council recommended changes that HCD did not identify as being inconsistent with State law. The changes from the draft ordinance originally recommended by the Planning Commission on July 16, 2020 are shown in redline/strikeout format.

DISCUSSION

The following discussion describes the most significant changes to the draft ordinance:

Number of Bedrooms

The City Council requested that the number of bedrooms in ADUs be limited to two (2) bedrooms; however, while State law does not specifically prohibit jurisdictions from imposing bedroom restrictions, HCD subsequently clarified that jurisdictions cannot limit the number of bedrooms in ADUs. According to HCD's new ADU Handbook, a limit on the number of bedrooms could be construed as a discriminatory practice towards protected classes, such as familial status, and would be considered an impermissible restraint on the development of ADUs. HCD also clarified that ADU ordinances that incorporated restrictions to the number of bedrooms would not be certified. Therefore, the revised ordinance has been modified to exclude language restricting the number of bedrooms in ADUs, consistent with HCD's interpretation of State law.

Number of ADUs Permitted in Multiple Family Developments

State law allows multiple family developments to construct up to two (2) detached ADUs, and allows multiple ADUs to be constructed within portions of existing multiple-family structures not used for livable space, such as storage rooms, boiler rooms, passageways, attics, basements, garages, etc., up to 25% of the existing multiple-family units. The HCD ADU Handbook clarifies that jurisdictions can regulate the configuration of new ADUs and ADU conversions allowed on multiple-family developments. Jurisdictions are not required to allow both new ADUs and ADU conversions to be developed concurrently on properties developed with multiple-family residences. With HCD's interpretation of this State law provision, the ordinance has been revised to limit properties with multiple-family developments to

either 1) no more than two (2) detached ADUs or 2) one or more converted ADUs as allowed by State law. Furthermore, all new ADUs must be developed as detached units, as specified by State law.

Maximum Unit Sizes

State law allows jurisdictions to establish maximum unit sizes for ADUs; however, State law also establishes minimum and maximum ADU sizes that jurisdictions must allow by right. Staff originally recommended a maximum ADU size of 1,200 square feet, which is the default standard under State law for jurisdictions without a compliant ordinance. Based on the City Council's feedback, however, staff has revised the draft ordinance to limit maximum unit sizes to full extent permitted by State law. The revised draft ordinance limits ADUs designed as a studio or one-bedroom unit to a maximum size of 850 square feet, and two or more bedroom units to a maximum size of 1,000 square feet. In addition, ADUs cannot exceed 800 square feet in size in cases where both an ADU and JADU are developed or proposed to be developed on a site. These maximum sizes were presented to City Council at the September 8, 2020 City Council Meeting.

Replacement Parking for JADUs Parking

State law requires jurisdictions to allow JADUs within the walls of an existing single-family residence. The HCD ADU Handbook clarifies that a garage attached to a single-family residence is considered to be within the walls of the existing single-family residence, and can be converted into a JADU. Furthermore, the HCD ADU Handbook indicates that jurisdictions can impose replacement parking requirements for JADUs proposed within an attached garage (unlike ADUs). The revised ordinance includes provisions allowing JADUs in an attached garage, but requiring replacement parking for any garage converted into a JADU. The required garage parking can be replaced on the same lot as covered spaces, uncovered spaces, or tandem spaces.

ADU Building Height

State law authorizes jurisdictions to limit the overall building height of one-story ADUs to 16 feet; however, jurisdictions are permitted to establish a maximum building height greater than 16 feet. The revised ordinance reduces the maximum allowed building height of ADUs from 17 feet to 16 feet, as authorized by State law.

ADU Building Separation

The revised ordinance increases the minimum building separation from five (5) feet to (6) feet between detached ADUs and the primary residence and/or other detached structures on the same site. The six (6) foot building separation was required by the 2017 ADU ordinance, and was also presented to City Council at the September 8, 2020 meeting.

Other Revisions

The revised ordinance also includes revisions that make ADU design standards more objective, clarify specific building and fire code requirements, and eliminate other requirements HCD considers to be inconsistent with State law.

The revised ordinance incorporates the recommended changes by City Council, and the recommended changes by HCD for the ordinance to be in compliance with State law.

A comprehensive comparison of the 2017 ADU Ordinance, the State law regulations, and proposed ADU and JADU regulations is provided in Attachment 4.

Once the revised ordinance is adopted by the City, a copy of the ordinance will be submitted to HCD for review for compliance with State law.

RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Adopt the proposed Resolution recommending approval of Amendment No. A-027-2020 to the City Council.



LEE MARINO
Planning Services Manager

By: Maria Parra
Senior Planner

- Attachment 1: Revised Draft ADU and JADU Ordinance presented to City Council on September 8, 2020
- Attachment 2: California Department of Housing and Community Development, Accessory Dwelling Unit Handbook, September 2020
- Attachment 3: Revised Draft ADU and JADU Ordinance for Planning Commission Consideration
- Attachment 4: Comparison Chart of the 2017 ADU Ordinance, the State law regulations, and Proposed Draft ADU and JADU Ordinance
- Attachment 5: Planning Commission Staff Report and Resolution No. 5995-2020 dated July 16, 2020
- Attachment 6: Draft Planning Commission Resolution No. 6015-21
- Attachment 7: Draft City Council Proposed ADU and JADU Ordinance

ATTACHMENT 1

Revised Draft ADU and JADU Ordinance (Redline) presented to City Council on
September 8, 2020

Chapter 9.54 Accessory Dwelling Units and Junior Accessory Dwelling Units

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

- A. Purpose. The purpose of this chapter is to provide for and regulate the development of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in a manner consistent with state law.
- B. Applicability. Except as otherwise provided by state law, the standards and limitations set forth in this chapter apply to the development of new ADUs and JADUs in the City.
- C. Definitions. As used in this chapter, the following terms shall have the following meanings:
 1. The terms “accessory dwelling unit”, “accessory structure”, “efficiency unit”, “living area”, “nonconforming zoning condition”, “passageway”, “proposed dwelling”, “public transit”, and “tandem parking” all have the same meaning as that stated in Government Code section 65852.2 as that section may be amended time to time. The terms “accessory dwelling unit” and “ADU” shall have the same meaning.
 2. The term “junior accessory dwelling unit” shall have same meaning as that stated in Government Code section 65852.22(h)(1) as that section may be amended time to time. The terms “junior accessory dwelling unit” and “JADU” shall have the same meaning.
 3. The term “attached ADU” means an ADU, other than a converted ADU, that is physically attached to a primary dwelling structure.
 4. The term “detached ADU” means an ADU, other than a converted ADU, that is physically separated from, but located on the same lot as, a primary dwelling structure.
 5. The term “converted ADU” means an ADU that is constructed within all or a portion of the permitted existing interior space of an accessory structure or within all or a portion of the permitted existing interior space of a dwelling structure, including bedrooms, attached garages, storage areas, or similar uses. A converted ADU also includes an ADU that is constructed in the same location and to the same dimensions as a permitted existing structure or portion of a permitted existing structure.
 6. The term “Director” means the City of Garden Grove Director of Community and Economic Development, or his or her designee.

- D. Effect of Conforming. An ADU that conforms to the provisions of this chapter shall:
1. Be deemed an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located;
 2. Be deemed a residential use that is consistent with the existing General Plan and zoning designation for the lot upon which it is located; and
 3. Not be considered in the application of any local ordinance, policy, or program to limit residential growth.
- E. Interpretation. The provisions of this chapter shall be interpreted to be consistent with the provisions of Government Code sections 65852.2 and 65855.22 and shall be applied in a manner that is consistent with state law.

9.54.020 Locations Permitted.

- A. Permitted ADU Locations. ADUs conforming to the provisions in this chapter may be located on any lot in the City that is zoned to allow single-family or multiple-family residential uses and that includes a proposed or existing legally developed single-family or multiple-family dwelling.
- B. Permitted JADU Locations. JADUs conforming to the provisions in this chapter may be located within a proposed or existing legally developed single-family dwelling on any lot in the City that is zoned to allow single-family residential uses.
- C. Exception. Notwithstanding the foregoing, an ADU or JADU may not be developed on a lot if the construction required to create the ADU or JADU would otherwise be prohibited on the lot because the lot is located in an area in which the development of new residential dwelling units or residential additions, the addition of bathrooms, or new or additional connections to the water or sewer system is prohibited due to inadequate water or sewer capacity, as determined by reference to objective and generally applicable rules, regulations, or maps adopted and/or maintained by the water service or sewer service provider, as applicable.

9.54.030. Number of ADUs and JADUs Permitted.

- A. Single-Family Lots. No more than one (1) ADU and/or one (1) JADU is permitted on a lot developed or proposed to be developed with a single-family dwelling.
- B. Multiple-Family Lots.
1. No more than a total of two (2) attached or detached ADUs are permitted on a lot developed or proposed to be developed with one or more multiple-family dwelling structures. If two (2) detached ADUs are constructed, they may be attached to one another as part of a single structure.

2. One or more converted ADUs may be constructed within portions of existing multiple-family dwelling structures that are not used as livable space. No converted ADUs may be constructed within the existing livable space of a multiple-family structure. The number of ADUs permitted under this subsection shall not exceed twenty-five (25) percent of the existing multiple-family dwelling units on the lot. For the purpose of calculating the number of allowable accessory dwelling units: (a) previously approved ADUs shall not count towards the existing number of multiple-family dwelling units; and (b) fractions shall be rounded down to the next lower number of dwelling unit, except that at least one (1) converted ADU shall be allowed.
3. For purposes of this subsection, multiple-family developments approved and built as a single complex shall be considered one lot, regardless of the number of parcels.

9.54.040. ADU Requirements.

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

B. Unit Size.

1. Bedrooms. No more than ~~two~~three (2~~3~~) bedrooms are allowed in an ADU.
2. Minimum Size. An ADU shall be at least the following minimum sizes based on the number of bedrooms provided:
 - a. Studio or Efficiency Units: 220 square feet.
 - b. One bedroom: 500 square feet.
 - c. Two bedrooms: 700 square feet.
 - ~~d. Three bedrooms: 900 square feet.~~

3. Maximum Size.

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

i. Studio or One bedroom: ~~1,200~~850 square feet or (ii) fifty (50) percent of the floor area of the primary dwelling unit, whichever is less; provided; however, that. Notwithstanding the foregoing, if the size of the primary dwelling unit is less than 1,600 square feet, an attached ADU may have a total floor area of at least up to 800 square feet.

ii. Two bedrooms: 1,000 square feet or (ii) fifty (50) percent of the floor area of the primary dwelling unit, whichever is less, provided, however that if the size of the primary dwelling unit is less than 1,600 square feet, an attached ADU may have a total floor area of at least up to 800 square feet.

b. Detached ADUs: The total floor area of a detached ADU shall not exceed ~~1,200 square feet.~~ the following:

i. Studio or One bedroom: 850 square feet.

ii. Two bedrooms: 1,000 square feet.

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

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

4. Porches, Patios, and Garages.

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

b. An attached or detached ADU may include an attached one-car garage, which, if provided, shall be integrated into the design of the ADU and shall not exceed 250 square feet in size.

c. In no event shall the total combined area of an ADU and attached porch, patio, and/or garage exceed ~~1,530~~1,330 square feet.

C. Setbacks.

1. Front Yard Setbacks. New attached and detached ADUs are subject to the same minimum front yard setback requirements applicable to other structures on the lot on which the ADU is located.
2. Side and Rear Yard Setbacks. Minimum setbacks of no less than four (4) feet from the side and rear lot lines are required for new attached and detached ADUs.
3. Converted ADUs. No setbacks are required for converted ADUs, provided the side and rear yard setbacks of the existing converted structure are sufficient for fire and safety, as determined by the City's building official.

D. Building Separation.

1. A minimum separation of ~~five (5)~~six (6) feet is required between a detached ADU and the primary dwelling unit.
2. A minimum separation of ~~five (5)~~six (6) feet is required between attached or detached ADU and all other structures, including garages, on the property.
3. Building separation requirements do not apply to converted ADUs that do not include an expansion of the floor area of the existing structure.

E. Height.

1. New attached and detached ADUs shall be one story, constructed at ground level, and shall not be more than 17 feet in height measured from ground level to the highest point on the roof.
2. Converted ADUs are not subject to a height limitation.

F. Design.

1. The design, color, material, and texture of the roof of an attached or detached ADU shall be substantially the same as the primary unit.
2. The color, material, and texture of all building walls of an attached or detached ADU shall be similar to and compatible with the primary unit.
3. The design of an attached or detached ADU shall be architecturally compatible with the primary unit and shall maintain the scale and appearance of the primary unit.
4. In order to facilitate the development of ADUs in a manner that ensures reasonable consistency and compatibility of design, the Director is authorized to develop standard design plans and criteria for ADUs. ADUs developed in

conformance with such standard plans and criteria shall be deemed to comply with this subsection.

G. Off-street Parking.

1. One off-street parking space must be provided for a new attached or detached ADU. The required parking space may be permitted in setback areas, or through tandem parking on a driveway, unless specific findings are made by the Director that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety concerns.
2. Parking for a new attached or detached ADU is in addition to the required parking for the primary unit. However, when a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.
3. Off-street parking is not required in the following instances:
 - a. The ADU is located within one-half mile walking distance of public transit, including transit stations and bus stations;
 - b. The ADU is located within an architecturally and historically significant historic district;
 - c. The ADU is part of the primary residence or accessory structure (i.e., a converted ADU);
 - d. When on-street parking permits are required but not offered to the occupant of the ADU; and/or
 - e. When there is a car share vehicle located within one block of the ADU.

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

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

J. Access for Public Safety Required. Reasonable access to an ADU from the public right of way for public safety and emergency purposes shall be maintained and not unreasonably restricted.

K. Accessibility Standards. Any new ground level accessory dwelling unit shall be designed and constructed to meet applicable disability/accessibility standards.

Plans shall demonstrate future entrance capability and actual construction shall include adequate door and hallway widths, maneuvering space in kitchens and bathrooms, and structural reinforcements for grab bars.

9.54.050. JADU Requirements.

- A. Footprint. A JADU may only be constructed within the walls of a proposed or existing single-family dwelling.
- B. Unit Size. A JADU shall not be less than 220 square feet and shall not exceed 500 square feet in size.
- C. Separate Entrance. A JADU must include a separate entrance from the main entrance of the proposed or existing single-family residence in which it located.
- D. Kitchen Requirements. A JADU must include an efficiency kitchen, including a cooking facility with appliances, and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.
- E. Bathroom Facilities. A JADU may include separate sanitation facilities or may share sanitation facilities with the proposed or existing single-family dwelling in which it is located.
- F. Parking. No additional off-street parking is required for a JADU beyond that required at the time the existing primary dwelling was constructed.
- G. Fire Protection. For purposes of any fire or life protection ordinance or regulation, a JADU shall not be considered a separate new dwelling unit.
- H. Utility Service. For purposes of providing service for water, sewer, or power, including a connection fee, a JADU shall not be considered a separate or new dwelling unit.
- I. Deed Restriction. Prior to the issuance of a building permit for a JADU, the owner of record of the property shall record a deed restriction against the title of the property in the County Recorder's office with a copy filed with the Director. The deed restriction shall run with the land and shall bind all future owners, heirs, successors, or assigns. The form of the deed restriction shall be provided by the City and shall provide that:
 - 1. The property shall include no more than one JADU and/or ADU.
 - 2. The JADU may not be sold, mortgaged, or transferred separately from the primary residence.

3. The owner of record of the lot upon which a JADU is located, or a person or persons representing no less than fifty percent (50%) of the ownership interest in the lot, shall occupy either the JADU or the remaining portion of the primary single-family dwelling as his/her/their principal residence. In the event owner occupancy of the property ceases, the JADU shall automatically become unhabitable space, shall not be used as a separate dwelling unit, and shall not be separately rented or leased for any purpose.
4. The JADU may be rented, but may not be rented on a short-term basis of less than 30 days.
5. A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.
6. The deed restriction may not be modified or terminated without the prior written consent of the Director.

9.54.060 Other Requirements.

- A. No Separate Conveyance. Except as otherwise provided in Government Code section 65852.26 or by other applicable law, an ADU or JADU may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence, and a lot shall not be subdivided in any manner which would authorize such separate sale or ownership.
- B. No Short-Term Rental Permitted. An ADU or JADU that is rented shall be rented for a term that is longer than thirty (30) days. Short-term rental (i.e., 30 days or less) of an ADU or a JADU is prohibited.
- C. Owner Occupancy Requirements.
 1. ADUs. Owner occupancy of a primary dwelling or ADU is not required.
 2. JADUs. The owner of record of the lot upon which a JADU is located, or a person or persons representing no less than fifty percent (50%) of the ownership interest in the lot, must occupy either the JADU or the remaining portion of the primary single-family dwelling as his/her/their principal residence. Notwithstanding the foregoing, owner-occupancy is not be required if the owner is another governmental agency, land trust, or housing organization.

9.54.070. Permit Application and Review Procedures.

- A. Building Permit Required. A building permit is required prior to construction of an ADU or JADU. Except as otherwise provided in this chapter or by state law, all building, fire, and related code requirements applicable to habitable dwellings apply

to ADUs and JADUs. However, fire sprinklers shall not be required if they are not required for the primary dwelling.

- B. Application. Prior to the issuance of a building permit for an ADU or JADU, the applicant shall submit an application on a form prepared by the City, along with all information and materials proscribed by such form. No application shall be accepted unless it is completed as prescribed and is accompanied by payment for all applicable fees.
- C. Review. The Director shall consider and approve or disapprove a complete application for an ADU or JADU ministerially without discretionary review or public hearing within the time prescribed by law. Review is limited to whether the proposed ADU or JADU complies with the requirements of this chapter. If an applicant requests a delay, the time period for the City to review of an application shall be tolled for the period of the requested delay. If the application to create an ADU or a JADU unit is submitted with an application to create a new single-family dwelling on the lot, the Director may delay acting on the application for the ADU or the JADU until the City acts on the application to create the new single-family dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.
- D. Zoning Conformity. The City shall not require the correction of nonconforming zoning conditions as a condition of approval of a permit application for the creation of an ADU or JADU.
- E. Conformity with State Law. The City shall not apply any requirement or development standard provided for in this chapter to an ADU or a JADU to the extent prohibited by any provision of state law, including, but not limited to, subdivision (e)(1) of Government Code section 65852.2.

9.54.080. Utilities

- A. ADUs. Unless otherwise mandated by applicable law or the utility provider or determined by the City's Public Works Director to be necessary, an ADU may be served by the same water, sewer, and other utility connections serving the primary dwelling on the property, and the installation of a new or separate utility connection directly between an ADU and a utility is not required. However, separate utility connections and meters for ADUs may be installed at the property owner's option, when permitted by the utility provider, and subject to the payment of all applicable fees.
- B. JADUs. A JADU shall be served by the same water, sewer, and other utility connections serving the primary single-family dwelling in which it is located, and no separate utility meters shall be permitted for a JADU.

9.54.090. Impact Fees.

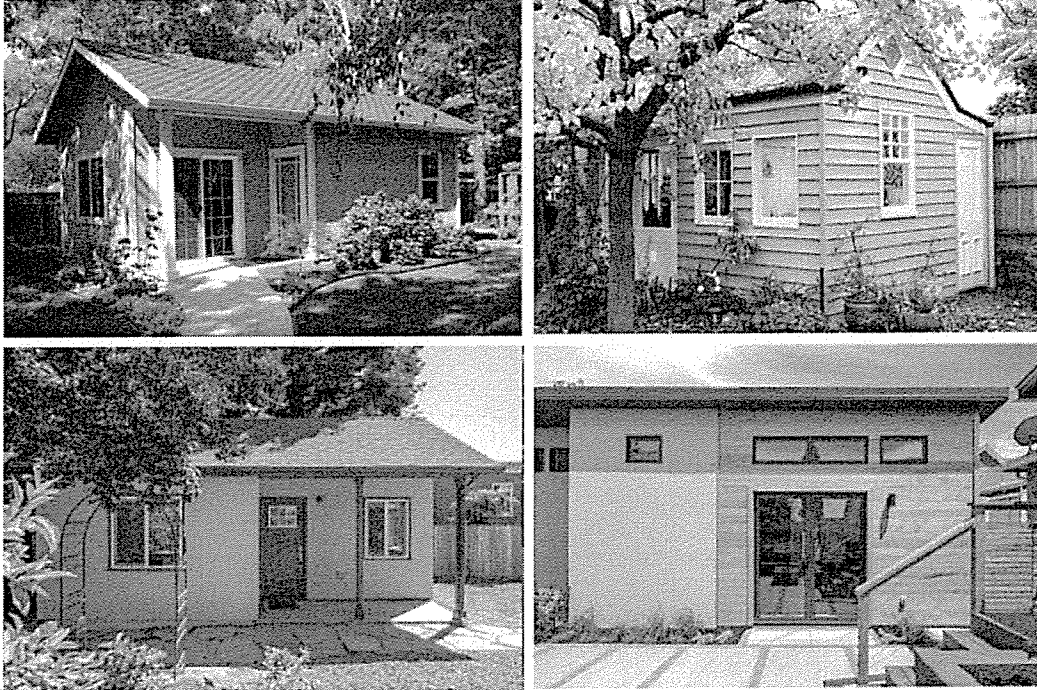
- A. Construction of an ADU is subject to applicable development impact fees adopted by the City pursuant to California Government Code, Title 7, Division 1, Chapter 5 (commencing with § 66000) and Chapter 7 (commencing with § 66012).
- B. No impact fee as required by this Code is required for an ADU or JADU that is less than 750 square feet in size.
- C. Any impact fee that is required for an ADU that is 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling.
- D. For purposes of this section, "impact fee" does not include any connection fee, capacity charge for water or sewer service, planning application fee, plan check fee, or building permit fee.

ATTACHMENT 2

California Department of Housing and Community Development

Accessory Dwelling Unit Handbook

September 2020



Images courtesy of PrefabADU and HCD

California Department of Housing and
Community Development

Accessory Dwelling Unit Handbook

September 2020



Where foundations begin

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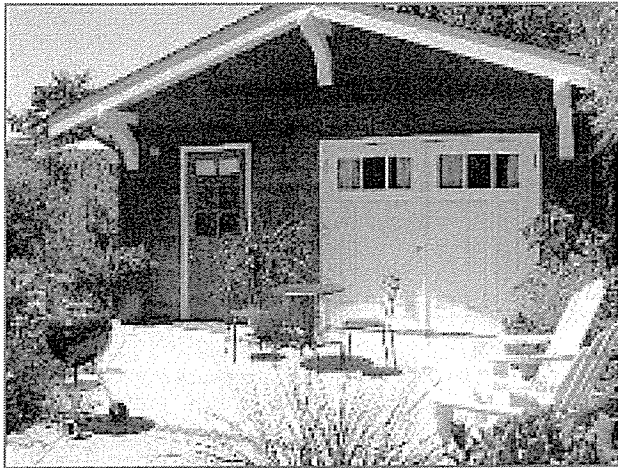
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Understanding Accessory Dwelling Units (ADUs) and Their Importance



California's housing production is not keeping pace with demand. In the last decade, less than half of the homes needed to keep up with the population growth were built. Additionally, new homes are often constructed away from job-rich areas. This lack of housing that meets people's needs is impacting affordability and causing average housing costs, particularly for renters in California, to rise significantly. As affordable housing becomes less accessible, people drive longer distances between housing they can afford and their workplace or pack themselves into smaller shared spaces, both of which reduce the quality of life and produce negative environmental impacts.

Beyond traditional construction, widening the range of housing types can increase the housing supply and help more low-income Californians thrive. Examples of some of these housing types are Accessory Dwelling Units (ADUs - also referred to as second units, in-law units, casitas, or granny flats) and Junior Accessory Dwelling Units (JADUs).

What is an ADU?

An ADU is an accessory dwelling unit with complete independent living facilities for one or more persons and has a few variations:

- Detached: The unit is separated from the primary structure.
- Attached: The unit is attached to the primary structure.
- Converted Existing Space: Space (e.g., master bedroom, attached garage, storage area, or similar use, or an accessory structure) on the lot of the primary residence that is converted into an independent living unit.
- Junior Accessory Dwelling Unit (JADU): A specific type of conversion of existing space that is contained entirely within an existing or proposed single-family residence.

ADUs tend to be significantly less expensive to build and offer benefits that address common development barriers such as affordability and environmental quality. Because ADUs must be built on lots with existing or proposed housing, they do not require paying for new land, dedicated parking or other costly infrastructure required to build a new single-family home. Because they are contained inside existing single-family homes, JADUs require relatively

modest renovations and are much more affordable to complete. ADUs are often built with cost-effective one or two-story wood frames, which are also cheaper than other new homes. Additionally, prefabricated ADUs can be directly purchased and save much of the time and money that comes with new construction. ADUs can provide as much living space as apartments and condominiums and work well for couples, small families, friends, young people, and seniors.

Much of California's housing crisis comes from job-rich, high-opportunity areas where the total housing stock is insufficient to meet demand and exclusionary practices have limited housing choice and inclusion. Professionals and students often prefer living closer to jobs and amenities rather than spending hours commuting. Parents often want better access to schools and do not necessarily require single-family homes to meet their needs. There is a shortage of affordable units, and the units that are available can be out of reach for many people. To address our state's needs, homeowners can construct an ADU on their lot or convert an underutilized part of their home into a JADU. This flexibility benefits both renters and homeowners who can receive extra monthly rent income.

ADUs also give homeowners the flexibility to share independent living areas with family members and others, allowing seniors to age in place as they require more care, thus helping extended families stay together while maintaining privacy. The space can be used for a variety of reasons, including adult children who can pay off debt and save up for living on their own.

New policies are making ADUs even more affordable to build, in part by limiting the development impact fees and relaxing zoning requirements. A 2019 study from the Turner Center on Housing Innovation noted that one unit of affordable housing in the Bay Area costs about \$450,000. ADUs and JADUs can often be built at a fraction of that price and homeowners may use their existing lot to create additional housing, without being required to provide additional infrastructure. Often the rent generated from the ADU can pay for the entire project in a matter of years.

ADUs and JADUs are a flexible form of housing that can help Californians more easily access job-rich, high-opportunity areas. By design, ADUs are more affordable and can provide additional income to homeowners. Local governments can encourage the development of ADUs and improve access to jobs, education, and services for many Californians.

Summary of Recent Changes to Accessory Dwelling Unit Laws



In Government Code Section 65852.150, the California Legislature found and declared that, among other things, allowing accessory dwelling units (ADUs) in zones that allow single-family and multifamily uses provides additional rental housing, and is an essential component in addressing California's housing needs. Over the years, ADU law has been revised to improve its effectiveness at creating more housing units. Changes to ADU laws effective January 1, 2020, further reduce barriers, better streamline approval processes, and expand capacity to accommodate the development of ADUs and junior accessory dwelling units (JADUs).

ADUs are a unique opportunity to address a variety of housing needs and provide affordable housing

options for family members, friends, students, the elderly, in-home health care providers, people with disabilities, and others. Further, ADUs offer an opportunity to maximize and integrate housing choices within existing neighborhoods.

Within this context, the California Department of Housing and Community Development (HCD) has prepared this guidance to assist local governments, homeowners, architects, and the general public in encouraging the development of ADUs. Please see Attachment 1 for the complete statutory changes. The following is a summary of legislation since 2019 that amended ADU law and became effective as of January 1, 2020.

AB 68 (Ting), AB 881 (Bloom), and SB 13 (Wieckowski)

Chapter 653, Statutes of 2019 (Senate Bill 13, Section 3), Chapter 655, Statutes of 2019 (Assembly Bill 68, Section 2) and Chapter 659 (Assembly Bill 881, Section 1.5 and 2.5) build upon recent changes to ADU and JADU law (Government Code Sections 65852.2, 65852.22 and further address barriers to the development of ADUs and JADUs) (Attachment A includes the combined ADU statute updates from SB 13, AB 68 and AB 881.)

This recent legislation, among other changes, addresses the following:

- Prohibits local agencies from including in development standards for ADUs requirements on minimum lot size (Gov. Code, § 65852.2, subd. (a)(1)(B)(i)).
- Clarifies areas designated by local agencies for ADUs may be based on the adequacy of water and sewer services as well as impacts on traffic flow and public safety (Gov. Code, § 65852.2, subd. (a)(1)(A)).
- Eliminates all owner-occupancy requirements by local agencies for ADUs approved between January 1, 2020 and January 1, 2025 ((Gov. Code, § 65852.2, subd. (a)(6)).
- Prohibits a local agency from establishing a maximum size of an ADU of less than 850 square feet, or 1,000 square feet if the ADU contains more than one bedroom and requires approval of a permit to build an ADU of up to 800 square feet ((Gov. Code, § 65852.2, subd. (c)(2)(B) & (C)).

- Clarifies that when ADUs are created through the conversion of a garage, carport or covered parking structure, replacement off-street parking spaces cannot be required by the local agency (Gov. Code, § 65852.2, subd. (a)(1)(D)(xi)).
- Reduces the maximum ADU and JADU application review time from 120 days to 60 days (Gov. Code, § 65852.2, subd. (a)(3) and (b)).
- Clarifies that “public transit” includes various means of transportation that charge set fees, run on fixed routes and are available to the public (Gov. Code, § 65852.2, subd. (j)(10)).
- Establishes impact fee exemptions and limitations based on the size of the ADU. ADUs up to 750 square feet are exempt from impact fees (Government Code Section 65852.2, Subdivision (f)(3)); ADUs that are 750 square feet or larger may be charged impact fees but only such fees that are proportional in size (by square foot) to those for the primary dwelling unit (Gov. Code, § 65852.2, subd. (f)(3)).
- Defines an “accessory structure” to mean a structure that is accessory or incidental to a dwelling on the same lot as the ADU (Gov. Code, § 65852.2, subd. (j)(2)).
- Authorizes HCD to notify the local agency if HCD finds that their ADU ordinance is not in compliance with state law (Gov. Code, § 65852.2, subd. (h)(2)).
- Clarifies that a local agency may identify an ADU or JADU as an adequate site to satisfy RHNA housing needs (Gov. Code § 65583.1, subd. (a), and § 65852.2, subd. (m)).
- Permits JADUs even where a local agency has not adopted an ordinance expressly authorizing them (Gov. Code, § 65852.2, subd. (a)(3), (b), and (e)).
- Allows a permitted JADU to be constructed within the walls of the proposed or existing single-family residence and eliminates the required inclusion of an existing bedroom or an interior entry into the single-family residence (Gov. Code § 65852.22, subd. (a)(4); Former Gov. Code § 65852.22, subd. (a)(5)).
- Requires, upon application and approval, a local agency to delay enforcement against a qualifying substandard ADU for five (5) years to allow the owner to correct the violation, so long as the violation is not a health and safety issue, as determined by the enforcement agency (Gov. Code, § 65852.2, subd. (n); Health and Safety Code § 17980.12).

AB 587 (Friedman), AB 670 (Friedman), and AB 671 (Friedman)

In addition to the legislation listed above, AB 587 (Chapter 657, Statutes of 2019), AB 670 (Chapter 178, Statutes of 2019), and AB 671 (Chapter 658, Statutes of 2019) also have an impact on state ADU law, particularly through Health and Safety Code Section 17980.12. These recent pieces of legislation, among other changes, address the following:

- AB 587 creates a narrow exemption to the prohibition for ADUs to be sold or otherwise conveyed separately from the primary dwelling by allowing deed-restricted sales to occur if the local agency adopts an ordinance. To qualify, the primary dwelling and the ADU are to be built by a qualified nonprofit corporation whose mission is to provide units to low-income households (Gov. Code § 65852.26).
- AB 670 provides that covenants, conditions and restrictions (CC&Rs) that either effectively prohibit or unreasonably restrict the construction or use of an ADU or JADU on a lot zoned for single-family residential use are void and unenforceable (Civil Code Section 4751).

- AB 671 requires local agencies' housing elements to include a plan that incentivizes and promotes the creation of ADUs that can offer affordable rents for very low, low-, or moderate-income households and requires HCD to develop a list of state grants and financial incentives in connection with the planning, construction and operation of affordable ADUs. (Gov. Code § 65583; Health and Safety Code § 50504.5)

Frequently Asked Questions: Accessory Dwelling Units¹

1. Legislative Intent

- **Should a local ordinance encourage the development of accessory dwelling units?**

Yes. Pursuant to Government Code Section 65852.150, the California Legislature found and declared that, among other things, California is facing a severe housing crisis and ADUs are a valuable form of housing that meets the needs of family members, students, the elderly, in-home health care providers, people with disabilities and others. Therefore, ADUs are an essential component of California's housing supply.

ADU law and recent changes intend to address barriers, streamline approval, and expand potential capacity for ADUs, recognizing their unique importance in addressing California's housing needs. The preparation, adoption, amendment, and implementation of local ADU

Government Code 65852.150:

(a) The Legislature finds and declares all of the following:

(1) Accessory dwelling units are a valuable form of housing in California.

(2) Accessory dwelling units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below market prices within existing neighborhoods.

(3) Homeowners who create accessory dwelling units benefit from added income, and an increased sense of security.

(4) Allowing accessory dwelling units in single-family or multifamily residential zones provides additional rental housing stock in California.

(5) California faces a severe housing crisis.

(6) The state is falling far short of meeting current and future housing demand with serious consequences for the state's economy, our ability to build green infill consistent with state greenhouse gas reduction goals, and the well-being of our citizens, particularly lower and middle-income earners.

(7) Accessory dwelling units offer lower cost housing to meet the needs of existing and future residents within existing neighborhoods, while respecting architectural character.

(8) Accessory dwelling units are, therefore, an essential component of California's housing supply.

(b) It is the intent of the Legislature that an accessory dwelling unit ordinance adopted by a local agency has the effect of providing for the creation of accessory dwelling units and that provisions in this ordinance relating to matters including unit size, parking, fees, and other requirements, are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create accessory dwelling units in zones in which they are authorized by local ordinance.

¹ Note: Unless otherwise noted, the Government Code section referenced is 65852.2.

ordinances must be carried out consistent with Government Code, Section 65852.150 and must not unduly constrain the creation of ADUs. Local governments adopting ADU ordinances should carefully weigh the adoption of zoning, development standards, and other provisions for impacts on the development of ADUs.

In addition, ADU law is the statutory minimum requirement. Local governments may elect to go beyond this statutory minimum and further the creation of ADUs. Many local governments have embraced the importance of ADUs as an important part of their overall housing policies and have pursued innovative strategies. (Gov. Code, § 65852.2, subd. (g)).

2. Zoning, Development and Other Standards

A) Zoning and Development Standards

- **Are ADUs allowed jurisdiction wide?**

No. ADUs proposed pursuant to subdivision (e) must be considered in any residential or mixed-use zone. For other ADUs, local governments may, by ordinance, designate areas in zones where residential uses are permitted that will also permit ADUs. However, any limits on where ADUs are permitted may only be based on the adequacy of water and sewer service, and the impacts on traffic flow and public safety. Further, local governments may not preclude the creation of ADUs altogether, and any limitation should be accompanied by detailed findings of fact explaining why ADU limitations are required and consistent with these factors.

Examples of public safety include severe fire hazard areas and inadequate water and sewer service and includes cease and desist orders. Impacts on traffic flow should consider factors like lesser car ownership rates for ADUs and the potential for ADUs to be proposed pursuant to Government Code section 65852.2, subdivision (e). Finally, local governments may develop alternative procedures, standards, or special conditions with mitigations for allowing ADUs in areas with potential health and safety concerns. (Gov. Code, § 65852.2, subd. (e))

Residential or mixed-use zone should be construed broadly to mean any zone where residential uses are permitted by-right or by conditional use.

- **Can a local government apply design and development standards?**

Yes. A local government may apply development and design standards that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources. However, these standards shall be sufficiently objective to allow ministerial review of an ADU. (Gov. Code, § 65852.2, subd. (a)(1)(B)(i))

ADUs created under subdivision (e) of Government Code 65852.2 shall not be subject to design and development standards except for those that are noted in the subdivision.

What does objective mean?

“objective zoning standards” and “objective design review standards” mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. Gov Code § 65913.4, subd. (a)(5)

ADUs that do not meet objective and ministerial development and design standards may still be permitted through an ancillary discretionary process if the applicant chooses to do so. Some jurisdictions with compliant ADU ordinances apply additional processes to further the creation of ADUs that do not otherwise comply with the minimum standards necessary for ministerial review. Importantly, these processes are intended to provide additional opportunities to create ADUs that would not otherwise be permitted, and a discretionary process may not be used to review ADUs that are fully compliant with ADU law. Examples of these processes include areas where additional health and safety concerns must be considered, such as fire risk.

- **Can ADUs exceed general plan and zoning densities?**

Yes. An ADU is an accessory use for the purposes of calculating allowable density under the general plan and zoning that does not count toward the allowable density. For example, if a zoning district allows one unit per 7,500 square feet, then an ADU would not be counted as an additional unit. Further, local governments could elect to allow more than one ADU on a lot, and ADUs are automatically a residential use deemed consistent with the general plan and zoning. (Gov. Code, § 65852.2, subd. (a)(1)(C))

- **Are ADUs permitted ministerially?**

Yes. ADUs must be considered, approved, and permitted ministerially, without discretionary action. Development and other decision-making standards must be sufficiently objective to allow for ministerial review. Examples include numeric and fixed standards such as heights or setbacks or design standards such as colors or materials. Subjective standards require judgement and can be interpreted in multiple ways such as privacy, compatibility with neighboring properties or promoting harmony and balance in the community; subjective standards shall not be imposed for ADU development. Further, ADUs must not be subject to a hearing or any ordinance regulating the issuance of variances or special use permits and must be considered ministerially. (Gov. Code, § 65852.2, subd. (a)(3))

- **Can I create an ADU if I have multiple detached dwellings on a lot?**

Yes. A lot where there are currently multiple detached single-family dwellings is eligible for creation of one ADU per lot by converting space within the proposed or existing space of a single-family dwelling or existing structure and a new construction detached ADU subject to certain development standards.

- **Can I build an ADU in a historic district, or if the primary residence is subject to historic preservation?**

Yes. ADUs are allowed within a historic district, and on lots where the primary residence is subject to historic preservation. State ADU law allows for a local agency to impose standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources. However, these standards do not apply to ADUs proposed pursuant to Gov. Code § 65852.2, subd. (e).

As with non-historic resources, a jurisdiction may impose objective and ministerial standards that are sufficiently objective to be reviewed ministerially and do not unduly burden the creation of ADUs. Jurisdictions are encouraged to incorporate these standards into their ordinance and submit these standards along with their ordinance to HCD. (Gov. Code, § 65852.2, subd. (a)(1)(B)(i) & (a)(5))

B) Size Requirements

- **Is there a minimum lot size requirement?**

No. While local governments may impose standards on ADUs, these standards shall not include minimum lot size requirements. Further, lot coverage requirements cannot preclude the creation of a statewide exemption ADU (800 square feet ADU with a height limitation of 16 feet and 4 feet side and rear yard setbacks). If lot coverage requirements do not allow such an ADU, an automatic exception or waiver should be given to appropriate development standards such as lot coverage, floor area or open space requirements. Local governments may continue to enforce building and health and safety standards and may consider design, landscape, and other standards to facilitate compatibility.

What is a Statewide Exemption ADU?

A statewide exemption ADU is an ADU of up to 800 square feet, 16 foot in height and with 4-foot side and rear yard setbacks. ADU law requires that no lot coverage, floor area ratio, open space, or minimum lot size will preclude the construction of a statewide exemption ADU. Further, ADU law allows the construction of a detached new construction statewide exemption ADU to be combined with a JADU within any zone allowing residential or mixed uses regardless of zoning and development standards imposed in an ordinance. See more discussion below.

- **Can minimum and maximum unit sizes be established for ADUs?**

Yes. A local government may, by ordinance, establish minimum and maximum unit size requirements for both attached and detached ADUs. However, maximum unit size requirements must be at least 850 square feet and 1,000 square feet for ADUs with more than one bedroom. For local agencies without an ordinance, maximum unit sizes are 1,200 square feet for a new detached ADU and up to 50 percent of the floor area of the existing primary dwelling for an attached ADU (at least 800 square feet). Finally, the local agency must not establish by ordinance a minimum square footage requirement that prohibits an efficiency unit, as defined in Health and Safety Code § 17958.1.

The conversion of an existing accessory structure or a portion of the existing primary residence to an ADU is not subject to size requirements. For example, an existing 3,000 square foot barn converted to an ADU would not be subject to the size requirements, regardless if a local government has an adopted ordinance. Should an applicant want to expand an accessory structure to create an ADU beyond 150 square feet, this ADU would be subject to the size maximums outlined in state ADU law, or the local agency's adopted ordinance.

- **Can a percentage of the primary dwelling be used for a maximum unit size?**

Yes. Local agencies may utilize a percentage (e.g., 50 percent) of the primary dwelling as a maximum unit size for attached or detached ADUs but only if it does not restrict an ADU's size to less than the standard of at least 850 sq. ft (or at least 1000 square feet. for ADUs with more than one bedroom). Local agencies must not, by ordinance, establish any other minimum or maximum unit sizes, including based on a percentage of the primary dwelling, that precludes a statewide exemption ADU. Local agencies utilizing

percentages of primary dwelling as maximum unit sizes could consider multi-pronged standards to help navigate these requirements (e.g., shall not exceed 50 percent of the dwelling or 1,000 square feet, whichever is greater).

- **Can maximum unit sizes exceed 1,200 square feet for ADUs?**

Yes. Maximum unit sizes, by ordinance, can exceed 1,200 square feet for ADUs. ADU law does not limit the authority of local agencies to adopt less restrictive requirements for the creation of ADUs (Gov. Code, § 65852.2, subd. (g)).

Larger unit sizes can be appropriate in a rural context or jurisdictions with larger lot sizes and is an important approach to creating a full spectrum of ADU housing choices.

C) Parking Requirements

- **Can parking requirements exceed one space per unit or bedroom?**

No. Parking requirements for ADUs shall not exceed one parking space per unit or bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway. Guest parking spaces shall not be required for ADUs under any circumstances.

What is Tandem Parking?

Tandem parking means two or more automobiles that are parked on a driveway or in any other location on a lot, lined up behind one another. (Gov. Code, § 65852.2, subd. (a)(1)(D)(x)(I) and (j)(11))

Local agencies may choose to eliminate or reduce parking requirements for ADUs such as requiring zero or half a parking space per each ADU.

- **Is flexibility for siting parking required?**

Yes. Local agencies should consider flexibility when siting parking for ADUs. Offstreet parking spaces for the ADU shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made. Specific findings must be based on specific site or regional topographical or fire and life safety conditions.

When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU, or converted to an ADU, the local agency shall not require that those offstreet parking spaces for the primary unit be replaced. (Gov. Code, § 65852.2, subd. (a)(D)(xi))

- **Can ADUs be exempt from parking?**

Yes. A local agency shall not impose ADU parking standards for any of the following, pursuant to Gov. Code § 65852.2, subd. (d)(1-5) and (j)(10))

- (1) Accessory dwelling unit is located within one-half mile walking distance of public transit.
- (2) Accessory dwelling unit is located within an architecturally and historically significant historic district.

- (3) Accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.
- (4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
- (5) When there is a car share vehicle located within one block of the accessory dwelling unit.

Note: For the purposes of state ADU law, a jurisdiction may use the designated areas where a car share vehicle may be accessed. Public transit is any location where an individual may access buses, trains, subways and other forms of transportation that charge set fares, run on fixed routes and are available to the general public. Walking distance is defined as the pedestrian shed to reach public transit. Additional parking requirements to avoid impacts to public access may be required in the coastal zone.

D) Setbacks

- **Can setbacks be required for ADUs?**

Yes. A local agency may impose development standards, such as setbacks, for the creation of ADUs. Setbacks may include front, corner, street, and alley setbacks. Additional setback requirements may be required in the coastal zone if required by a local coastal program. Setbacks may also account for utility easements or recorded setbacks. However, setbacks must not unduly constrain the creation of ADUs and cannot be required for ADUs proposed pursuant to subdivision (e). Further, a setback of no more than four feet from the side and rear lot lines shall be required for an attached or detached ADU. (Gov. Code, § 65852.2, subd. (a)(1)(D)(vii))

A local agency may also allow the expansion of a detached structure being converted into an ADU when the existing structure does not have four-foot rear and side setbacks. A local agency may also allow the expansion area of a detached structure being converted into an ADU to have no setbacks, or setbacks of less than four feet, if the existing structure has no setbacks, or has setbacks of less than four feet. A local agency shall not require setbacks of more than four feet for the expanded area of a detached structure being converted into an ADU.

A local agency may still apply front yard setbacks for ADUs, but front yard setbacks cannot preclude a statewide exemption ADU and must not unduly constrain the creation of all types of ADUs. (Gov. Code, § 65852.2, subd. (c))

E) Height Requirements

- **Is there a limit on the height of an ADU or number of stories?**

Not in state ADU law, but local agencies may impose height limits provided that the limit is no less than 16 feet. (Gov. Code, § 65852.2, subd. (a)(1)(B)(i))

F) Bedrooms

- **Is there a limit on the number of bedrooms?**

State ADU law does not allow for the limitation on the number of bedrooms of an ADU. A limit on the number of bedrooms could be construed as a discriminatory practice towards protected classes, such as familial status, and would be considered a constraint on the development of ADUs.

G) Impact Fees

- **Can impact fees be charged for an ADU less than 750 square feet?**

No. An ADU is exempt from incurring impact fees from local agencies, special districts, and water corporations if less than 750 square feet. Should an ADU be 750 square feet or larger, impact fees shall be charged proportionately in relation to the square footage of the ADU to the square footage of the primary dwelling unit.

What is "Proportionately"?

"Proportionately" is some amount that corresponds to a total amount, in this case, an impact fee for a single-family dwelling. For example, a 2,000 square foot primary dwelling with a proposed 1,000 square foot ADU could result in 50 percent of the impact fee that would be charged for a new primary dwelling on the same site. In all cases, the impact fee for the ADU must be less than the primary dwelling. Otherwise, the fee is not calculated proportionately. When utilizing proportions, careful consideration should be given to the impacts on costs, feasibility, and ultimately, the creation of ADUs. In the case of the example above, anything greater than 50 percent of the primary dwelling could be considered a constraint on the development of ADUs.

For purposes of calculating the fees for an ADU on a lot with a multifamily dwelling, the proportionality shall be based on the average square footage of the units within that multifamily dwelling structure. For ADUs converting existing space with a 150 square foot expansion, a total ADU square footage over 750 square feet could trigger the proportionate fee requirement. (Gov. Code, § 65852.2, subd. (f)(3)(A))

- **Can local agencies, special districts or water corporations waive impact fees?**

Yes. Agencies can waive impact and any other fees for ADUs. Also, local agencies may also use fee deferrals for applicants.

- **Can school districts charge impact fees?**

Yes. School districts are authorized but do not have to levy impact fees for ADUs greater than 500 square feet pursuant to Section 17620 of the Education Code. ADUs less than 500 square feet are not subject to school impact fees. Local agencies are encouraged to coordinate with school districts to carefully weigh the importance of promoting ADUs, ensuring appropriate nexus studies and appropriate fees to facilitate construction or reconstruction of adequate school facilities.

- **What types of fees are considered impact fees?**

Impact fees charged for the construction of ADUs must be determined in accordance with the Mitigation Fee Act and generally include any monetary exaction that is charged by a local agency in connection with the approval of an ADU, including impact fees, for the purpose of defraying all or a portion of the cost of public facilities relating to the ADU. A local agency, special district or water corporation shall not consider ADUs as a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer services. However, these provisions do not apply to ADUs that are constructed concurrently with a new single-family home (Gov. Code, § 65852.2, subd. (f) and Government Code § 66000)

- **Can I still be charged water and sewer connection fees?**

ADUs converted from existing space and JADUs shall not be considered by a local agency, special district or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, unless constructed with a new single-family dwelling. The connection fee or capacity charge shall be proportionate to the burden of the proposed ADU, based on its square footage or plumbing fixtures as compared to the primary dwelling. State ADU law does not cover monthly charge fees. (Gov. Code, § 65852.2, subd. (f)(2)(A))

H) Conversion of Existing Space in Single Family, Accessory and Multifamily Structures and Other Statewide Permissible ADUs (Subdivision (e))

- **Are local agencies required to comply with subdivision (e)?**

Yes. All local agencies must comply with subdivision (e). This subdivision requires the ministerial approval of ADUs within a residential or mixed-use zone. The subdivision creates four categories of ADUs that should not be subject to other specified areas of ADU law, most notably zoning and development standards. For example, ADUs under this subdivision should not have to comply with lot coverage, setbacks, heights, and unit sizes. However, ADUs under this subdivision must meet the building code and health and safety requirements. The four categories of ADUs under subdivision (e) are:

- a. One ADU or JADU per lot within the existing space of a single-family dwelling, or an ADU within an accessory structure that meets specified requirements such as exterior access and setbacks for fire and safety.
- b. One detached new construction ADU that does not exceed four-foot side and rear yard setbacks. This ADU may be combined on the same lot with a JADU and may be required to meet a maximum unit size requirement of 800 square feet and a height limitation of 16 feet.
- c. Multiple ADUs within the portions of multifamily structures that are not used as livable space. Local agencies must allow at least one of these types of ADUs and up to 25 percent of the existing multifamily structures.
- d. Up to two detached ADUs on a lot that has existing multifamily dwellings that are subject to height limits of 16 feet and 4-foot rear and side yard setbacks.

The above four categories are not required to be combined. For example, local governments are not required to allow (a) and (b) together or (c) and (d) together. However, local agencies may elect to allow these ADU types together.

Local agencies shall allow at least one ADU to be created within the non-livable space within multifamily dwelling structures, or up to 25 percent of the existing multifamily dwelling units within a structure and may also allow not more than two ADUs on the lot detached from the multifamily dwelling structure. New detached units are subject to height limits of 16 feet and shall not be required to have side and rear setbacks of more than four feet.

The most common ADU that can be created under subdivision (e) is a conversion of proposed or existing space of a single-family dwelling or accessory structure into an ADU, without any prescribed size limitations, height, setback, lot coverage, architectural review, landscape, or other development standards. This would enable the conversion of an accessory structure, such as a 2,000 square foot garage, to an ADU without any additional requirements other than compliance with building standards for dwellings. These types of ADUs are also eligible for a 150 square foot expansion (see discussion below).

ADUs created under subdivision (e) shall not be required to provide replacement or additional parking. Moreover, these units shall not, as a condition for ministerial approval, be required to correct any existing or created nonconformity. Subdivision (e) ADUs shall be required to be rented for terms longer than 30 days, and only require fire sprinklers if fire sprinklers are required for the primary residence. These ADUs

shall not be counted as units when calculating density for the general plan and are not subject to owner-occupancy.

- **Can I convert my accessory structure into an ADU?**

Yes. The conversion of garages, sheds, barns, and other existing accessory structures, either attached or detached from the primary dwelling, into ADUs is permitted and promoted through the state ADU law. These conversions of accessory structures are not subject to any additional development standard, such as unit size, height, and lot coverage requirements, and shall be from existing space that can be made safe under Building and Safety Codes. A local agency should not set limits on when the structure was created, and the structure must meet standards for Health & Safety. Finally, local governments may also consider the conversion of illegal existing space and could consider alternative building standards to facilitate the conversion of existing illegal space to minimum life and safety standards.

- **Can an ADU converting existing space be expanded?**

Yes. An ADU within the existing or proposed space of a single-family dwelling can be expanded 150 square feet beyond the physical dimensions of the structure but shall be limited to accommodating ingress and egress. An example of where this expansion could be applicable is for the creation of a staircase to reach a second story ADU. These types of ADUs shall conform to setbacks sufficient for fire and safety.

A local agency may allow for an expansion beyond 150 square feet, though the ADU would have to comply with the size maximums as per state ADU law, or a local agency's adopted ordinance.

As a JADU is limited to being created within the walls of a primary residence, this expansion of up to 150 square feet does not pertain to JADUs.

I) Nonconforming Zoning Standards

- **Does the creation of an ADU require the applicant to carry out public improvements?**

No physical improvements shall be required for the creation or conversion of an ADU. Any requirement to carry out public improvements is beyond what is required for the creation of an ADU, as per state law. For example, an applicant shall not be required to improve sidewalks, carry out street improvements, or access improvements to create an ADU. Additionally, as a condition for ministerial approval of an ADU, an applicant shall not be required to correct nonconforming zoning conditions. (Gov. Code, § 65852.2, subd. (e)(2))

J) Renter and Owner-occupancy

- **Are rental terms required?**

Yes. Local agencies may require that the property be used for rentals of terms longer than 30 days. ADUs permitted ministerially, under subdivision (e), shall be rented for terms longer than 30 days. (Gov. Code, § 65852.2, subd. (a)(6) & (e)(4))

- **Are there any owner-occupancy requirements for ADUs?**

No. Prior to recent legislation, ADU laws allowed local agencies to elect whether the primary dwelling or ADU was required to be occupied by an owner. The updates to state ADU law removed the owner-occupancy allowance for newly created ADUs effective January 1, 2020. The new owner-occupancy exclusion is set to expire on December 31, 2024. Local agencies may not retroactively require owner occupancy for ADUs permitted between January 1, 2020 and December 31, 2024.

However, should a property have both an ADU and JADU, JADU law requires owner-occupancy of either the newly created JADU, or the single-family residence. Under this specific circumstance, a lot with an ADU would be subject to owner-occupancy requirements. – (Gov. Code, § 65852.2, subd. (a)(2))

K) Fire Sprinkler Requirements

- **Are fire sprinklers required for ADUs?**

No. Installation of fire sprinklers may not be required in an ADU if sprinklers are not required for the primary residence. For example, a residence built decades ago would not have been required to have fire sprinklers installed under the applicable building code at the time. Therefore, an ADU created on this lot cannot be required to install fire sprinklers. However, if the same primary dwelling recently undergoes significant remodeling and is now required to have fire sprinklers, any ADU created after that remodel must likewise install fire sprinklers. (Gov. Code, § 65852.2, subd. (a)(1)(D)(xii) and (e)(3))

Please note, for ADUs created on lots with multifamily residential structures, the entire residential structure shall serve as the “primary residence”. Therefore, if the multifamily structure is served by fire sprinklers, the ADU can be required to install fire sprinklers.

L) Solar Panel Requirements

- **Are solar panels required for new construction ADUs?**

Yes, newly constructed ADUs are subject to the Energy Code requirement to provide solar panels if the unit(s) is a newly constructed, non-manufactured, detached ADU. Per the California Energy Commission (CEC), the panels can be installed on the ADU or on the primary dwelling unit. ADUs that are constructed within existing space, or as an addition to existing homes, including detached additions where an existing detached building is converted from non-residential to residential space, are not subject to the Energy Code requirement to provide solar panels.

Please refer to the CEC on this matter. For more information, see the CEC’s website www.energy.ca.gov. You may email your questions to: title24@energy.ca.gov, or contact the Energy Standards Hotline at 800-772-3300. CEC memos can also be found on HCD’s website at <https://www.hcd.ca.gov/policy-research/AccessoryDwellingUnits.shtml>.

3. Junior Accessory Dwelling Units (JADUs) – Government Code Section 65852.22

- **Are two JADUs allowed on a lot?**

No. A JADU may be created on a lot zoned for single-family residences with one primary dwelling. The JADU may be created within the walls of the proposed or existing single-family residence, including attached garages, as attached garages are considered within the walls of the existing single-family

residence. Please note that JADUs created in the attached garage are not subject to the same parking protections as ADUs and could be required by the local agency to provide replacement parking.

JADUs are limited to one per residential lot with a single-family residence. Lots with multiple detached single-family dwellings are not eligible to have JADUs. (Gov. Code, § 65852.22, subd. (a)(1))

- **Are JADUs allowed in detached accessory structures?**

No, JADUs are not allowed in accessory structures. The creation of a JADU must be within the single-family residence. As noted above, attached garages are eligible for JADU creation. The maximum size for a JADU is 500 square feet. (Gov. Code, § 65852.22, subd. (a)(1), (a)(4), and (h)(1))

- **Are JADUs allowed to be increased up to 150 square feet when created within an existing structure?**

No. Only ADUs are allowed to add up to 150 square feet “beyond the physical dimensions of the existing accessory structure” to provide for ingress. (Gov. Code, § 65852.2, subd. (e)(1)(A)(i).)

This provision extends only to ADUs and excludes JADUs. A JADU is required to be created within the single-family residence.

- **Are there any owner-occupancy requirements for JADUs?**

Yes. There are owner-occupancy requirements for JADUs. The owner must reside in either the remaining portion of the primary residence, or in the newly created JADU. (Gov. Code, § 65852.22, subd. (a)(2))

4. Manufactured Homes and ADUs

- **Are manufactured homes considered to be an ADU?**

Yes. An ADU is any residential dwelling unit with independent facilities and permanent provisions for living, sleeping, eating, cooking and sanitation. An ADU includes a manufactured home (Health and Safety Code §18007).

Health and Safety Code section 18007, subdivision (a) **“Manufactured home,”** for the purposes of this part, means a structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. “Manufactured home” includes any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. 5401, and following).

5. ADUs and the Housing Element

- **Do ADUs and JADUs count toward a local agency's Regional Housing Needs Allocation?**

Yes. Pursuant to Gov. Code § 65852.2 subd. (m) and Government Code section 65583.1, ADUs and JADUs may be utilized towards the Regional Housing Need Allocation (RHNA) and Annual Progress Report (APR) pursuant to Government Code Section 65400. To credit a unit toward the RHNA, HCD and the Department of Finance (DOF) utilize the census definition of a housing unit. Generally an ADU, and a JADU with shared sanitation facilities, and any other unit that meets the census definition and is reported to DOF as part of the DOF annual City and County Housing Unit Change Survey can be credited toward the RHNA based on the appropriate income level. The housing element or APR must include a reasonable methodology to demonstrate the level of affordability. Local governments can track actual or anticipated affordability to assure ADUs and JADUs are counted towards the appropriate income category. For example, some local governments request and track information such as anticipated affordability as part of the building permit or other applications.

- **Is analysis required to count ADUs toward the RHNA in the housing element?**

Yes. To calculate ADUs in the housing element, local agencies must generally use a three-part approach: (1) development trends, (2) anticipated affordability and (3) resources and incentives. Development trends must consider ADUs permitted in the prior planning period and may also consider more recent trends. Anticipated affordability can use a variety of methods to estimate the affordability by income group. Common approaches include rent surveys of ADUs, using rent surveys and square footage assumptions and data available through the APR pursuant to Government Code section 65400. Resources and incentives include policies and programs to encourage ADUs, such as prototype plans, fee waivers, expedited procedures and affordability monitoring programs.

- **Are ADUs required to be addressed in the housing element?**

Yes. The housing element must include a description of zoning available to permit ADUs, including development standards and analysis of potential constraints on the development of ADUs. The element must include programs as appropriate to address identified constraints. In addition, housing elements must include a plan that incentivizes and promotes the creation of ADUs that can offer affordable rents for very low, low-, or moderate-income households and requires the California Department of Housing and Community Development to develop a list of state grants and financial incentives in connection with the planning, construction and operation of affordable ADUs. (Gov. Code § 65583 and Health and Safety Code § 50504.5.)

6. Homeowners Association

- **Can my local Homeowners Association (HOA) prohibit the construction of an ADU?**

No. Assembly Bill 670 (2019) amended Section 4751 of the Civil Code to preclude planned developments from prohibiting or unreasonably restricting the construction or use of an ADU on a lot zoned for single-family residential use. Covenants, conditions and restrictions (CC&Rs) that either effectively prohibit or reasonably restrict the construction or use of an ADU or JADU on such lots are void and unenforceable. Applicants who encounter issues with creating ADUs within CC&Rs are encouraged to reach out to HCD for additional guidance.

7. Enforcement

- **Does HCD have enforcement authority over ADU ordinances?**

Yes. After adoption of the ordinance, HCD may review and submit written findings to the local agency as to whether the ordinance complies with state ADU law. If the local agency's ordinance does not comply, HCD must provide a reasonable time, no longer than 30 days, for the local agency to respond, and the local agency shall consider HCD's findings to amend the ordinance to become compliant. If a local agency does not make changes and implements an ordinance that is not compliant with state law, HCD may refer the matter to the Attorney General.

In addition, HCD may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify ADU law.

8. Other

- **Are ADU ordinances existing prior to new 2020 laws null and void?**

No. Ordinances existing prior to the new 2020 laws are only null and void to the extent that existing ADU ordinances conflict with state law. Subdivision (a)(4) of Government Code Section 65852.2 states an ordinance that fails to meet the requirements of subdivision (a) shall be null and void and shall apply the state standards (see attachment 3) until a compliant ordinance is adopted. However, ordinances that substantially comply with ADU law may continue to enforce the existing ordinance to the extent it complies with state law. For example, local governments may continue the compliant provisions of an ordinance and apply the state standards where pertinent until the ordinance is amended or replaced to fully comply with ADU law. At the same time, ordinances that are fundamentally incapable of being enforced because key provisions are invalid -- meaning there is not a reasonable way to sever conflicting provisions and apply the remainder of an ordinance in a way that is consistent with state law -- would be fully null and void and must follow all state standards until a compliant ordinance is adopted.

- **Do local agencies have to adopt an ADU Ordinance?**

No. Local governments may choose not to adopt an ADU ordinance. Should a local government choose to not adopt an ADU ordinance, any proposed ADU development would be only subject to standards set in state ADU law. If a local agency adopts an ADU ordinance, it may impose zoning, development, design, and other standards in compliance with state ADU law. (See Attachment 4 for a state standards checklist.)

- **Is a local government required to send an ADU Ordinance to the California Department of Housing and Community Development (HCD)?**

Yes. A local government, upon adoption of an ADU ordinance, must submit a copy of the adopted ordinance to the California Department of Housing and Community Development (HCD) within 60 days after adoption. After the adoption of an ordinance, the Department may review and submit written findings to the local agency as to whether the ordinance complies with this section. (Gov. Code, § 65852.2, subd. (h)(1))

Local governments may also submit a draft ADU ordinance for preliminary review by the HCD. This provides local agencies the opportunity to receive feedback on their ordinance and helps to ensure compliance with the new state ADU law.

- **Are charter cities and counties subject to the new ADU laws?**

Yes. ADU law applies to a local agency which is defined as a city, county, or city and county, whether general law or chartered (Gov. Code, § 65852.2, subd. (j)(5)).

Further, pursuant to Chapter 659, Statutes of 2019 (AB 881), the Legislature found and declared ADU law as *"...a matter of statewide concern rather than a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution"* and concluded that ADU law applies to all cities, including charter cities.

- **Do the new ADU laws apply to jurisdictions located in the Coastal Zone?**

Yes. ADU laws apply to jurisdictions in the Coastal Zone, but do not necessarily alter or lessen the effect or application of Coastal Act resource protection policies. - (Gov. Code, § 65852.22, subd. (l)).

Coastal localities should seek to harmonize the goals of protecting coastal resources and addressing housing needs of Californians. For example, where appropriate, localities should amend Local Coastal Programs for California Coastal Commission review to comply with the California Coastal Act and new ADU laws. For more information, see the [California Coastal Commission 2020 Memo](#) and reach out to the locality's local Coastal Commission district office.

- **What is considered a multifamily dwelling?**

For the purposes of state ADU law, a structure with two or more attached dwellings on a single lot is considered a multifamily dwelling structure. Multiple detached single-unit dwellings on the same lot are not considered multifamily dwellings for the purposes of state ADU law.

Resources



Attachment 1: Statutory Changes (Strikeout/Italics and Underline)

GOV. CODE: TITLE 7, DIVISION 1, CHAPTER 4, ARTICLE 2 (AB 881, AB 68 and SB 13 Accessory Dwelling Units) (Changes noted in strikeout, underline/italics)

Effective January 1, 2020, Section 65852.2 of the Government Code is amended to read:

65852.2.

(a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on ~~criteria that may include, but are not limited to,~~ the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, ~~lot coverage,~~ landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places. Resources. These standards shall not include requirements on minimum lot size.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The accessory dwelling unit may be rented separate from the primary residence, ~~but~~ but may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing ~~single-family dwelling.~~

(iii) The accessory dwelling unit is either attached ~~to,~~ or located ~~within the living area of the~~ within, the proposed or existing primary dwelling ~~or dwelling, including attached garages, storage areas or similar uses, or an accessory structure or~~ detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) ~~The total area of floorspace of~~ If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the ~~proposed or existing primary dwelling living area or~~ existing primary dwelling. ~~1,200 square feet.~~

(v) The total floor area ~~of floorspace~~ for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing ~~garage living area or~~ accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than ~~five~~ four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is ~~constructed above a garage.~~ not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(III) This clause shall not apply to a an accessory dwelling unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an

accessory dwelling unit or converted to an accessory dwelling unit, and the local agency requires ~~shall not require~~ that those offstreet ~~offstreet~~ parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d); ~~replaced.~~

~~(xii) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.~~

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) ~~When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application-~~ A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered *and approved* ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, within 120 days after receiving the application. *permits. The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay.* A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001-02 Regular Session of the Legislature; *incurred to implement this paragraph*, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency subsequent to the effective date of the act adding this ~~paragraph~~ shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. ~~In the event that-~~ *if* a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void ~~upon the effective date of the act adding this paragraph~~ and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the *delay or denial* of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot ~~zoned for residential use~~ that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be ~~utilized~~ *used* or imposed, *including any owner-occupant requirement*, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) ~~within 120 days after receiving the application.~~ *(a). The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted*

with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.

(c) (1) Subject to paragraph (2), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.

(2) Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:

(A) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.

(B) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:

(i) 850 square feet.

(ii) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.

(e) (C) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum or maximum size for an accessory dwelling unit, or size based upon a percentage of the proposed or existing primary dwelling, shall be established by ordinance or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached dwellings that does not permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. 800 square foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile walking distance of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) (1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a zone for single-family use one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, including, but not limited to, a studio, pool house, or other similar structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence. A city may require owner-occupancy for either the primary or the accessory dwelling unit created through this process. within a residential or mixed-use zone to create any of the following:

(A) One accessory dwelling unit or junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

(i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(ii) The space has exterior access from the proposed or existing single-family dwelling.

(iii) The side and rear setbacks are sufficient for fire and safety.

(iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22.

(B) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A). A local agency may impose the following conditions on the accessory dwelling unit:

(i) A total floor area limitation of not more than 800 square feet.

(ii) A height limitation of 16 feet.

(C) (i) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not

used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

(ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.

(D) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.

(2) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.

(3) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.

(4) A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivision be for a term longer than 30 days.

(5) A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite water treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.

(6) Notwithstanding subdivision (c) and paragraph (1) a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in paragraph (1), and may impose standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) ~~Accessory-~~ An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer ~~service-~~ service, unless the accessory dwelling unit was constructed with a new single-family dwelling.

(3) (A) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

(B) For purposes of this paragraph, "impact fee" has the same meaning as the term "fee" is defined in subdivision (b) of Section 66000, except that it also includes fees specified in Section 66477. "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

(A) (4) For an accessory dwelling unit described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge, unless the accessory dwelling unit was constructed with a new single-family home.

(B) (5) For an accessory dwelling unit that is not described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size square feet or the number of its plumbing fixtures, drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) ~~Local (1) -agencies-~~ A local agency shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. ~~The department may review and comment on this submitted ordinance.~~ After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this section.

(2) (A) If the department finds that the local agency's ordinance does not comply with this section, the department shall notify the local agency and shall provide the local agency with a reasonable time, no longer than 30 days, to respond to the findings before taking any other action authorized by this section.

(B) The local agency shall consider the findings made by the department pursuant to subparagraph (A) and shall do one of the following:

(i) Amend the ordinance to comply with this section.

(ii) Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despite the findings of the department.

(3) (A) If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.

(B) Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.

(i) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

(j) (i) As used in this section, the following terms mean:

(1) "Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.

(4) (1) "Accessory dwelling unit" means an attached or a detached residential dwelling unit which that provides complete independent living facilities for one or more persons— *persons and is located on a lot with a proposed or existing primary residence.* It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or *multifamily* dwelling is *or will be* situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(2) "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.

(A) (3) An efficiency unit— "Efficiency unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.

(B) (4) A manufactured home, as defined in Section 18007 of the Health and Safety Code. "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

(5) "Local agency" means a city, county, or city and county, whether general law or chartered.

(6) "Neighborhood" has the same meaning as set forth in Section 65589.5.

(7) "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.

(5) (8) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(9) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

(10) "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

(6) (11) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(k) A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.

(j) (l) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(m) A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in subdivision (a) of Section 65583.1, subject to authorization by the department and compliance with this division.

(n) In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in paragraph (1) or (2)

below, a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:

(1) The accessory dwelling unit was built before January 1, 2020.

(2) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

(o) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

(Becomes operative on January 1, 2025)

Section 65852.2 of the Government Code is amended to read (changes from January 1, 2020 statute noted in underline/italic):

65852.2.

(a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources. These standards shall not include requirements on minimum lot size.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The accessory dwelling unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.

(iii) The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling.

(v) The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines

shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(III) This clause shall not apply to an accessory dwelling unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the local agency shall not require that those offstreet parking spaces be replaced.

(xii) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A local agency may charge a fee to reimburse it for costs incurred to implement this paragraph, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this subdivision.

(6) (A) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be used or imposed, ~~including any owner-occupant requirement, except that a local agency may require that the property be used for rentals of terms longer than 30 days.~~ imposed except that, subject to subparagraph (B), a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(B) Notwithstanding subparagraph (A), a local agency shall not impose an owner-occupant requirement on an accessory dwelling unit permitted between January 1, 2020, to January 1, 2025, during which time the local agency was prohibited from imposing an owner-occupant requirement.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a). The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.

(c) (1) Subject to paragraph (2), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.

(2) Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:

(A) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.

(B) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:

(i) 850 square feet.

(ii) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.

(C) Any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile walking distance of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) (1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:

(A) One accessory dwelling unit or junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

(i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(ii) The space has exterior access from the proposed or existing single-family dwelling.

(iii) The side and rear setbacks are sufficient for fire and safety.

(iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22.

(B) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A). A local agency may impose the following conditions on the accessory dwelling unit:

(i) A total floor area limitation of not more than 800 square feet.

(ii) A height limitation of 16 feet.

(C) (i) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings.

(ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and may shall allow up to 25 percent of the existing multifamily dwelling units.

(D) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.

(2) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.

(3) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.

(4) A local agency may require owner occupancy for either the primary dwelling or the accessory dwelling unit on a single-family lot, subject to the requirements of paragraph (6) of subdivision (a).

(5) A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivision be for a term longer than 30 days.

~~(5)~~ (6) A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite water treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.

~~(6)~~ (7) Notwithstanding subdivision (c) and paragraph (1) a local agency that has adopted an ordinance by July 1,

2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in paragraph (1), and may impose standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.

(3) (A) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

(B) For purposes of this paragraph, "impact fee" has the same meaning as the term "fee" is defined in subdivision (b) of Section 66000, except that it also includes fees specified in Section 66477. "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

(4) For an accessory dwelling unit described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge, unless the accessory dwelling unit was constructed with a new single-family home dwelling.

(5) For an accessory dwelling unit that is not described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) (1) A local agency shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this section.

(2) (A) If the department finds that the local agency's ordinance does not comply with this section, the department shall notify the local agency and shall provide the local agency with a reasonable time, no longer than 30 days, to respond to the findings before taking any other action authorized by this section.

(B) The local agency shall consider the findings made by the department pursuant to subparagraph (A) and shall do one of the following:

(i) Amend the ordinance to comply with this section.

(ii) Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despite the findings of the department.

(3) (A) If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.

(B) Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.

(i) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

(j) As used in this section, the following terms mean:

(1) "Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(2) "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.

(3) "Efficiency unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.

(4) "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

(5) "Local agency" means a city, county, or city and county, whether general law or chartered.

(6) "Neighborhood" has the same meaning as set forth in Section 65589.5.

(A) An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(7) "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.

(8) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(9) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

(10) "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

(11) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(k) A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.

(l) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(m) A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in subdivision (a) of Section 65583.1, subject to authorization by the department and compliance with this division.

(n) In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in paragraph (1) or (2) below, a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:

(1) The accessory dwelling unit was built before January 1, 2020.

(2) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

(o) This section shall ~~remain in effect only until January 1, 2025, and as of that date is repealed~~ become operative on January 1, 2025.

Effective January 1, 2020, Section 65852.22 of the Government Code is amended to read (changes noted in ~~strikeout~~, underline/italics) (AB 68 (Ting)):

65852.22.

(a) Notwithstanding Section 65852.2, a local agency may, by ordinance, provide for the creation of junior accessory dwelling units in single-family residential zones. The ordinance may require a permit to be obtained for the creation of a junior accessory dwelling unit, and shall do all of the following:

(1) Limit the number of junior accessory dwelling units to one per residential lot zoned for single-family residences with a single-family residence ~~already built~~ built, or proposed to be built, on the lot.

(2) Require owner-occupancy in the single-family residence in which the junior accessory dwelling unit will be permitted. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

(3) Require the recordation of a deed restriction, which shall run with the land, shall be filed with the permitting agency, and shall include both of the following:

(A) A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.

(B) A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.

(4) Require a permitted junior accessory dwelling unit to be constructed within the ~~existing~~ walls of the structure, ~~and require the inclusion of an existing bedroom.~~ proposed or existing single-family residence.

(5) Require a permitted junior accessory dwelling to include a separate entrance from the main entrance to the structure, ~~with an interior entry to the main living area. A permitted junior accessory dwelling may include a second interior doorway for sound attenuation.~~ proposed or existing single-family residence.

(6) Require the permitted junior accessory dwelling unit to include an efficiency kitchen, which shall include all of the following:

~~(A) A sink with a maximum waste line diameter of 1.5 inches.~~

~~(B) (A) A cooking facility with appliances that do not require electrical service greater than 120 volts, or natural or propane gas.~~ appliances.

~~(C) (B)~~ A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

(b) (1) An ordinance shall not require additional parking as a condition to grant a permit.

(2) This subdivision shall not be interpreted to prohibit the requirement of an inspection, including the imposition of a fee for that inspection, to determine whether if the junior accessory dwelling unit is in compliance complies with applicable building standards.

(c) An application for a permit pursuant to this section shall, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, be considered ministerially, without discretionary review or a hearing. ~~A permit shall be issued within 120 days of submission of an application for a permit pursuant to this section.~~ The permitting agency shall act on the application to create a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing

single-family dwelling on the lot. If the permit application to create a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A local agency may charge a fee to reimburse the local agency for costs incurred in connection with the issuance of a permit pursuant to this section.

(d) For the purposes of any fire or life protection ordinance or regulation, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit. This section shall not be construed to prohibit a city, county, city and county, or other local public entity from adopting an ordinance or regulation relating to fire and life protection requirements within a single-family residence that contains a junior accessory dwelling unit so long as the ordinance or regulation applies uniformly to all single-family residences within the zone regardless of whether the single-family residence includes a junior accessory dwelling unit or not.

(e) For the purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

(f) This section shall not be construed to prohibit a local agency from adopting an ordinance or regulation, related to parking or a service or a connection fee for water, sewer, or power, that applies to a single-family residence that contains a junior accessory dwelling unit, so long as that ordinance or regulation applies uniformly to all single-family residences regardless of whether the single-family residence includes a junior accessory dwelling unit.

(g) If a local agency has not adopted a local ordinance pursuant to this section, the local agency shall ministerially approve a permit to construct a junior accessory dwelling unit that satisfies the requirements set forth in subparagraph (A) of paragraph (1) of subdivision (e) of Section 65852.2 and the requirements of this section.

(g) (h) For purposes of this section, the following terms have the following meanings:

(1) "Junior accessory dwelling unit" means a unit that is no more than 500 square feet in size and contained entirely within an existing a single-family structure. residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

Effective January 1, 2020 Section 17980.12 is added to the Health and Safety Code, immediately following Section 17980.11, to read (changes noted in underline/italics) (SB 13 (Wieckowski)):

17980.12.

(a) (1) An enforcement agency, until January 1, 2030, that issues to an owner of an accessory dwelling unit described in subparagraph (A) or (B) below, a notice to correct a violation of any provision of any building standard pursuant to this part shall include in that notice a statement that the owner of the unit has a right to request a delay in enforcement pursuant to this subdivision:

(A) The accessory dwelling unit was built before January 1, 2020.

(B) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

(2) The owner of an accessory dwelling unit that receives a notice to correct violations or abate nuisances as described in paragraph (1) may, in the form and manner prescribed by the enforcement agency, submit an application to the enforcement agency requesting that enforcement of the violation be delayed for five years on the basis that correcting the violation is not necessary to protect health and safety.

(3) The enforcement agency shall grant an application described in paragraph (2) if the enforcement determines that correcting the violation is not necessary to protect health and safety. In making this determination, the enforcement agency shall consult with the entity responsible for enforcement of building standards and other regulations of the State Fire Marshal pursuant to Section 13146.

(4) The enforcement agency shall not approve any applications pursuant to this section on or after January 1, 2030. However, any delay that was approved by the enforcement agency before January 1, 2030, shall be valid for the full term of the delay that was approved at the time of the initial approval of the application pursuant to paragraph (3).

(b) For purposes of this section, "accessory dwelling unit" has the same meaning as defined in Section 65852.2.

(c) This section shall remain in effect only until January 1, 2035, and as of that date is repealed.

GOV. CODE: TITLE 7, DIVISION 1, CHAPTER 4, ARTICLE 2

AB 587 Accessory Dwelling Units

(Changes noted in underline/italics)

Effective January 1, 2020, Section 65852.26 is added to the Government Code, immediately following Section 65852.25, to read (AB 587 (Friedman)):

65852.26.

(a) Notwithstanding clause (i) of subparagraph (D) of paragraph (1) of subdivision (a) of Section 65852.2, a local agency may, by ordinance, allow an accessory dwelling unit to be sold or conveyed separately from the primary residence to a qualified buyer if all of the following apply:

(1) The property was built or developed by a qualified nonprofit corporation.

(2) There is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation that satisfies all of the requirements specified in paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code.

(3) The property is held pursuant to a recorded tenancy in common agreement that includes all of the following:

(A) The agreement allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling each qualified buyer occupies.

(B) A repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the property if the buyer desires to sell or convey the property.

(C) A requirement that the qualified buyer occupy the property as the buyer's principal residence.

(D) Affordability restrictions on the sale and conveyance of the property that ensure the property will be preserved for low-income housing for 45 years for owner-occupied housing units and will be sold or resold to a qualified buyer.

(4) A grant deed naming the grantor, grantee, and describing the property interests being transferred shall be recorded in the county in which the property is located. A Preliminary Change of Ownership Report shall be filed concurrently with this grant deed pursuant to Section 480.3 of the Revenue and Taxation Code.

(5) Notwithstanding subparagraph (A) of paragraph (2) of subdivision (f) of Section 65852.2, if requested by a utility providing service to the primary residence, the accessory dwelling unit has a separate water, sewer, or electrical connection to that utility.

(b) For purposes of this section, the following definitions apply:

(1) "Qualified buyer" means persons and families of low or moderate income, as that term is defined in Section 50093 of the Health and Safety Code.

(2) "Qualified nonprofit corporation" means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.

CIVIL CODE: DIVISION 4, PART 5, CHAPTER 5, ARTICLE 1
AB 670 Accessory Dwelling Units
(Changes noted in underline/italics)

Effective January 1, 2020, Section 4751 is added to the Civil Code, to read (AB 670 (Friedman)):

4751.

(a) Any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that either effectively prohibits or unreasonably restricts the construction or use of an accessory dwelling unit or junior accessory dwelling unit on a lot zoned for single-family residential use that meets the requirements of Section 65852.2 or 65852.22 of the Government Code, is void and unenforceable.

(b) This section does not apply to provisions that impose reasonable restrictions on accessory dwelling units or junior accessory dwelling units. For purposes of this subdivision, "reasonable restrictions" means restrictions that do not unreasonably increase the cost to construct, effectively prohibit the construction of, or extinguish the ability to otherwise construct, an accessory dwelling unit or junior accessory dwelling unit consistent with the provisions of Section 65852.2 or 65852.22 of the Government Code.

GOV. CODE: TITLE 7, DIVISION 1, CHAPTER 3, ARTICLE 10.6
AB 671 Accessory Dwelling Units
(Changes noted in underline/italics)

Effective January 1, 2020, Section 65583(c)(7) of the Government Code is added to read (sections of housing element law omitted for conciseness) (AB 671 (Friedman)):

65583(c)(7).

Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent, as defined in Section 50053 of the Health and Safety Code, for very low, low-, or moderate-income households. For purposes of this paragraph, "accessory dwelling units" has the same meaning as "accessory dwelling unit" as defined in paragraph (4) of subdivision (i) of Section 65852.2.

Effective January 1, 2020, Section 50504.5 is added to the Health and Safety Code, to read (AB 671 (Friedman)):

50504.5.

(a) The department shall develop by December 31, 2020, a list of existing state grants and financial incentives for operating, administrative, and other expenses in connection with the planning, construction, and operation of an accessory dwelling unit with affordable rent, as defined in Section 50053, for very low, low-, and moderate-income households.

(b) The list shall be posted on the department's internet website by December 31, 2020.

(c) For purposes of this section, "accessory dwelling unit" has the same meaning as defined in paragraph (4) of subdivision (i) of Section 65852.2 of the Government Code.

Attachment 2: State Standards Checklist

YES/NO	STATE STANDARD*	GOVERNMENT CODE SECTION
	Unit is not intended for sale separate from the primary residence and may be rented.	65852.2(a)(1)(D)(i)
	Lot is zoned for single-family or multifamily use and contains a proposed or existing, dwelling.	65852.2(a)(1)(D)(ii)
	The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing dwelling and located on the same lot as the proposed or existing primary dwelling.	65852.2(a)(1)(D)(iii)
	Increased floor area of an attached accessory dwelling unit does not exceed 50 percent of the existing primary dwelling but shall be allowed to be at least 800/850/1000 square feet.	65852.2(a)(1)(D)(iv), (c)(2)(B) & C)
	Total area of floor area for a detached accessory dwelling unit does not exceed 1,200 square feet.	65852.2(a)(1)(D)(v)
	Passageways are not required in conjunction with the construction of an accessory dwelling unit.	65852.2(a)(1)(D)(vi)
	Setbacks are not required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.	65852.2(a)(1)(D)(vii)
	Local building code requirements that apply to detached dwellings are met, as appropriate.	65852.2(a)(1)(D)(viii)
	Local health officer approval where a private sewage disposal system is being used, if required.	65852.2(a)(1)(D)(ix)
	Parking requirements do not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on an existing driveway.	65852.2(a)(1)(D)(x)(l)

Attachment 3: Bibliography

ACCESSORY DWELLING UNITS: CASE STUDY (26 pp.)

By the United States Department of Housing and Urban Development, Office of Policy Development and Research. (2008)

Introduction: Accessory dwelling units (ADUs) — also referred to as accessory apartments, ADUs, or granny flats — are additional living quarters on single-family lots that are independent of the primary dwelling unit. The separate living spaces are equipped with kitchen and bathroom facilities and can be either attached or detached from the main residence. This case study explores how the adoption of ordinances, with reduced regulatory restrictions to encourage ADUs, can be advantageous for communities. Following an explanation of the various types of ADUs and their benefits, this case study provides examples of municipalities with successful ADU legislation and programs. Section titles include: History of ADUs; Types of Accessory Dwelling Units; Benefits of Accessory Dwelling Units; and Examples of ADU Ordinances and Programs.

THE MACRO VIEW ON MICRO UNITS (46 pp.)

By Bill Whitlow, et al. – Urban Land Institute (2014)
Library Call #: H43 4.21 M33 2014

The Urban Land Institute Multifamily Housing Councils were awarded a ULI Foundation research grant in fall 2013 to evaluate from multiple perspectives the market performance and market acceptance of micro and small units.

SECONDARY UNITS AND URBAN INFILL: A Literature Review (12 pp.)

By Jake Wegmann and Alison Nemirow (2011)
UC Berkeley: IURD
Library Call # D44 4.21 S43 2011

This literature review examines the research on both infill development in general, and secondary units in particular, with an eye towards understanding the similarities and differences between infill as it is more traditionally understood – i.e., the development or redevelopment of entire parcels of land in an already urbanized area – and the incremental type of infill that secondary unit development constitutes.

RETHINKING PRIVATE ACCESSORY DWELLINGS (5 pp.)

By William P. Macht. Urbanland online. (March 6, 2015)
Library Location: Urbanland 74 (1/2) January/February 2015, pp. 87-91.

One of the large impacts of single-use, single-family detached zoning has been to severely shrink the supply of accessory dwellings, which often were created in or near primary houses. Detached single-family dwelling zones—the largest housing zoning category—typically preclude more than one dwelling per lot except under stringent regulation, and then only in some jurisdictions. Bureaucratically termed “accessory dwelling units” that are allowed by some jurisdictions may encompass market-derived names such as granny flats, granny cottages, mother-in-law suites, secondary suites, backyard cottages, casitas, carriage flats, sidekick houses, basement apartments, attic apartments, laneway houses, multigenerational homes, or home-within-a-home.

Regulating ADUs in California: Local Approaches & Outcomes (44 pp.)

By Deidra Pfeiffer

Terner Center for Housing and Innovation, UC Berkeley

Accessory dwelling units (ADU) are often mentioned as a key strategy in solving the nation's housing problems, including housing affordability and challenges associated with aging in place. However, we know little about whether formal ADU practices—such as adopting an ordinance, establishing regulations, and permitting—contribute to these goals. This research helps to fill this gap by using data from the Terner California Residential Land Use Survey and the U.S. Census Bureau to understand the types of communities engaging in different kinds of formal ADU practices in California, and whether localities with adopted ordinances and less restrictive regulations have more frequent applications to build ADUs and increasing housing affordability and aging in place. Findings suggest that three distinct approaches to ADUs are occurring in California: 1) a more restrictive approach in disadvantaged communities of color, 2) a moderately restrictive approach in highly advantaged, predominately White and Asian communities, and 3) a less restrictive approach in diverse and moderately advantaged communities. Communities with adopted ordinances and less restrictive regulations receive more frequent applications to build ADUs but have not yet experienced greater improvements in housing affordability and aging in place. Overall, these findings imply that 1) context-specific technical support and advocacy may be needed to help align formal ADU practices with statewide goals, and 2) ADUs should be treated as one tool among many to manage local housing problems.

ADU Update: Early Lessons and Impacts of California's State and Local Policy Changes (8 p.)

By David Garcia (2017)

Terner Center for Housing and Innovation, UC Berkeley

As California's housing crisis deepens, innovative strategies for creating new housing units for all income levels are needed. One such strategy is building Accessory Dwelling Units (ADUs) by private homeowners. While large scale construction of new market rate and affordable homes is needed to alleviate demand-driven rent increases and displacement pressures, ADUs present a unique opportunity for individual homeowners to create more housing as well. In particular, ADUs can increase the supply of housing in areas where there are fewer opportunities for larger-scale developments, such as neighborhoods that are predominantly zoned for and occupied by single-family homes.

In two of California's major metropolitan areas -- Los Angeles and San Francisco -- well over three quarters of the total land area is comprised of neighborhoods where single-family homes make up at least 60 percent of the community's housing stock. Across the state, single-family detached units make up 56.4 percent of the overall housing stock. Given their prevalence in the state's residential land use patterns, increasing the number of single-family homes that have an ADU could contribute meaningfully to California's housing shortage.

Jumpstarting the Market for Accessory Dwelling Units: Lessons Learned from Portland, Seattle and Vancouver (29pp.)

By Karen Chapple et al (2017)

Terner Center for Housing and Innovation, UC Berkeley

Despite government attempts to reduce barriers, a widespread surge of ADU construction has not materialized. The ADU market remains stalled. To find out why, this study looks at three cities in the Pacific Northwest of the United States and Canada that have seen a spike in construction in recent years: Portland, Seattle, and Vancouver. Each city has adopted a set of zoning reforms, sometimes in combination with financial incentives and outreach programs, to spur ADU construction. Due to these changes, as well as the acceleration of the housing crisis in each city, ADUs have begun blossoming.

Accessory Dwelling Units as Low-Income Housing: California's Faustian Bargain (37 pp.)

By Darrel Ramsey-Musolf (2018)

University of Massachusetts Amherst, ScholarWorks@UMass Amherst

In 2003, California allowed cities to count accessory dwelling units (ADU) towards low-income housing needs. Unless a city's zoning code regulates the ADU's maximum rent, occupancy income, and/or effective period, then the city may be unable to enforce low-income occupancy. After examining a stratified random sample of 57 low-, moderate-, and high-income cities, the high-income cities must proportionately accommodate more low-income needs than low-income cities. By contrast, low-income cities must quantitatively accommodate three times the low-income needs of high-income cities. The sample counted 750 potential ADUs as low-income housing. Even though 759 were constructed, no units were identified as available low-income housing. In addition, none of the cities' zoning codes enforced low-income occupancy. Inferential tests determined that cities with colleges and high incomes were more probable to count ADUs towards overall and low-income housing needs. Furthermore, a city's count of potential ADUs and cities with high proportions of renters maintained positive associations with ADU production, whereas a city's density and prior compliance with state housing laws maintained negative associations. In summary, ADUs did increase local housing inventory and potential ADUs were positively associated with ADU production, but ADUs as low-income housing remained a paper calculation.

ATTACHMENT 3

Revised Draft ADU and JADU Ordinance (Redline) with HCD's and City Council's recommended changes for Planning Commission consideration

Chapter 9.54 Accessory Dwelling Units and Junior Accessory Dwelling Units

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

- A. Purpose. The purpose of this chapter is to provide for and regulate the development of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in a manner consistent with state law.
- B. Applicability. Except as otherwise provided by state law, the standards and limitations set forth in this chapter apply to the development of new ADUs and JADUs in the City.
- C. Definitions. As used in this chapter, the following terms shall have the following meanings:
 1. The terms “accessory dwelling unit”, “accessory structure”, “efficiency unit”, “living area”, “nonconforming zoning condition”, “passageway”, “proposed dwelling”, “public transit”, and “tandem parking” all have the same meaning as that stated in Government Code section 65852.2 as that section may be amended time to time. The terms “accessory dwelling unit” and “ADU” shall have the same meaning.
 2. The term “junior accessory dwelling unit” shall have same meaning as that stated in Government Code section 65852.22(h)(1) as that section may be amended time to time. The terms “junior accessory dwelling unit” and “JADU” shall have the same meaning.
 3. The term “attached ADU” means an ADU, other than a converted ADU, that is physically attached to a primary dwelling structure.
 4. The term “detached ADU” means an ADU, other than a converted ADU, that is physically separated from, but located on the same lot as, a primary dwelling structure.
 5. The term “converted ADU” means an ADU that is constructed within all or a portion of the permitted existing interior space of an accessory structure or within all or a portion of the permitted existing interior space of a dwelling structure, including bedrooms, attached garages, storage areas, or similar uses. A converted ADU also includes an ADU that is constructed in the same location and to the same dimensions as a permitted existing structure or portion of a permitted existing structure.
 6. The term “Director” means the City of Garden Grove Director of Community and Economic Development, or his or her designee.

- D. Effect of Conforming. An ADU that conforms to the provisions of this chapter shall:
1. Be deemed an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located;
 2. Be deemed a residential use that is consistent with the existing General Plan and zoning designation for the lot upon which it is located; and
 3. Not be considered in the application of any local ordinance, policy, or program to limit residential growth.
- E. Interpretation. The provisions of this chapter shall be interpreted to be consistent with the provisions of Government Code sections 65852.2 and 65855.22 and shall be applied in a manner that is consistent with state law.

9.54.020 Locations Permitted.

- A. Permitted ADU Locations. ADUs conforming to the provisions in this chapter may be located on any lot in the City that is zoned to allow single-family or multiple-family residential uses and that includes a proposed or existing legally developed single-family or multiple-family dwelling.
- B. Permitted JADU Locations. JADUs conforming to the provisions in this chapter may be located within a proposed or existing legally developed single-family dwelling on any lot in the City that is zoned to allow single-family residential uses.
- ~~C. Exception. Notwithstanding the foregoing, an ADU or JADU may not be developed on a lot if the construction required to create the ADU or JADU would otherwise be prohibited on the lot because the lot is located in an area in which the development of new residential dwelling units or residential additions, the addition of bathrooms, or new or additional connections to the water or sewer system is prohibited due to inadequate water or sewer capacity, as determined by reference to objective and generally applicable rules, regulations, or maps adopted and/or maintained by the water service or sewer service provider, as applicable.~~

9.54.030. Number of ADUs and JADUs Permitted.

- A. Single-Family Lots. No more than one (1) ADU and/or one (1) JADU is permitted on a lot developed or proposed to be developed with a single-family dwelling.
- B. Multiple-Family Lots. Either (i) no more than two (2) detached ADUs pursuant to subsection B.1 or (ii) one or more converted ADUs pursuant to subsection B.2 are permitted on a lot developed or proposed to be developed with one or more multiple-family dwelling structures. Detached ADUs pursuant subsection B.1 may not be combined on the same lot with converted ADUs pursuant to subsection B.2.
1. No more than a total of two (2) attached or detached ADUs are permitted may be constructed on a lot developed or proposed to be developed with one or more

multiple-family dwelling structures. If two (2) detached ADUs are constructed, they may not be attached to one another as part of a single structure.

2. On lots with no detached ADUs, ~~one~~ or more converted ADUs may be constructed within portions of existing multiple-family dwelling structures that are not used as livable space. No converted ADUs may be constructed within the existing livable space of a multiple-family structure. The number of ADUs permitted under this subsection shall not exceed twenty-five (25) percent of the existing multiple-family dwelling units on the lot. For the purpose of calculating the number of allowable accessory dwelling units: (a) previously approved ADUs shall not count towards the existing number of multiple-family dwelling units; and (b) fractions shall be rounded down to the next lower number of dwelling unit, except that at least one (1) converted ADU shall be allowed.
- ~~3. For purposes of this subsection, multiple-family developments approved and built as a single complex shall be considered one lot, regardless of the number of parcels.~~

9.54.040. ADU Requirements.

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

B. Unit Size.

- ~~1. Bedrooms. No more than three (3) bedrooms are allowed in an ADU.~~
21. Minimum Size. An ADU shall be at least the following minimum sizes based on the number of bedrooms provided:
 - a. Studio or Efficiency Units: 220 square feet.
 - b. One bedroom: 500 square feet.
 - c. Two or more bedrooms: 700 square feet.

~~d. Three bedrooms: 900 square feet.~~

32. Maximum Size.

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

~~i. Studio or One bedroom: 1,200~~850 square feet or (ii) fifty (50) percent of the floor area of the primary dwelling unit, whichever is less; provided; however, that: ~~Notwithstanding the foregoing,~~ if the size of the primary dwelling unit is less than 1,600 square feet, an attached ADU may have a total floor area of at least up to 800 square feet.

~~ii. Two or more bedrooms: 1,000 square feet or (ii) fifty (50) percent of the floor area of the primary dwelling unit, whichever is less, provided, however that if the size of the primary dwelling unit is less than 1,600 square feet, an attached ADU may have a total floor area of at least up to 800 square feet.~~

b. Detached ADUs: The total floor area of a detached ADU shall not exceed ~~1,200 square feet.~~ the following:

~~i. Studio or One bedroom: 850 square feet.~~

~~ii. Two or more bedrooms: 1,000 square feet.~~

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

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

43. Porches, Patios, and Garages.

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

b. An attached or detached ADU may include an attached one-car garage, which, if provided, shall be integrated into the design of the ADU and shall not exceed 250 square feet in size.

- c. In no event shall the total combined area of an ADU and attached porch, patio, and/or garage exceed ~~4,530~~1,330 square feet.

C. Setbacks.

1. Front Yard Setbacks. New attached and detached ADUs are subject to the same minimum front yard setback requirements applicable to other structures on the lot on which the ADU is located.
2. Side and Rear Yard Setbacks. Minimum setbacks of no less than four (4) feet from the side and rear lot lines are required for new attached and detached ADUs.
3. Converted ADUs. No setbacks are required for converted ADUs, provided the side and rear yard setbacks of the existing converted structure are sufficient for fire and safety, as ~~dictated by determined by the City's building official~~ current applicable uniform building and fire codes.

D. Building Separation.

1. A minimum separation of ~~five (5)~~six (6) feet is required between a detached ADU and the primary dwelling unit.
2. A minimum separation of ~~five (5)~~six (6) feet is required between attached or detached ADU and all other structures not attached to the ADU, including garages, on the property.
3. Building separation requirements do not apply to converted ADUs that do not include an expansion of the floor area of the existing structure.

E. Height.

1. New attached and detached ADUs shall be one story, constructed at ground level, and shall not be more than 16~~17~~ feet in height measured from ground level to the highest point on the roof.
2. Converted ADUs are not subject to a height limitation.

F. Design.

1. The design, pitch, color, material, and texture of the roof and eave details of an attached or detached ADU shall be substantially the same as the primary unit.
2. The color, material, and texture of all building walls, windows, and doors of an ~~attached or detached~~

ADU shall

_____ be similar to and compatible with the primary unit.

3. ~~The architectural style and scale design of an attached or detached ADU shall match be architecturally compatible with the primary unit and shall maintain the scale and appearance of the primary unit.~~
4. In order to facilitate the development of ADUs in a manner that ensures reasonable consistency and compatibility of design, the Director is authorized to develop standard design plans and criteria for ADUs. ADUs developed in conformance with such standard plans and criteria shall be deemed to comply with this subsection.

G. Off-street Parking.

1. One off-street parking space must be provided for a new attached or detached ADU. The required parking space may be permitted in setback areas, or through tandem parking on a driveway, unless specific findings are made by the Director that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety concerns.
2. Parking for a new attached or detached ADU is in addition to the required parking for the primary unit. However, when a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.
3. Off-street parking is not required in the following instances:
 - a. The ADU is located within one-half mile walking distance of public transit, including transit stations and bus stations;
 - b. The ADU is located within an architecturally and historically significant historic district;
 - c. The ADU is part of the primary residence or accessory structure (i.e., a converted ADU);
 - d. When on-street parking permits are required but not offered to the occupant of the ADU; and/or
 - e. When there is a car share vehicle located within one block of the ADU.

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

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

~~J. Access for Public Safety Required. Reasonable access to an ADU from the public right of way for public safety and emergency purposes shall be maintained and not unreasonably restricted.~~

~~K. Accessibility Standards. Any new ground level accessory dwelling unit shall be designed and constructed to meet applicable disability/accessibility standards. Plans shall demonstrate future entrance capability and actual construction shall include adequate door and hallway widths, maneuvering space in kitchens and bathrooms, and structural reinforcements for grab bars.~~

9.54.050. JADU Requirements.

- A. Footprint. A JADU may only be constructed within the walls of a proposed or existing single-family dwelling, including an existing attached garage.
- B. Unit Size. A JADU shall not be less than 220 square feet and shall not exceed 500 square feet in size.
- C. Separate Entrance. A JADU must include a separate entrance from the main entrance of the proposed or existing single-family residence in which it located.
- D. Kitchen Requirements. A JADU must include an efficiency kitchen, including a cooking facility with appliances, and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.
- E. Bathroom Facilities. A JADU may include separate sanitation facilities or may share sanitation facilities with the proposed or existing single-family dwelling in which it is located.
- F. Parking. No additional off-street parking is required for a JADU beyond that required at the time the existing primary dwelling was constructed. However, when an existing attached garage is converted to a JADU, any required off-street parking spaces for the primary dwelling that are eliminated as a result of the conversion shall be replaced. These replacement parking spaces may be located in any configuration on the same lot, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces.
- G. Fire Protection. For purposes of any fire or life protection ordinance or regulation, a JADU shall not be considered a separate or new dwelling unit.
- H. Utility Service. For purposes of providing service for water, sewer, or power, including a connection fee, a JADU shall not be considered a separate or new dwelling unit.

- I. Deed Restriction. Prior to the issuance of a building permit for a JADU, the owner of record of the property shall record a deed restriction against the title of the property in the County Recorder's office with a copy filed with the Director. The deed restriction shall run with the land and shall bind all future owners, heirs, successors, or assigns. The form of the deed restriction shall be provided by the City and shall provide that:
 1. The property shall include no more than one JADU and/or ADU.
 2. The JADU may not be sold, mortgaged, or transferred separately from the primary residence.
 3. ~~An~~The owner of record of the lot upon which a JADU is located, ~~or a person or persons representing no less than fifty percent (50%) of the ownership interest in the lot,~~ shall occupy either the JADU or the remaining portion of the primary single-family dwelling as his/her/their principal residence. In the event owner occupancy of the property ceases, the JADU shall automatically become unhabitable space, shall not be used as a separate dwelling unit, and shall not be separately rented or leased for any purpose.
 4. The JADU may be rented, but may not be rented on a short-term basis of less than 30 days.
 5. A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.
 6. The deed restriction may not be modified or terminated without the prior written consent of the Director.

9.54.060 Other Requirements.

- A. No Separate Conveyance. Except as otherwise provided in Government Code section 65852.26 or by other applicable law, an ADU or JADU may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence, and a lot shall not be subdivided in any manner which would authorize such separate sale or ownership.
- B. No Short-Term Rental Permitted. An ADU or JADU that is rented shall be rented for a term that is longer than thirty (30) days. Short-term rental (i.e., 30 days or less) of an ADU or a JADU is prohibited.
- C. Owner Occupancy Requirements.
 1. ADUs. Owner occupancy of a primary dwelling or ADU is not required.

2. JADUs. ~~The An~~ owner of record of the lot upon which a JADU is located, ~~or a person or persons representing no less than fifty percent (50%) of the ownership interest in the lot,~~ must occupy either the JADU or the remaining portion of the primary single-family dwelling as his/her/their principal residence. Notwithstanding the foregoing, owner-occupancy is not be required if the owner is another governmental agency, land trust, or housing organization.

9.54.070. Permit Application and Review Procedures.

- A. Building Permit Required. A building permit is required prior to construction of an ADU or JADU. Except as otherwise provided in this chapter or by state law, all building, fire, and related code requirements applicable to habitable dwellings apply to ADUs and JADUs. However, fire sprinklers shall not be required if they are not required for the primary dwelling.
- B. Application. Prior to the issuance of a building permit for an ADU or JADU, the applicant shall submit an application on a form prepared by the City, along with all information and materials proscribed by such form. No application shall be accepted unless it is completed as prescribed and is accompanied by payment for all applicable fees.
- C. Review. The Director shall consider and approve or disapprove a complete application for an ADU or JADU ministerially without discretionary review or public hearing ~~within the time prescribed by law~~ sixty (60) days from the date the City receives a complete application. Review is limited to whether the proposed ADU or JADU complies with the requirements of this chapter. If an applicant requests a delay, the time period for the City to review of an application shall be tolled for the period of the requested delay. If the application to create an ADU or a JADU unit is submitted with an application to create a new single-family dwelling on the lot, the Director may delay acting on the application for the ADU or the JADU until the City acts on the application to create the new single-family dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.
- D. Zoning Conformity. The City shall not require the correction of nonconforming zoning conditions as a condition of approval of a permit application for the creation of an ADU or JADU.
- E. Conformity with State Law. The City shall not apply any requirement or development standard provided for in this chapter to an ADU or a JADU to the extent prohibited by any provision of state law, including, but not limited to, subdivision (e)(1) of Government Code section 65852.2.

9.54.080. Utilities

- A. ADUs. Unless otherwise mandated by applicable law or the utility provider or determined by the City's Public Works Director to be necessary, an ADU may be served by the same water, sewer, and other utility connections serving the primary dwelling on the property, and the installation of a new or separate utility connection directly between an ADU and a utility is not required. However, separate utility connections and meters for ADUs may be installed at the property owner's option, when permitted by the utility provider, and subject to the payment of all applicable fees.
- B. JADUs. A JADU shall be served by the same water, sewer, and other utility connections serving the primary single-family dwelling in which it is located, and no separate utility meters shall be permitted for a JADU.

9.54.090. Impact Fees.

- A. Construction of an ADU is subject to applicable development impact fees adopted by the City pursuant to California Government Code, Title 7, Division 1, Chapter 5 (commencing with § 66000) and Chapter 7 (commencing with § 66012).
- B. No impact fee as required by this Code is required for an ADU ~~or JADU~~ that is less than 750 square feet in size.
- C. Any impact fee that is required for an ADU that is 750 square feet ~~of or~~ more shall be charged proportionately in relation to the square footage of the primary dwelling.
- D. For purposes of this section, "impact fee" does not include any connection fee, capacity charge for water or sewer service, planning application fee, plan check fee, or building permit fee.

ATTACHMENT 4

Comparison Chart of the 2017 ADU Ordinance, the State law regulations, and
Proposed Draft ADU and JADU Ordinance

Exhibit "A"

Comparison of the 2017 ADU Ordinance, State Law Regulations, and Proposed ADU and JADU Ordinance

	2017 ADU Ordinance	State Law Requirements	Proposed ADU and JADU Ordinance
1 Permitted Zone	ADU only permitted in the R-1 zone developed with an existing single-family residence.	ADUs and JADUs permitted in single-family, multiple-family, and mixed-use zones where residential uses are allowed.	Complies with State law. ADUs and JADUs permitted on any lot that is zoned to allow single-family or multiple-family residential uses and that includes a proposed or existing legally developed single-family or multiple-family dwelling. Complies with State law.
2 Minimum Lot Size	7,200 S.F.	Prohibits minimum lot size for ADUs and JADUs	No minimum lot size requirement for ADUs and JADUs. Complies with State law.
3 Number of Permitted ADUs	One (1) ADU permitted on a lot through new construction or conversion.	One (1) ADU, new construction or conversion, on a lot developed or proposed to be developed with a single-family residence. Up to two (2) ADUs permitted on lots developed or proposed to be developed with a multiple-family development. Multiple ADUs can be constructed within portion of existing multiple-family structures not used for livable space, such as storage rooms, boiler rooms, passageways, attics, basements, garages, etc., up to 25% of the existing multiple-family units. HCD clarified that jurisdictions do not have to allow both ADUs and ADUs conversion concurrently on lots developed with multiple-family residences.	One (1) ADU, new construction or conversion, on a lot developed or proposed to be developed with a single-family residence. Up to two (2) attached or detached ADUs permitted on lots developed or proposed to be developed with a multiple-family development OR one or more converted ADUs within portions of existing multiple-family structures not used for livable space, such as storage rooms, boiler rooms, passageways, attics, basements, garages, etc., up to 25% of the existing multiple-family units on the lot.

	2017 ADU Ordinance	State Law Requirements	Proposed ADU and JADU Ordinance
4	Number of Permitted JADUs	JADUs not permitted.	Complies with State law. One (1) JADU within a proposed or existing single-family residence.
5	Maximum Unit Size	Detached or Attached ADU: 800 S.F. ADU Conversion: Not subject to maximum unit size per State law.	Complies with State law. Detached ADU: Studio or One bedroom: 850 S.F., and two or more bedrooms: 1,000 S.F. Attached ADU: 50% of primary residence or 850 S.F. for studio. One bedroom unit or 1,000 S.F. for two or more bedrooms, whichever is less. Primary residence less than 1,600 S.F. allowed an 800 S.F. ADU. ADU and JADU on the same lot: ADU may not exceed 800 S.F. in size when ADU and JADU developed or proposed on a site. Attached ADU: 50% of primary residence. ADU Conversion: Not subject to maximum unit size per State law. JADU: 500 S.F.
6	ADU and JADU Minimum Unit Sizes	ADU: Efficiency Unit: 220 S.F. Studio: 500 S.F. 1-Bedroom: 600 S.F. 2-Bedrooms: 700 S.F.	JADU: 500 S.F. ADU: Studio or Efficiency Unit: 220 S.F. 1-Bedroom: 500 S.F. 2 or more Bedrooms: 700 S.F. JADU: 220 S.F.
7	Maximum Total Number of Bedrooms	Up to 2 bedrooms.	No bedroom restriction imposed on ADUs to comply with HCD's interpretation.

	2017 ADU Ordinance	State Law Requirements	Proposed ADU and JADU Ordinance
8	ADU Parking ADU: 1 space per unit unless property is located one-half mile from a bus stop. ADU Conversion: No parking required.	No change to State law. ADU: 1 space per unit unless property is located one-half mile from a bus stop. ADU Conversion and JADU: No parking required.	Complies with State law. ADU: 1 space per unit unless property is located one-half mile from a bus stop. ADU Conversion and JADU: No parking required. Complies with State law.
9	Replacement Parking ADU Required replacement parking for a garage conversion or if a garage/carport was demolished to accommodate an ADU. Also, nonconforming parking for primary residence had to comply with code.	No replacement parking required when a garage, carport or covered parking structure is demolished for an ADU or if a garage is converted into an ADU. Jurisdictions can no longer require nonconforming issues affecting the property, including parking, to comply with current code.	Complies with State law. No replacement parking required. Nonconforming issues affecting the primary residence will no longer be considered with construction of an ADU.
10	Replacement Parking for JADU JADU not allowed.	HCD clarified that attached garages are considered to be within the walls of a single-family residence, and JADU can be allowed as garage conversion.	JADU allowed within attached garage, and required garage parking must be replaced onsite as covered, uncovered, or tandem spaces. Complies with State law.
11	Minimum Building Setbacks Attached ADU: 5 feet from side and 10 feet from rear property line. Detached ADU: 5 feet from side and rear property line. No setbacks required for ADU conversion per State law.	Minimum building setback for ADUs is 4 feet from any side and rear property line. No setbacks required for ADU conversions or JADUs, but limited to Building Code requirements.	Complies with State law. Minimum building setback for ADU is 4 feet from any side and rear property line. No setbacks required for JADUs or for ADU conversions, provided the side and rear yard setbacks of the existing converted structure are sufficient for fire and safety.
12	ADU Building Height 17 feet (one-story).	16 feet. ADU conversion only required to comply with Building Code requirements.	Complies with State law. 16 feet (one-story). ADU conversion only required to comply with Building Code requirements.

	2017 ADU Ordinance	State Law Requirements	Proposed ADU and JADU Ordinance
13	Lot Coverage and Open Space ADU required to comply with 50% lot coverage and 1,000 square feet of open space in the rear yard setback area.	Lot coverage and open space requirements cannot be applied if does not permit at least 800 S.F. ADU. ADU conversion and JADU exempted.	Complies with State law. ADUs must comply with lot coverage and open space requirements applicable to lot on which it is located (unless exempted by State law); however, these requirements waived to extent necessary to allow ADU up to 800 S.F. ADU conversions and JADUs exempted from lot coverage and open space requirements.
14	Building Separation Six (6) feet between detached ADU and primary residence.	No requirement in State law.	Six (6) feet between detached ADU and primary residence and/or detached structure(s).
15	Architecture Compatibility ADU required to be architecturally compatible with existing single-family residence.	No requirement in State law; however HCD requires all language to be objective.	ADU required to match the architecture style of the primary unit.
16	Attached Porch and Garage Permitted for ADU 80 S.F. maximum porch	No requirement in State law.	80 S.F. maximum porch.
17	Overall Size of ADU with Porch and Garage 250 S.F. maximum garage. 1,100 S.F.	No requirement in State law.	250 S.F. maximum garage. 1,330 S.F.
18	Approval Process Ministerially within 120 days of complete ADU application.	Ministerially within 60 days of complete ADU application.	Complies with State law. Ministerially within time required by State law (i.e., 60 days of complete ADU application).
19	Short-Term Rental Tenant occupancies of less than 30-days prohibited.	Jurisdiction can prohibit short term rental of ADUs and JADUs.	Complies with State law. Tenant occupancies of 30-days or less prohibited for ADUs and JADUs. Complies with State law.
20	Owner Occupancy Required owner-occupancy of one of the units.	Owner-occupancy requirement for an ADU no longer allowed. Owner-occupancy restriction only applicable to JADUs.	Owner-occupancy restriction for an ADU no longer required. Owner-occupancy restriction apply to JADUs.

	2017 ADU Ordinance	State Law Requirements	Proposed ADU and JADU Ordinance
21	Ownership ADU cannot be sold separately from the primary residence.	ADU cannot be sold separately from the primary residence; however, new law changes allow ADUs to be sold separately if developed by a qualified nonprofit corporation and the unit is restricted as affordable. JADU cannot be sold separately.	Complies with State law. ADU cannot be sold separately from the primary residence; however, ADUs can be sold separately if developed by a qualified nonprofit corporation and the unit is restricted as affordable. JADU cannot be sold separately. Complies with State law.
22	Fire Sprinklers Not required for ADU if not required for primary residence.	Not required for an ADU or JADU if not required for the primary residence.	Not required for ADU or JADU if not required for the primary residence. Complies with State law.
23	Impact Fees Subject to permit fees and impact fees. Impact fees collected for parkway tree, park facility fee (In Lieu Park), drainage, and traffic mitigation.	ADUs less than 750 S.F. exempt from impact fees. ADUs greater than 750 S.F., the impact fees must be charged proportionately to the square footage of the primary residence.	ADUs less than 750 S.F. exempt from impact fees. ADUs greater than 750 S.F., the impact fees must be charged proportionately in relation to the square footage of the primary residence. Complies with State law.
24	Utility Connection Separate utilities not allowed for ADU, exempt for a water meter if require sprinklers required for ADU under the same water bill as the primary residence.	No requirement in State law.	ADUs will be allowed to have separate utilities. JADUs not allowed to have separate utilities and must share utilities with the primary residence.

ATTACHMENT 5

Planning Commission Staff Report and Resolution No. 5995-2020 dated
July 16, 2020

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.1.	SITE LOCATION: Citywide
HEARING DATE: July 16, 2020	GENERAL PLAN: N/A
CASE NO.: Amendment No. A-027-2020	ZONE: N/A
APPLICANT: City of Garden Grove	
OWNER: N/A	CEQA DETERMINATION: Exempt

REQUEST:

Recommend approval to the City Council of a City-initiated zoning text amendment to Title 9 of the Garden Grove Municipal Code (Land Use Code) pertaining to the regulation of accessory dwelling units and junior accessory dwelling units to conform to changes in State law.

BACKGROUND:

Accessory Dwelling Units (ADUs), formerly known as second-units, have been identified by the State of California as providing an important affordable housing option essential to meeting the State's growing housing shortage.

In 1982, the State enacted legislation that authorized local jurisdictions to adopt provisions permitting second-units while maintaining local control. In 2002, Assembly Bill (AB) 1866 was adopted to update the second-unit law to require local jurisdictions to allow second-units by-right on lots developed with an existing single-family home, subject to reasonable zoning and development standards requirements.

In 2016, Senate Bill (SB) 1069 and Assembly Bill (AB) 2299 were adopted amending State law to further restrict local control over second-units for the purpose of allowing property owners more flexibility to build ADUs through new construction or through the conversion of existing permitted structures. The significant State law changes included new parking requirements for ADUs; allowing ADU conversions within existing permitted spaces; and allowing local jurisdictions the option to allow for Junior Accessory Dwelling Units (JADUs).

State law defines an ADU as an attached or a detached residential dwelling unit that provides complete and independent living facilities, including kitchen and bathroom facilities, for one or more persons, and is located on a lot with a proposed or existing primary residence. A JADU is a unit that is no more than 500 square feet in size and is contained entirely within a single-family residence, with a cooking facility, and

which may include separate or shared bathroom facilities with the single-family residence.

To comply with the 2016 State law requirements, the City Council adopted Ordinance No. 2882 on June 13, 2017. The ordinance updated definitions for ADUs; established parking requirements in compliance with State law for ADUs; established a maximum ADU unit size of 800 square feet; established a minimum lot size of 7,200 square feet to construct an ADU; established building setbacks for ADUs; allowed ADU conversions; and established other requirements to facilitate the creation of ADUs in R-1 (Single-Family Residential) zoned properties developed with an existing single-family residence. The ordinance did not allow for JADUs.

In 2019, the State legislature adopted a series of bills, Senate Bill (SB) 13 and Assembly Bills (AB) 68, AB 587, AB 671 and AB 881, that became effective on January 1, 2020, which further restricted local control over ADUs and JADUs in order to facilitate more housing production. The State law changes significantly restrict and preempt local jurisdiction's authority to regulate certain aspects of ADUs and JADUs, but still allows local jurisdictions to regulate other aspects of ADUs and JADUs. The proposed zoning text amendment will bring the City's regulations and development standards for ADUs and JADUs in compliance with the new State law. Pursuant to State law, local jurisdictions that do not adopt a new ordinance consistent with State law are prohibited from imposing any zoning regulations on ADUs and JADUs beyond what is specified in State law.

During the interim period, from January 1, 2020 to the present, the City has been applying the new State law requirements to all ADU and JADU projects submitted for plan check review, and has continued to issue building permits for their construction.

To date, a total of 681 building permits have been issued for ADU applications received since 2017. The following chart, Table 1, identifies the total number of building permits issued for each type of ADU construction by year since 2017.

Table 1: ADUs Building Permits Issued by Year

Year	New ADU	ADU Conversion	Total
2017	18	7	25
2018	162	55	217
2019	239	55	294
2020	114	31	145
Total to Date			681

DISCUSSION

The proposed code amendment is intended to conform the City of Garden Grove's regulations that pertain to ADUs and JADUs to current State law.

The City's current ADU regulations are contained within Chapter 9.08 of the Garden Grove Municipal Code, which only applies to properties zoned for single-family residential uses. The proposed code amendment will repeal the existing ADU regulations in Chapter 9.08, and will add an entirely new chapter, Chapter 9.54 Accessory Dwelling Units and Junior Accessory Dwelling Units, to Title 9 of the Municipal Code that will contain provisions to regulate ADUs and JADUs in all zones where single-family and multi-family uses are permitted in the City. In addition, Section 9.04.060.C will be amended to update the definition for Accessory Dwelling Unit and to add a definition for Junior Accessory Dwelling Unit.

The following discussion describes the most significant State law changes affecting ADUs and JADUs that have been incorporated in the proposed ordinance.

Permitted Zones

The 2017 ADU Ordinance only permitted ADUs in the R-1 (Single-Family Residential) zone. State law now requires ADUs to be permitted on lots where either single-family and multi-family residential developments are permitted. To comply with State law, ADUs will now be permitted on any lot in the City that is zoned to allow single-family or multiple-family residential uses, including, but not limited to, the R-1 (Single-Family Residential), R-2 (Limited-Multiple Residential), R-3 (Multiple-Family Residential), the Mixed Use zones, and residential Planned Unit Developments.

Prior to the recent State law changes, local jurisdictions had the discretion to allow JADUs. When the 2017 ADU Ordinance was adopted, the ordinance did not permit JADUs. State law now requires local jurisdictions to allow JADUs in all zones that allow single-family uses. To comply with State law, the proposed ordinance will allow JADUs within proposed or existing legally developed single-family dwellings on any lot in the City that is zoned to allow single-family residential uses.

Minimum Lot Size

The 2017 ADU Ordinance established a minimum lot size of 7,200 square feet to allow the construction of a new ADU. State law now prohibits local jurisdictions from imposing a minimum lot size requirement to develop a new ADU. State law also prohibits a minimum lot size requirement for ADU conversions and JADUs. The proposed ordinance will comply with State law and will not impose a minimum lot size to develop ADUs and JADUs.

Number of ADUs and JADUs Permitted

The 2017 Ordinance limited the number of ADUs to one per lot developed with a single-family residence. State law now requires local jurisdictions to allow one (1) ADU and/or one (1) JADU on a lot developed or proposed to be developed with a single-family residence.

In addition, State law requires local jurisdictions to allow at least two (2) detached ADUs on lots developed or proposed to be developed with a multi-family

development, and to allow multiple ADUs to be constructed within portions of existing multi-family dwelling structures not used as livable space, such as storage rooms, boiler rooms, passageways, attics, basements, garages, etc. up to 25% of the existing multi-family units.

To comply with State law, the proposed ordinance will allow one (1) ADU, constructed through new construction or through a conversion, and/or one (1) JADU on a lot developed or proposed to be developed with a single-family residence, as applicable.

Furthermore, the proposed ordinance will allow up to two (2) attached or detached ADUs or converted ADUs in detached accessory structures to be developed on a lot with a proposed or existing multi-family development. Also, multiple ADUs will be allowed to be constructed within portions of existing multi-family dwelling structures not used as livable space, such as storage rooms, boiler rooms, passageways, attics, basements, garages, etc., up to 25% of the existing multi-family units.

It should be noted that, pursuant to State law, density requirements are not applicable to ADUs and JADUs, and these units can exceed the maximum allowable density requirements of the zone.

Minimum and Maximum Unit Sizes

The 2017 ADU Ordinance limited the maximum unit size of ADUs to 800 square feet. At the time, State law allowed detached ADUs up to a maximum size of 1,200 square feet, and attached ADUs up to 50% of the existing primary unit or 1,200 S.F.; however, local jurisdictions had the discretion to establish reasonable minimum and maximum unit sizes for attached and detached ADUs, so long as such limits did not unreasonably restrict the ability of homeowners to create ADUs.

The 2017 Ordinance also established minimum unit size requirements based on the unit configuration, including, 220 square feet for an efficiency unit, 500 square feet for studio unit, 600 square feet for a one (1) bedroom unit, and 700 square feet for a two (2) bedroom unit.

State law continues to limit the maximum unit size of detached ADUs to 1,200 square feet, and maximum unit size of an attached ADUs to fifty (50) percent of the floor area of the primary unit. Nevertheless, local jurisdictions continue to have the discretion to establish a maximum ADU unit size provided the maximum ADU size is not less than 850 square feet for a studio or one bedroom unit, or 1,000 square feet for more than a one bedroom unit.

During the interim period since January 1, 2020, the City has approved ADUs up to 1,200 square feet in size, which is consistent with State law. Since January 1, the City has issued 54 building permits for new ADUs with a building area greater than 800 square feet.

The proposed ordinance will be consistent with State law, and will allow detached ADUs up to a maximum unit size of 1,200 square feet. For attached ADUs, the ADU

will be limited to fifty (50) percent of the floor area of the primary unit or 1,200 square feet, whichever is less. If the primary residence is less than 1,600 square feet, an ADU of at least 800 square feet will be allowed.

In addition, State law prohibits local jurisdictions from imposing a minimum ADU unit size that would prevent the construction of an efficiency unit. Efficiency units are smaller units, about 220 square feet in size, as determined by the California Building Code, that include a kitchen, sink, cooking appliance, refrigerator, and bathroom facility. The proposed ordinance will establish minimum unit size requirements based on the unit configuration that comply with State law, including, 220 square feet for a studio or efficiency unit, 500 square feet for a one (1) bedroom unit, 700 square feet for two (2) bedroom unit, and 900 square feet for a three (3) bedroom unit.

Finally, State law limits the maximum size of an JADU to 500 square feet. The proposed ordinance will comply with State law, and will allow JADUs to range in size from 220 square feet to 500 square feet.

Number of Bedrooms Permitted

The 2017 ADU Ordinance limited the number of bedrooms in an ADU to two (2) bedrooms. State law does not regulate the maximum number of bedrooms allowed in an ADU. At the time, the City determined that an ADU with a minimum unit size of 700 square feet could accommodate two (2) bedrooms while continuing to provide a common area with ample space to accommodate a living room, kitchen, and bathroom facilities. Since January 1, 2020, the City has only approved ADUs with up to two (2) bedrooms pending approval of a new ordinance that would allow for more than two (2) bedrooms. Staff has observed that ADUs with a living area of 900 square feet or greater can accommodate up to three (3) bedrooms while continuing to provide ample space for a living room, kitchen, and bathroom facilities. Allowing ADUs with up to three (3) bedrooms gives larger households the opportunity to live in an ADU with sufficient sleeping rooms to serve the needs of the occupants, especially the needs of larger families. The proposed ordinance allows for a maximum of three (3) bedrooms in an ADU with a minimum unit size of 900 square feet.

Since JADUs will be limited to a maximum size of 500 square feet, the maximum number of bedrooms that can be accommodate within a JADU is one (1) bedroom.

Required ADU Parking

State law establishes the minimum parking requirements for ADUs and JADUs, and those parking requirements have not changed since adoption of the 2017 ADU Ordinance. Pursuant to State law, ADUs are required to provide one (1) parking space per unit or one (1) parking space per bedroom, whichever is less. These parking spaces can be designed as tandem parking located along the existing driveway or within a setback area. In addition, the State law prohibits local jurisdictions from requiring parking if the ADU is located within one-half mile from public transit, including a bus stop; if the ADU is located within an architecturally and historically significant district; if the ADU is part of the existing primary residence or

an existing accessory structure (ADU conversion); if on-street parking permits are required, but not offered to the occupant of the ADU; or if a car-share vehicle station is located one block from the ADU. State law also exempts JADUs from parking requirements.

The proposed ordinance will comply with State law, and will require one (1) parking space for ADUs not located within one-half mile walking distance from a bus stop. Furthermore, no parking will be required for ADU conversions or for JADUs pursuant to State law.

Replacement Parking

The 2017 ADU Ordinance required parking that served the primary residence to be replaced as open parking if a garage or carport was demolished or converted to accommodate an ADU. State law now prohibits local jurisdictions from requiring replacement parking if a garage, carport or covered parking structures is demolished to accommodate an ADU or ADU conversion.

In addition, the 2017 Ordinance required the primary unit to comply with the current parking requirements as part of the creation of a new ADU. If the primary unit was not in compliance with the parking requirements, the primary unit was made to comply with the parking requirements. State law now prohibits local jurisdictions from imposing nonconforming zone corrections as a condition for the creation of an ADU or AJDU.

The proposed ordinance will comply with State law, and will not require replacement parking if a garage, carport or covered parking structures are demolished to accommodate an ADU or ADU conversion. The proposed ordinance will no longer require nonconforming zone corrections as a condition for approving an ADU or JADU.

ADU Setbacks

The 2017 ADU Ordinance required detached ADUs to maintain a rear and interior side yard setback of 5 feet, and attached ADUs to maintain a rear setback of 10 feet and an interior side setback of 5 feet. State law now requires a minimum side and rear yard setback of 4 feet for all new, attached or detached, ADUs.

The proposed ordinance will comply with State law, and will require detached and attached ADUs to maintain a rear and side yard setback of 4 feet. ADUs will be required to continue to comply with the required front setback of the respective zone. ADU conversions and JADUs are not subject to setback requirements pursuant to State law, but must comply with applicable Building Code requirements for setbacks.

Lot Coverage and Open Space Requirements

The 2017 ADU Ordinance required lots developed with new ADUs to continue to maintain 1,000 square feet of open space in the required rear yard setback area and counted an ADU as part of the 50% lot coverage calculation for the R-1 Zone. State

law now allows ADUs in all residential zones and exempts new ADUs with a building area of 800 square feet or less from complying with lot coverage and open space requirements. The new proposed ordinance does not establish express uniform lot coverage or open space requirements for ADUs. However, except to the extent prohibited by State law, a new ADU will be required to conform to the lot coverage, open space, and other general development standards applicable to the lot on which it is located. Also, consistent with State law, the proposed ordinance provides that when the application of a development standard related to lot coverage or open-space would prohibit the construction of an attached or detached ADU of at least 800 square feet, such standard will be waived to the extent necessary to allow construction of an ADU of up to 800 square feet.

Pursuant to State Law, ADU conversions and JADUs are exempt from lot coverage and open space requirements.

Other ADU and JADU Requirements

The 2017 ADU Ordinance required property owners to reside on the property developed with an ADU. State law no longer requires owner-occupancy of one of the units; however, for properties developed with JADUs, local jurisdictions can impose the owner-occupancy requirement. The proposed ordinance will impose owner-occupancy requirements for JADUs. The property owner will be required to occupy the primary residence or the JADU, and will be required to record a deed restriction by which the property owner acknowledges and agrees to comply with the JADU provisions of Title 9 of the Municipal Code.

In addition, the proposed ordinance will expressly prohibit ADUs and JADUs from being rented as short-term rentals with occupancies of 30-days or less, which is consistent with State law.

The 2017 ADU Ordinance required ADUs to be served by the same water, sewer, gas, and electrical connections that served the primary residence. With removal of the owner-occupancy requirement for ADUs, ADUs and the primary residence can be rented to different households that may now necessitate the need for separate utilities meters for the ADU. The proposed ordinance will allow (but not require) separate utilities for ADUs; however, no separate utilities will be allowed for a JADU due to the owner-occupancy requirement.

State law has reduced the time a local jurisdiction has to review and approve plan check applications for ADUs and JADUs from 120 days to 60 days from the time a complete application is received by the City.

State law has limited the development impact fees that local jurisdictions can charge for ADUs and JADUs. ADUs and JADUs less than 750 square feet in size can no longer be charged impact fees, including traffic mitigation, parkway tree, park facility, and drainage fees. For ADUs greater than 750 square feet, the impact fees must be charged proportionately in relation to the square footage of the main unit.

A comprehensive comparison of the 2017 ADU Ordinance, the State law regulations, and proposed ADU and JADU regulations are provided in Exhibit "A". Also, Exhibit "B" provides a copy of the Accessory Dwelling Unit Memorandum prepared by Department of Housing and Community Development (HCD) that identifies the State law changes, and includes a redline copy of the State ADU statute identifying the recent changes.

Once the proposed ordinance is adopted by the City, a copy of the ordinance will be submitted to HCD for review for compliance with State law.

RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Adopt the proposed Resolution recommending approval of Amendment No. A-027-2020 to the City Council.

LEE MARINO
Planning Services Manager

By: Maria Parra
Senior Planner

RESOLUTION NO. 5995-20

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING THE CITY COUNCIL APPROVE AMENDMENT NO. A-027-2020, A ZONING TEXT AMENDMENT TO TITLE 9 OF THE GARDEN GROVE MUNICIPAL CODE TO REPEAL THE EXISTING AND ADOPT NEW REGULATIONS FOR THE DEVELOPMENT OF ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS IN THE CITY TO CONFORM TO CHANGES IN STATE LAW.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on July 16, 2020, does hereby recommend approval of Amendment No. A-027-2020 to the City Council.

BE IT FURTHER RESOLVED in the matter of Amendment No. A-027-2020, 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 repeal portions of Chapter 9.08 of Title 9 (Zoning) of the Garden Grove Municipal code pertaining to accessory dwelling units, and to add Chapter 9.54 to Title 9 of the Municipal Code to establish regulations for Accessory Dwelling Units and Junior Accessory Dwelling Units consistent with State law.
3. The Planning Commission recommends the City Council find that the proposed amendment is exempt from the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code Section 21080.17 (CEQA does not apply to the adoption of an ordinance by a city or county to implement the provisions of Section 65852.1 or Section 65852.2 of the Government Code) and CEQA Guidelines Section 15061(b)(3) (It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment).
4. Pursuant to legal notice, a public hearing was held on July 16, 2020, 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 July 16, 2020; and

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

FACTS:

The proposed Code Amendment is a text amendment intended to conform the City's Municipal Code with recent State law changes by incorporating provisions and regulations pertaining to accessory dwelling units ("ADUs") and junior accessory units ("JADUs").

Effective January 1, 2020, Senate Bill (SB 13) and Assembly Bills (AB) AB 68, 587, 671, and 881 amended Government Code Sections 65852.2 and 65852.22 and added Government Code Section 65852.6 for the purpose of further facilitating the housing production of ADUs and JADUs to address the State's housing shortage. These amended State laws establish new requirements and limitations that local jurisdictions must comply with in order to retain authority to continue to regulate ADUs. The proposed text amendment will be make the City's regulations for ADUs and JADUs consistent with the amended State law.

FINDINGS AND REASONS:

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

The proposed Land Use Code Amendment is internally consistent with the goals, policies, and elements of the General Plan. The proposed text amendments will bring the City's Land Use Code into conformance with recent changes to State law pertaining to accessory dwelling units (ADUs) and junior accessory units (JADUs). The intent of the changes to the State law is to continue to facilitate the housing production of ADUs and JADUs, which are considered as an essential affordable housing option to address the State's housing shortage. Pursuant to State law, ADUs and JADUs will be allowed in zones where single-family and multiple-family uses are permitted. Goal LU-2 and Policy LU-2.2 of the General Plan Land Use element encourage a diverse mix of housing types in the City. In addition, the goal of the General Plan Housing Element is to encourage the development of affordable housing to meet the City's regional housing needs as well as to provide housing that encourages people of all economic levels to live in Garden Grove. ADUs and JADUs will provide for more housing opportunities in the City that will meet the City's regional housing needs.

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

The proposed Land Use Code Amendment will promote the public health, safety and welfare. The proposed text amendments will bring the City's Land Use Code into conformance with changes to State law relating to accessory dwelling units (ADUs) and junior accessory units (JADUs). The proposed text amendments are intended to be consistent with current State law, and will facilitate the housing production of ADUs and JADUs, which are an essential affordable housing option to meet the State's housing shortage. Nevertheless, to minimize

impacts of ADUs and JADUs to existing residential neighborhoods, the Land Use Code will continue to contain reasonable development standards and regulations for ADUs and JADUs, as permitted by State law, including prohibiting the short-term rental of ADUs and JADUs and requiring owner-occupancy for properties developed with JADUs and the recordation of a corresponding deed restriction

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN THE STAFF REPORT:

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. Amendment No. A-027-2020 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-027-2020 and adopt the draft Ordinance attached hereto as Exhibit "A".

Adopted this 16th day of July 2020

ATTEST:

/s/ JEREMY LEHMAN
CHAIR

/s/ JUDITH MOORE
RECORDING SECRETARY

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

I, JUDITH MOORE, 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 July 16, 2020, by the following vote:

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

/s/ JUDITH MOORE
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 August 6, 2020.

ATTACHMENT 6

Draft Planning Commission Resolution No. 6015-21

RESOLUTION NO. 6015-21

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING THE CITY COUNCIL APPROVE AMENDMENT NO. A-027-2020, A ZONING TEXT AMENDMENT TO TITLE 9 OF THE GARDEN GROVE MUNICIPAL CODE TO REPEAL THE EXISTING AND ADOPT NEW REGULATIONS FOR THE DEVELOPMENT OF ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS IN THE CITY TO CONFORM TO CHANGES IN STATE LAW.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on January 21, 2021, does hereby recommend approval of Amendment No. A-027-2020 to the City Council.

BE IT FURTHER RESOLVED in the matter of Amendment No. A-027-2020, 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 repeal portions of Chapter 9.08 of Title 9 (Zoning) of the Garden Grove Municipal code pertaining to accessory dwelling units, and to add Chapter 9.54 to Title 9 of the Municipal Code to establish regulations for Accessory Dwelling Units and Junior Accessory Dwelling Units consistent with State law.
3. The Planning Commission recommends the City Council find that the proposed amendment is exempt from the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code Section 21080.17 (CEQA does not apply to the adoption of an ordinance by a city or county to implement the provisions of Section 65852.1 or Section 65852.2 of the Government Code) and CEQA Guidelines Section 15061(b)(3) (It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment).
4. Pursuant to legal notice, a public hearing was held on January 21, 2021, 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 January 21, 2021; and

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

FACTS:

The proposed Code Amendment is a text amendment intended to conform the City's Municipal Code with recent State law changes by incorporating provisions and regulations pertaining to accessory dwelling units ("ADUs") and junior accessory units ("JADUs").

Effective January 1, 2020, Senate Bill (SB 13) and Assembly Bills (AB) AB 68, 587, 671, and 881 amended Government Code Sections 65852.2 and 65852.22 and added Government Code Section 65852.6 for the purpose of further facilitating the housing production of ADUs and JADUs to address the State's housing shortage. These amended State laws establish new requirements and limitations that local jurisdictions must comply with in order to retain authority to continue to regulate ADUs. The proposed text amendment will be make the City's regulations for ADUs and JADUs consistent with the amended State law.

On July 16, 2020, the Planning Commission held a Public Hearing to consider Amendment No. A-027-2020 and a draft ordinance proposed by staff. Amendment No. A-027-2020 would repeal portions of Chapter 9.08 of Title 9 (Zoning) of the Garden Grove Municipal Code pertaining to Accessory Dwelling Units, and would add Chapter 9.54 to Title 9 of the Municipal Code to establish regulations for Accessory Dwelling Units and Junior Accessory Dwelling Units to comply with State law. The Planning Commission voted 7-0 to adopt Resolution No. 5995-20 recommending that the City Council approve Amendment No. A-027-2020 and adopt the draft ordinance proposed by staff.

On August 25, 2020, the City Council held a Public Hearing to consider Amendment No. A-027-2020 and the draft ordinance recommended by the Planning Commission. At the meeting, the City Council recognized that State law mandates jurisdictions to allow ADUs and JADUs; however, the City Council also recognized the impacts ADUs and JADUs have on the community, including changing the character of residential neighborhoods. The City Council voted 7-0 to direct staff to further review State law to identify areas of the law where the City could exercise further local control over ADUs and JADUs and to consider additional revisions to the draft ordinance to ensure it provides for as much local control possible, while still ensuring compliance with State law.

On September 8, 2020, staff presented a revised draft ordinance to the City Council, which proposed revisions staff believed to be consistent with State law. The proposed revisions included, but were not limited to: limiting the maximum number of bedrooms in an ADU to two (2); reducing the maximum unit size of ADUs; and increasing the building separation between ADUs and the detached structures. Following a Public Hearing and discussion, the City Council voted 7-0 that the revised draft ordinance be remanded to the Planning Commission for review and recommendation to the City Council.

State law requires local jurisdictions to submit a copy of their adopted ADU and JADU ordinance to the Department of Housing and Community Development (HCD) for review to determine compliance with State Law. Local jurisdictions may also submit draft ADU and JADU ordinances to HCD for preliminary review and feedback. State law also authorizes HCD to adopt guidelines to implement uniform standards or criteria that supplement or clarify the State ADU law.

On September 15, 2020, the City submitted a copy of the revised draft ordinance as presented to City Council at the September 8, 2020 City Council Meeting to HCD for preliminary review.

In September 2020, HCD also released an updated Accessory Dwelling Unit (ADU) Handbook setting forth HCD's guidance clarifying the intent of the new State ADU law and providing answers to frequently asked questions about ADUs.

On October 22, 2020, a meeting was held between City staff and HCD to discuss the revised draft ordinance. At the meeting, HCD noted several areas of the revised draft ordinance that HCD believed were inconsistent with State law, including the limit on the number of bedrooms allowed in ADUs.

The revised draft ordinance for the Planning Commission's consideration is based on the guidance contained in the HCD's September 2020 ADU Handbook and the feedback provided by HCD during the October 22, 2020 meeting. The updated revised draft ordinance incorporates the City Council recommended changes that HCD did not identify as being inconsistent with State law.

FINDINGS AND REASONS:

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

The proposed Land Use Code Amendment is internally consistent with the goals, policies, and elements of the General Plan. The proposed text amendments will bring the City's Land Use Code into conformance with recent changes to State law pertaining to accessory dwelling units (ADUs) and junior accessory units (JADUs). The intent of the changes to the State law is to continue to facilitate the housing production of ADUs and JADUs, which are considered as an essential affordable housing option to address the State's housing shortage. Pursuant to State law, ADUs and JADUs will be allowed in zones where single-family and multiple-family uses are permitted. Goal LU-2 and Policy LU-2.2 of the General Plan Land Use element encourage a diverse mix of housing types in the City. In addition, the goal of the General Plan Housing Element is to encourage the development of affordable housing to meet the City's regional housing needs as well as to provide housing that encourages people of all economic levels to live in Garden Grove. ADUs and JADUs will provide for more housing opportunities in the City that will meet the City's regional housing needs.

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

The proposed Land Use Code Amendment will promote the public health, safety and welfare. The proposed text amendments will bring the City's Land Use Code into conformance with changes to State law relating to accessory dwelling units (ADUs) and junior accessory units (JADUs). The proposed text amendments are intended to be consistent with current State law, and will facilitate the housing production of ADUs and JADUs, which are an essential affordable housing option to meet the State's housing shortage. Nevertheless, to minimize impacts of ADUs and JADUs to existing residential neighborhoods, the Land Use Code will continue to contain reasonable development standards and regulations for ADUs and JADUs, as permitted by State law, including prohibiting the short-term rental of ADUs and JADUs and requiring owner-occupancy for properties developed with JADUs and the recordation of a corresponding deed restriction.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN THE STAFF REPORT:

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. Amendment No. A-027-2020 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-027-2020 and adopt the draft Ordinance attached hereto as Exhibit "A".

ATTACHMENT 7

Draft City Council Proposed ADU and JADU Ordinance

**EXHIBIT A
(PROPOSED ORDINANCE)**

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING CODE AMENDMENT NO. A-027-2020, A ZONING TEXT AMENDMENT TO TITLE 9 OF THE GARDEN GROVE MUNICIPAL CODE PERTAINING TO THE REGULATION OF ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS.

City Attorney Summary

This Ordinance approves zoning text amendments to Title 9 of the Garden Grove Municipal Code (Land Use Code) pertaining to the regulation of accessory dwelling units and junior accessory dwelling units to conform to changes in State law.

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

WHEREAS, Government Code Sections 65852.2 and 65852.22 authorize cities to act by ordinance to provide for the creation and regulation of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in a manner consistent with State law;

WHEREAS, in 2019, the California Legislature adopted, and the Governor signed, Senate Bill 13 (Chapter 653, Statutes of 2019), Assembly Bill 68 (Chapter 655, Statutes of 2019), Assembly Bill 587 (Chapter 657, Statutes of 2019), Assembly Bill 671 (Chapter 658), and Assembly Bill 881 (Chapter 659, Statutes of 2019) into law;

WHEREAS, among other things, these statutes amended Government Code Sections 65852.2 and 65852.22 to facilitate the production of ADUs and JADUs to address the State's housing shortage and to establish new requirements and limitations that local jurisdictions must comply with in order retain authority to continue to regulate ADUs in areas zoned to allow single-family and multiple-family dwelling residential use;

WHEREAS, as a result of these changes to State law, the City's existing regulations for ADUs are no longer consistent with Government Code Sections 65852.2 and 65852.22;

WHEREAS, the City wishes to amend the City's Land Use Code to repeal the existing regulations for ADUs and to adopt new regulations pertaining to ADUs and JADUs, which conform to existing State law;

WHEREAS, the Planning Commission of the City of Garden Grove held a duly noticed public hearing on July 16, 2020 and considered all oral and written testimony presented regarding the proposed zoning text amendment;

WHEREAS, on July 16, 2020, following the public hearing, the Planning Commission adopted Resolution No. 5995-20 recommending that the City Council find that the proposed zoning text amendment is exempt from review under the California Environmental Quality Act and approve Municipal Code Amendment No. A-027-2020 and a draft ordinance;

WHEREAS, a duly noticed public hearing regarding Amendment No. A-027-2020 was held by the City Council on August 25, 2020 and September 8, 2020, and all interested persons were given an opportunity to be heard;

WHEREAS, following conclusion of the public hearing on September 8, 2020, the City Council reviewed the recommended changes to the draft ordinance recommended by the Planning Commission and remanded a revised draft ordinance back to the Planning Commission for review and recommendation to the City Council.

WHEREAS, the Planning Commission has reviewed the changes to the draft ordinance recommended by the City Council, along with additional changes recommended by City staff on the basis of subsequent guidance and feedback provided by the California Department of Housing and Community Development (HCD).

WHEREAS, the Planning Commission of the City of Garden Grove held a duly noticed public hearing on January 21, 2021 and considered all oral and written testimony presented regarding the proposed zoning text amendment;

WHEREAS, on January 21, 2021, following the public hearing, the Planning Commission adopted Resolution No. 6015-21 recommending that the City Council find that the proposed zoning text amendment is exempt from review under the California Environmental Quality Act and approve Municipal Code Amendment No. A-027-2020 and a revised ordinance;

WHEREAS, a duly noticed public hearing regarding Amendment No. A-027-2020 was held by the City Council on _____, and all interested persons were given an opportunity to be heard;

WHEREAS, the City Council gave due and careful consideration to the matter; and

WHEREAS, the City Council hereby makes the following findings regarding Amendment No. A-027-2020:

A. The proposed Land Use Code Amendment is internally consistent with the goals, policies, and elements of the General Plan. The proposed text amendments will bring the City's Land Use Code into conformance with recent changes to State law pertaining to accessory dwelling units (ADUs) and junior accessory units (JADUs). The intent of the changes to the State law is to continue to facilitate the housing production of ADUs and JADUs, which are considered as an essential affordable housing option to address the State's housing shortage. Pursuant to State law, ADUs and JADUs will be allowed in zones where single-family and multiple-family uses are permitted. Goal LU-2 and Policy LU-2.2 of the General Plan Land Use element encourage a diverse mix

of housing types in the City. In addition, the goal of the General Plan Housing Element is to encourage the development of affordable housing to meet the City's regional housing needs as well as to provide housing that encourages people of all economic levels to live in Garden Grove. ADUs and JADUs will provide for more housing opportunities in the City that will meet the City's regional housing needs.

B. The proposed Land Use Code Amendment will promote the public health, safety and welfare. The proposed text amendments will bring the City's Land Use Code into conformance with changes to State law relating to accessory dwelling units (ADUs) and junior accessory units (JADUs). The proposed text amendments are intended to be consistent with current State law, and will facilitate the housing production of ADUs and JADUs, which are an essential affordable housing option to meet the State's housing shortage. Nevertheless, to minimize impacts of ADUs and JADUs to existing residential neighborhoods, the Land Use Code will continue to contain reasonable development standards and regulations for ADUs and JADUs, as permitted by State law, including prohibiting the short-term rental of ADUs and JADUs and requiring owner-occupancy for properties developed with JADUs and the recordation of a corresponding deed restriction.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds that the above recitals are true and correct.

SECTION 2. The City Council finds that the proposed amendment is exempt from the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code Section 21080.17 (CEQA does not apply to the adoption of an ordinance by a city or county to implement the provisions of Section 65852.1 or Section 65852.2 of the Government Code) and CEQA Guidelines Section 15061(b)(3) (It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment).

SECTION 3. Municipal Code Amendment No. A-027-2020 is hereby approved pursuant to the findings set forth herein and the facts and reasons stated in Planning Commission Resolution No. 6015-21, a copy of which is on file in the Office of the City Clerk, and which is incorporated herein by reference with the same force and effect as if set forth in full.

SECTION 4. The definition of "Accessory Dwelling Unit" set forth in Subsection C of Section 9.04.060 (Definitions) of Chapter 9.04 (General Provisions) of Title 9 (Land Use) of the Garden Grove Municipal Code is hereby amended to read as follows:

"Accessory dwelling unit" (also "ADU") shall have the same meaning as set forth in California Government Code Section 65852.2, as amended from time to time. Generally, an accessory dwelling unit is an attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a

proposed or existing primary residential dwelling structure. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary residential dwelling structure is or will be situated. An accessory dwelling unit also includes an "efficiency unit" as defined in California Health and Safety Code Section 17958.1 and a "manufactured home" as defined in California Health and Safety Code Section 18007. An accessory dwelling unit may be created through: (i) construction of a new detached structure; (ii) construction of a new attached structure or addition; or (iii) conversion of existing permitted interior space within an existing dwelling, attached or detached garage, or accessory structure.

SECTION 5. Subsection C of Section 9.04.060 (Definitions) of Chapter 9.04 (General Provisions) of Title 9 (Land Use) of the Garden Grove Municipal Code is hereby amended to add a definition for "Junior Accessory Dwelling Unit" to read as follows:

"Junior accessory dwelling unit" (also "JADU") shall have the same meaning as set forth in California Government Code Section 65852.22, as amended from time to time. Generally, a JADU is a residential dwelling unit that is no more than 500 square feet in size, is contained entirely within the living area of a single-family residence, provides a cooking facility with appliances, a food preparation counter and storage cabinets that are of reasonable size in relation to the unit, and has independent exterior access. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

SECTION 6. Table 1 (City of Garden Grove Land Use Matrix) in Subsection 9.08.020.030 (Uses Permitted) of Subsection 9.08.020 (Permitted Uses in the R-1 Zone) of Section 9.08.040 (Single-Family Residential Development Standards) of Chapter 9.08 (Single-Family Residential Development Standards) of Title 9 (Land Use) of the Garden Grove Municipal Code is hereby amended by deleting the row for "Accessory Dwelling Unit".

SECTION 7. Subsection L (Accessory Dwelling Units) of Subsection 9.08.020.050 (Special Operating Conditions and Development Standards) of Section 9.08.020 (Permitted Uses in the R-1 Zone) of Chapter 9.08 (Single-Family Residential Development Standards) of Title 9 (Land Use) of the Garden Grove Municipal Code is hereby repealed.

SECTION 8. Chapter 9.54 (Accessory Dwelling Units and Junior Accessory Dwelling Units) is hereby added to of Title 9 (Land Use) of the Garden Grove Municipal Code to read as follows:

Chapter 9.54 ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

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

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

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

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

1. The terms "accessory dwelling unit", "accessory structure", "efficiency unit", "living area", "nonconforming zoning condition", "passageway", "proposed dwelling", "public transit", and "tandem parking" all have the same meaning as that stated in Government Code section 65852.2 as that section may be amended time to time. The terms "accessory dwelling unit" and "ADU" shall have the same meaning.
2. The term "junior accessory dwelling unit" shall have the same meaning as that stated in Government Code section 65852.22(h)(1) as that section may be amended time to time. The terms "junior accessory dwelling unit" and "JADU" shall have the same meaning.
3. The term "attached ADU" means an ADU, other than a converted ADU, that is physically attached to a primary dwelling structure.
4. The term "detached ADU" means an ADU, other than a converted ADU, that is physically separated from, but located on the same lot as, a primary dwelling structure.
5. The term "converted ADU" means an ADU that is constructed within all or a portion of the permitted existing interior space of an accessory structure or within all or a portion of the permitted existing interior space of a dwelling structure, including bedrooms, attached garages, storage areas, or similar uses. A converted ADU also includes an ADU that is constructed in the same location and to the same dimensions as a permitted existing structure or portion of a permitted existing structure.
6. The term "Director" means the City of Garden Grove Director of Community and Economic Development, or his or her designee.

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

1. Be deemed an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located;
 2. Be deemed a residential use that is consistent with the existing General Plan and zoning designation for the lot upon which it is located; and
 3. Not be considered in the application of any local ordinance, policy, or program to limit residential growth.
- E. Interpretation. The provisions of this chapter shall be interpreted to be consistent with the provisions of Government Code sections 65852.2 and 65852.22 and shall be applied in a manner that is consistent with State law.

9.54.020. Locations Permitted.

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

9.54.030. Number of ADUs and JADUs Permitted.

- A. Single-Family Lots. No more than one (1) ADU and/or one (1) JADU is permitted on a lot developed or proposed to be developed with a single-family dwelling.
 - B. Multiple-Family Lots. Either (i) no more than two (2) detached ADUs pursuant to subsection B.1 or (ii) one or more converted ADUs pursuant to subsection B.2 are permitted on a lot developed or proposed to be developed with one or more multiple-family dwelling structures. Detached ADUs pursuant subsection B.1 may not be combined on the same lot with converted ADUs pursuant to subsection B.2.
1. No more than a total of two (2) detached ADUs may be constructed on a lot developed or proposed to be developed with one or more multiple-family dwelling structures. If two (2) detached ADUs are constructed, they may not be attached to one another as part of a single structure.

2. On lots with no detached ADUs, one or more converted ADUs may be constructed within portions of existing multiple-family dwelling structures that are not used as livable space. No converted ADUs may be constructed within the existing livable space of a multiple-family structure. The number of ADUs permitted under this subsection shall not exceed twenty-five (25) percent of the existing multiple-family dwelling units on the lot. For the purpose of calculating the number of allowable accessory dwelling units: (a) previously approved ADUs shall not count towards the existing number of multiple-family dwelling units; and (b) fractions shall be rounded down to the next lower number of dwelling unit, except that at least one (1) converted ADU shall be allowed.

9.54.040. ADU Requirements.

- A. Development Standards. Except as modified by this section or as otherwise provided by State law, an ADU shall conform to the development standards applicable to the lot on which it is located as set forth in this Title and/or in an applicable specific plan or planned unit development ordinance or resolution. Pursuant to sections 9.12.040.030 and 9.18.110.040, lots located in multiple-family residential and mixed-use zoning districts that are improved with single-family residential uses are subject to certain single-family residential development standards. Notwithstanding the foregoing, when the application of a development standard related to floor area ratio, lot coverage, open-space, or minimum lot size would prohibit the construction of an attached or detached ADU of at least 800 square feet, such standard shall be waived to the extent necessary to allow construction of an ADU of up to 800 square feet.
- B. Unit Size.
 1. Minimum Size. An ADU shall be at least the following minimum sizes based on the number of bedrooms provided:
 - a. Studio or Efficiency Units: 220 square feet.
 - b. One bedroom: 500 square feet.
 - c. Two or more bedrooms: 700 square feet.
 2. Maximum Size.
 - a. Attached ADUs: The total floor area of an attached ADU shall not exceed the following:
 - i. Studio or One bedroom: 850 square feet or (ii) fifty (50) percent of the floor area of the primary dwelling unit, whichever is less; provided, however, that if the size of

the primary dwelling unit is less than 1,600 square feet, an attached ADU may have a total floor area of up to 800 square feet.

ii. Two or more bedrooms: 1,000 square feet or (ii) fifty (50) percent of the floor area of the primary dwelling unit, whichever is less, provided, however, that if the size of the primary dwelling unit is less than 1,600 square feet, an attached ADU may have a total floor area of up to 800 square feet.

- b. Detached ADUs: The total floor area of a detached ADU shall not exceed the following:
 - i. Studio or One bedroom: 850 square feet.
 - ii. Two or more bedrooms: 1,000 square feet.
- c. ADU and JADU on same site: ADUs may not exceed 800 square feet in size in cases where both an ADU and JADU are developed or proposed on a site.
- d. Converted ADUs: The maximum size limitations set forth in this subsection do not apply to converted ADUs that do not increase the existing floor area of a structure. In addition, a converted ADU created within an existing accessory structure may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure to the extent necessary to accommodate ingress and egress.

3. Porches, Patios, and Garages.

- a. An attached or detached ADU may include an attached covered patio and/or porch, which, if provided, shall be integrated into the design of the ADU and shall not exceed 80 square feet in size.
- b. An attached or detached ADU may include an attached one-car garage, which, if provided, shall be integrated into the design of the ADU and shall not exceed 250 square feet in size.
- c. In no event shall the total combined area of an ADU and attached porch, patio, and/or garage exceed 1,330 square feet.

C. Setbacks.

1. Front Yard Setbacks. New attached and detached ADUs are subject to the same minimum front yard setback requirements applicable to other structures on the lot on which the ADU is located.
2. Side and Rear Yard Setbacks. Minimum setbacks of no less than four (4) feet from the side and rear lot lines are required for new attached and detached ADUs.
3. Converted ADUs. No setbacks are required for converted ADUs, provided the side and rear yard setbacks of the existing converted structure are sufficient for fire and safety, as dictated by current applicable uniform building and fire codes.

D. Building Separation.

1. A minimum separation of six (6) feet is required between a detached ADU and the primary dwelling unit.
2. A minimum separation of six (6) feet is required between attached or detached ADU and all other structures not attached to the ADU, including garages, on the property.
3. Building separation requirements do not apply to converted ADUs that do not include an expansion of the floor area of the existing structure.

E. Height.

1. New attached and detached ADUs shall be one story, constructed at ground level, and shall not be more than 16 feet in height measured from ground level to the highest point on the roof.
2. Converted ADUs are not subject to a height limitation.

F. Design.

1. The design, pitch, color, material, and texture of the roof and eave details of an attached or detached ADU shall be substantially the same as the primary unit.
2. The color, material, and texture of all building walls, windows, and doors of an attached or detached ADU shall be similar to and compatible with the primary unit.

3. The architectural style and scale of an attached or detached ADU shall match the primary unit.
4. In order to facilitate the development of ADUs in a manner that ensures reasonable consistency and compatibility of design, the Director is authorized to develop standard design plans and criteria for ADUs. ADUs developed in conformance with such standard plans and criteria shall be deemed to comply with this subsection.

G. Off-street Parking.

1. One off-street parking space must be provided for a new attached or detached ADU. The required parking space may be permitted in setback areas, or through tandem parking on a driveway, unless specific findings are made by the Director that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety concerns.
2. Parking for a new attached or detached ADU is in addition to the required parking for the primary unit. However, when a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.
3. Off-street parking is not required in the following instances:
 - a. The ADU is located within one-half mile walking distance of public transit, including transit stations and bus stations;
 - b. The ADU is located within an architecturally and historically significant historic district;
 - c. The ADU is part of the primary residence or accessory structure (i.e., a converted ADU);
 - d. When on-street parking permits are required, but not offered to the occupant of the ADU; and/or
 - e. When there is a car-share vehicle located within one block of the ADU.

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

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

9.54.050. JADU Requirements.

- A. Footprint. A JADU may only be constructed within the walls of a proposed or existing single-family dwelling, including an existing attached garage.
- B. Unit Size. A JADU shall not exceed 500 square feet in size.
- C. Separate Entrance. A JADU must include a separate entrance from the main entrance of the proposed or existing single-family residence in which it is located.
- D. Kitchen Requirements. A JADU must include an efficiency kitchen, including a cooking facility with appliances, and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.
- E. Bathroom Facilities. A JADU may include separate sanitation facilities or may share sanitation facilities with the proposed or existing single-family dwelling in which it is located.
- F. Parking. No additional off-street parking is required for a JADU beyond that required at the time the existing primary dwelling was constructed. However, when an existing attached garage is converted to a JADU, any required off-street parking spaces for the primary dwelling that are eliminated as a result of the conversion shall be replaced. These replacement parking spaces may be located in any configuration on the same lot, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces.
- G. Fire Protection. For purposes of any fire or life protection ordinance or regulation, a JADU shall not be considered a separate or new dwelling unit.
- H. Utility Service. For purposes of providing service for water, sewer, or power, including a connection fee, a JADU shall not be considered a separate or new dwelling unit.
- I. Deed Restriction. Prior to the issuance of a building permit for a JADU, the owner of record of the property shall record a deed restriction against the title of the property in the County Recorder's office with a copy filed with the Director. The deed restriction shall run with the land and shall bind all future owners, heirs, successors, or assigns. The form of the deed restriction shall be provided by the City and shall provide that:

1. The property shall include no more than one JADU and/or ADU.
2. The JADU may not be sold, mortgaged, or transferred separately from the primary residence.
3. An owner of record of the lot upon which a JADU is located shall occupy either the JADU or the remaining portion of the primary single-family dwelling as his/her/their principal residence. In the event owner occupancy of the property ceases, the JADU shall automatically become un-habitable space, shall not be used as a separate dwelling unit, and shall not be separately rented or leased for any purpose.
4. The JADU may be rented, but may not be rented on a short-term basis of less than 30 days.
5. A restriction on the size and attributes of the junior accessory dwelling unit that conforms with this section.
6. The deed restriction may not be modified or terminated without the prior written consent of the Director.

9.54.060. Other Requirements.

- A. No Separate Conveyance. Except as otherwise provided in Government Code section 65852.26 or by other applicable law, an ADU or JADU may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence, and a lot shall not be subdivided in any manner which would authorize such separate sale or ownership.
- B. No Short-Term Rental Permitted. An ADU or JADU that is rented shall be rented for a term that is longer than thirty (30) days. Short-term rental (i.e., 30 days or less) of an ADU or a JADU is prohibited.
- C. Owner Occupancy Requirements.
 1. ADUs. Owner occupancy of a primary dwelling or ADU is not required.
 2. JADUs. An owner of record of the lot upon which a JADU is located must occupy either the JADU or the remaining portion of the primary single-family dwelling as his/her/their principal residence. Notwithstanding the foregoing, owner-occupancy is not required if the owner is another governmental agency, land trust, or housing organization.

9.54.070. Permit Application and Review Procedures.

- A. **Building Permit Required.** A building permit is required prior to construction of an ADU or JADU. Except as otherwise provided in this chapter or by State law, all building, fire, and related code requirements applicable to habitable dwellings apply to ADUs and JADUs. However, fire sprinklers shall not be required if they are not required for the primary dwelling.
- B. **Application.** Prior to the issuance of a building permit for an ADU or JADU, the applicant shall submit an application on a form prepared by the City, along with all information and materials prescribed by such form. No application shall be accepted unless it is completed as prescribed and is accompanied by payment for all applicable fees.
- C. **Review.** The Director shall consider and approve or disapprove a complete application for an ADU or JADU ministerially without discretionary review or public hearing within sixty (60) days from the date the City receives a complete application. Review is limited to whether the proposed ADU or JADU complies with the requirements of this chapter. If an applicant requests a delay, the time period for the City to review of an application shall be tolled for the period of the requested delay. If the application to create an ADU or a JADU unit is submitted with an application to create a new single-family dwelling on the lot, the Director may delay acting on the application for the ADU or the JADU until the City acts on the application to create the new single-family dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.
- D. **Zoning Conformity.** The City shall not require the correction of nonconforming zoning conditions as a condition of approval of a permit application for the creation of an ADU or JADU.
- E. **Conformity with State Law.** The City shall not apply any requirement or development standard provided for in this chapter to an ADU or a JADU to the extent prohibited by any provision of State law, including, but not limited to, subdivision (e)(1) of Government Code section 65852.2.

9.54.080. Utilities.

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

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

9.54.090. Impact Fees.

- A. Construction of an ADU is subject to applicable development impact fees adopted by the City pursuant to California Government Code, Title 7, Division 1, Chapter 5 (commencing with § 66000) and Chapter 7 (commencing with § 66012).
- B. No impact fee as required by this Code is required for an ADU that is less than 750 square feet in size.
- C. Any impact fee that is required for an ADU that is 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling.
- D. For purposes of this section, "impact fee" does not include any connection fee, capacity charge for water or sewer service, planning application fee, plan check fee, or building permit fee.

SECTION 9: If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words or portions thereof be declared invalid or unconstitutional.

SECTION 10: The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after adoption.

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.4.	SITE LOCATION: Through-lot with street frontages on both Lampson Avenue and Sungrove Circle, just west of Haster Street, at 12872 Lampson Avenue
HEARING DATE: January 21, 2021	GENERAL PLAN: Low Density Residential
CASE NO.: Site Plan No. SP-092-2021 and Tentative Parcel Map No. PM-2018-122	ZONE: R-1 (Single-Family Residential)
APPLICANT: Lieu Nguyen & Hieu Tran	CEQA DETERMINATION: Exempt Section 15303 – New Construction or Conversion of Small Structures; Section 15315 – Minor Land Divisions;
PROPERTY OWNER(S): Same as applicant	APN: 231-601-31

REQUEST:

The applicant is requesting Site Plan and Tentative Parcel Map approval to subdivide an existing 14,400 square foot lot, currently improved with a single-family home, into two (2) parcels. Both Lot 1 and Lot 2 will each have an equal lot size of 7,200 square feet. Lot 2 will ultimately result in a lot size of 6,916 square feet, after a street dedication along Sungrove Circle. A new, two-story, single-family home will be constructed on each new lot.

BACKGROUND:

The property is a 14,400 square foot through-lot with street frontages on both Lampson Avenue, and Sungrove Circle, just west of Haster Street, at 12872 Lampson Avenue. 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 is currently improved with an 864 square foot single-family home with an attached 456 square foot two-car garage, constructed in 1951. The existing home is 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. As a part of this proposal, the existing house and garage will be demolished.

The subject proposal was presented at a neighborhood meeting on Wednesday, October 4, 2017. The meeting was held from 6:30 p.m. to 8:30 p.m. at the City's Community Meeting Center. All property owners within a three-hundred foot (300'-0") radius of the subject property were notified of the meeting. During the meeting, one (1) property owner, in addition to the subject property owner, attended. Materials regarding the subject proposal were presented, and all those in attendance at the meeting voiced their support for the project.

PROJECT STATISTICS:

	Provided	Code Requirement
Density	6.05 Units/Acre	9 Units/Acre Maximum
Net Lot Size Lot 1 Lot 2	7,200 S.F. 7,200 S.F. (6,916 S.F. post dedication)	7,200 S.F.
Lot Width Lot 1 Lot 2	90'-0" 62'-0" (Measured at front setback)	60'-0"
Lot Coverage Lot 1 Lot 2	2,780 S.F. (38.6%) 2,826 S.F. (40.9 %)	50% Maximum
Setbacks (Lot 1) Front Rear Sides	20'-0" 22'-0" 5'-0" & 12'-0"	20'-0" 20% Lot Depth - 16'-0" 5'-0"
Setbacks (Lot 2) Front Rear Sides	22'-0" 18'-0" 5'-0" & 26'-6"	20'-0" 20% Lot Depth - 18'-0" 5'-0"
Parking (Lot 1) Enclosed Garage Open Parking Total Parking Spaces	3 3 6	3 3 6
Parking (Lot 2) Enclosed Garage Open Parking Total Parking Spaces	2 2 4	2 2 4
Building Height Lot 1 Lot 2	25'-10" 25'-0"	35'-0" Maximum

Building Type Summary

Parcel Number	Number of Bedrooms/Baths	Unit Size*
Lot 1	6 Bedrooms, 4 Baths	3,182 S.F.
Lot 2	4 Bedrooms, 4 Baths	3,247 S.F.

*Total living area; garages are not included.

DISCUSSION:

SITE PLAN:

Circulation, Parking, and Unit Design

The project will consist of subdividing a 14,400 square foot lot into two (2) parcels in order to construct a new, single-family home on each lot. Lot 1 will front onto Lampson Avenue to the north, and Lot 2 will front onto Sungrove Circle to the south. Lot 1 will have access from a twenty-nine foot (29'-0") wide drive approach, whereas Lot 2 will have access from a twelve-foot (12'-0") wide drive approach.

Both parcels will have a lot size of 7,200 square feet. Lot 2, however, will ultimately have a lot area of 6,916 square feet, after a City-required street dedication. A new, two-story, single-family home will be constructed on each lot.

The building on Lot 1 will total 3,182 square feet in size. The single-family home will consist of a living room, a family room, a dining room, a kitchen, six (6) bedrooms, and four (4) bathrooms. The plans call for an "entertainment room," however, based on the City's definition of "sleeping rooms," this room is counted amongst the home's six (6) bedrooms. A covered front entry, and a second-floor deck, will also be provided for the building. An attached three-car garage will be provided for the unit with the required open parking spaces along the driveway.

The building on Lot 2 will total 3,247 square feet in size. The single-family home will consist of a living room, a family room, a dining room, a laundry room, a kitchen, a loft, four (4) bedrooms, and four (4) bathrooms. A covered front entry, and a second-floor balcony, will also be provided for the building. An attached two-car garage will be provided for the unit with the required open parking spaces along the driveway.

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 two-car garage and two open parking spaces for a home with four (4) bedrooms, and a three-car garage and three open parking spaces for a home with six (6) bedrooms. Each new home adheres to these parking requirements of the Municipal Code.

Building Design

The single-family homes are designed in a contemporary 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 includes 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 stucco moulding accents, and tile roofing.

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 neighboring private recreation areas. In particular, the second-story windows on the east and west elevations for both units have been designed as clerestory windows. Additionally, the second-story decks and balconies are located at the front of the house, orientated toward the respective streets, and 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.

TENTATIVE PARCEL MAP:

In accordance with the State Subdivision Map Act, the applicant is requesting approval of Tentative Parcel Map No. PM-2018-122 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") of the R-1 zone.

Street Dedication

As a part of this development, the property owner is required to dedicate a portion of frontage along Sungrove Circle, to continue the partially finished cul-de-sac. Lot 2, as subdivided, would total the minimum 7,200 square feet required by the Municipal Code. The street dedication reduces the lot size (6,916 square feet) below the minimum Municipal Code standard (7,200 square feet). This dedication, however, is required only after the subdivision of the subject property. The creation of Lot 2 will precede the dedication that results in a nonconforming lot size. Thus, no variance is necessary for the creation of Lot 2.

The street dedication totals approximately 284 square feet of right-of-way along the Lot 2 frontage, for an ultimate cul-de-sac radius width of thirty-eight feet (38'-0") from the centerline of Sungrove Circle. The property owners are responsible for the installation of drive ways, curbs, sidewalks, and other improvements in this dedicated portion of the subject property.

CEQA

The California Environmental Quality Act (CEQA) Class 3 exemption applies to the construction and location of new, small facilities or structures (CEQA Guidelines §15303.). In urbanized areas, up to three single-family residences may be constructed or converted under this exemption (CEQA Guidelines §15303.a.). The subject request for the site plan will result in only two (2) new single-family homes. Therefore, the proposed subdivision is exempt from CEQA.

The California Environmental Quality Act (CEQA) Class 15 exemption applies to the division of property in urbanized areas zoned for residential use into four or fewer

parcels (CEQA Guidelines §15315.). The division must be in conformance with the General Plan and zoning, no variances or exceptions be required, all services and access to the proposed parcels to local standards are available, the parcel was not part of a larger parcels within the previous two years, and the parcel does not have an average slope greater than 20 percent (CEQA Guidelines §15315.). The subject request for the subdivision will result in only two parcels, in conformance with the General Plan and Municipal Code, with no variances requested. Furthermore, the proposed parcels will be accessed and serviced by local infrastructure, the property has not been subdivided in the last two (2) years, and the average slope does not exceed 20%. Therefore, the proposed subdivision is exempt from CEQA.

SB330 Replacement Housing Determination

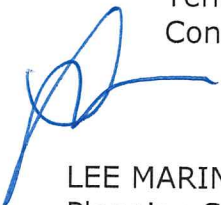
Under Senate Bill 330 (Government Code §66300(d)), any residential rental unit that is demolished to facilitate a proposed development must be replaced, and may be subject to certain affordability limitations. The subject project proposes to demolish one residential rental unit. As a part of the submittal for the subject request, the applicant supplied income verification documents for the current tenants of the rental unit. Based on the household size, the tenants' income, and State income data, the existing tenants would be considered "very-low" income. Therefore, the proposed project must provide at least one "very-low" income unit of comparable size (one (1) bedroom) on-site. The property owner is required to enter into an affordability agreement with the City for a period of fifty-five (55) years if the "very-low" income unit is to be rented, or for a period of forty-five (45) years if it is to be sold. The project has been conditioned as such.

The property owners has been made aware of these requirements, and have agreed to limit one of the proposed units for "very-low" income. Upon approval of the subject request, the property owners will determine which unit will be restricted to "low-income," and enter into an affordability agreement with the City.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

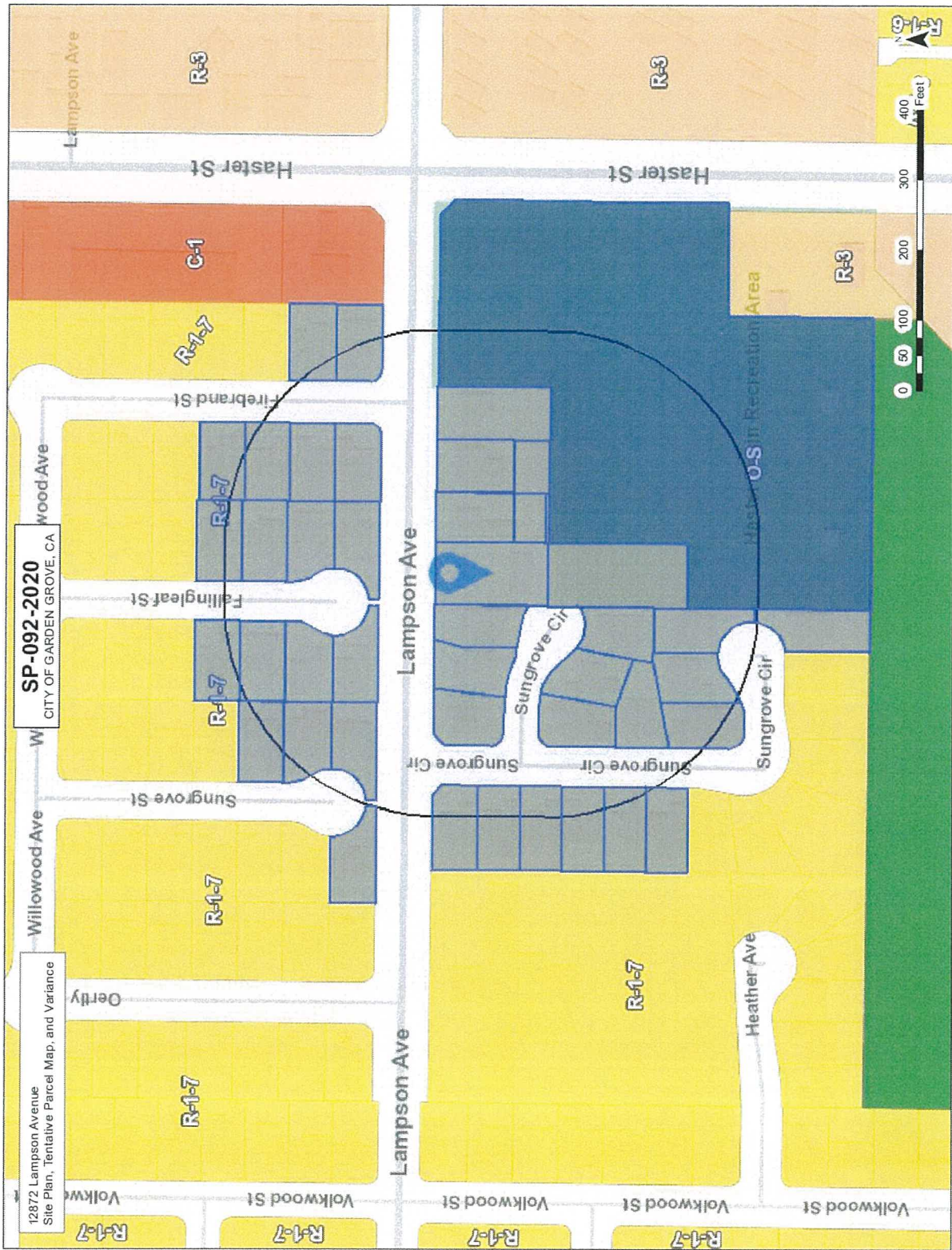
1. Adopt Resolution No. 6016-21, approving Site Plan No. SP-092-2021 and Tentative Parcel Map No. PM-2018-122, subject to the recommended Conditions of Approval.

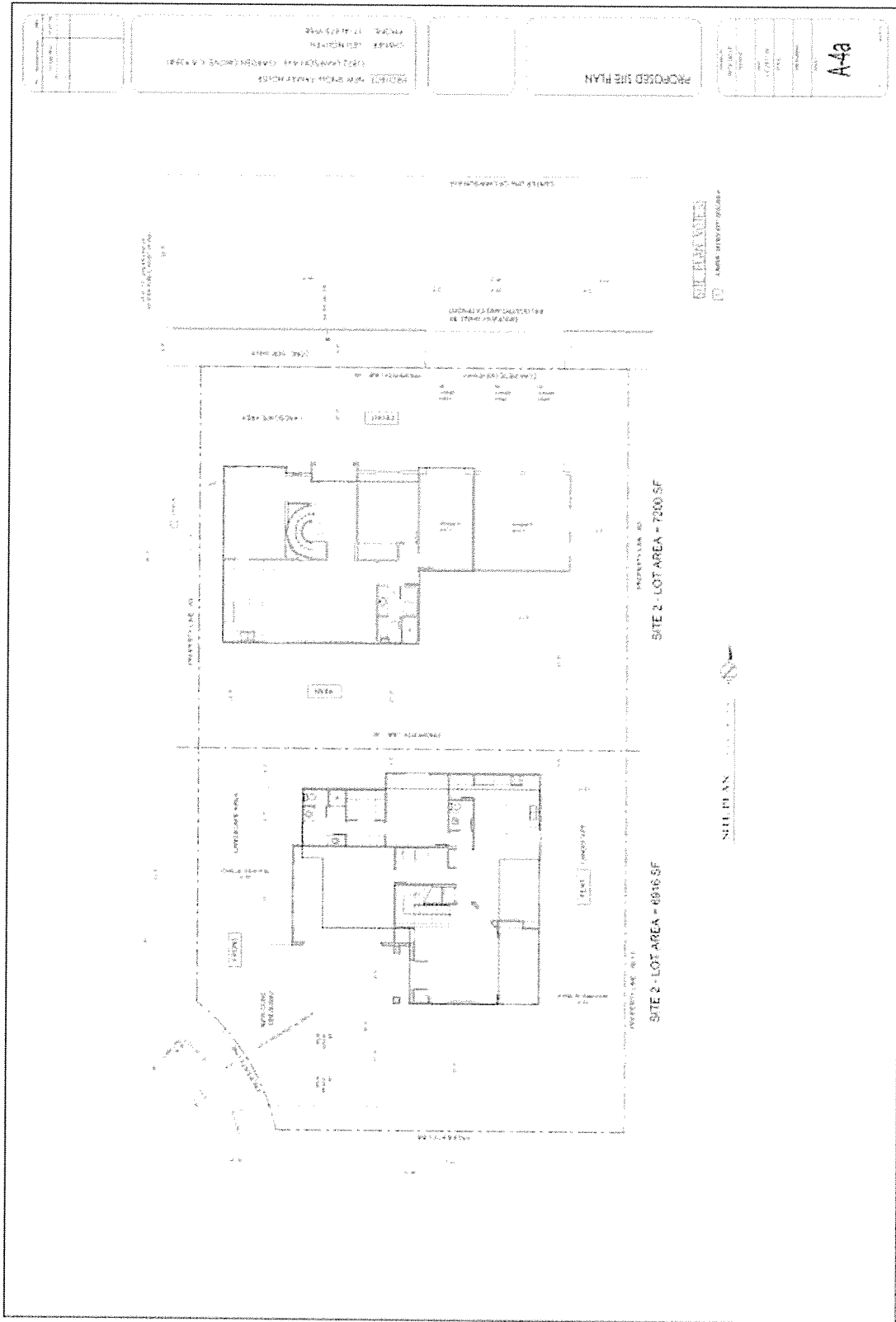


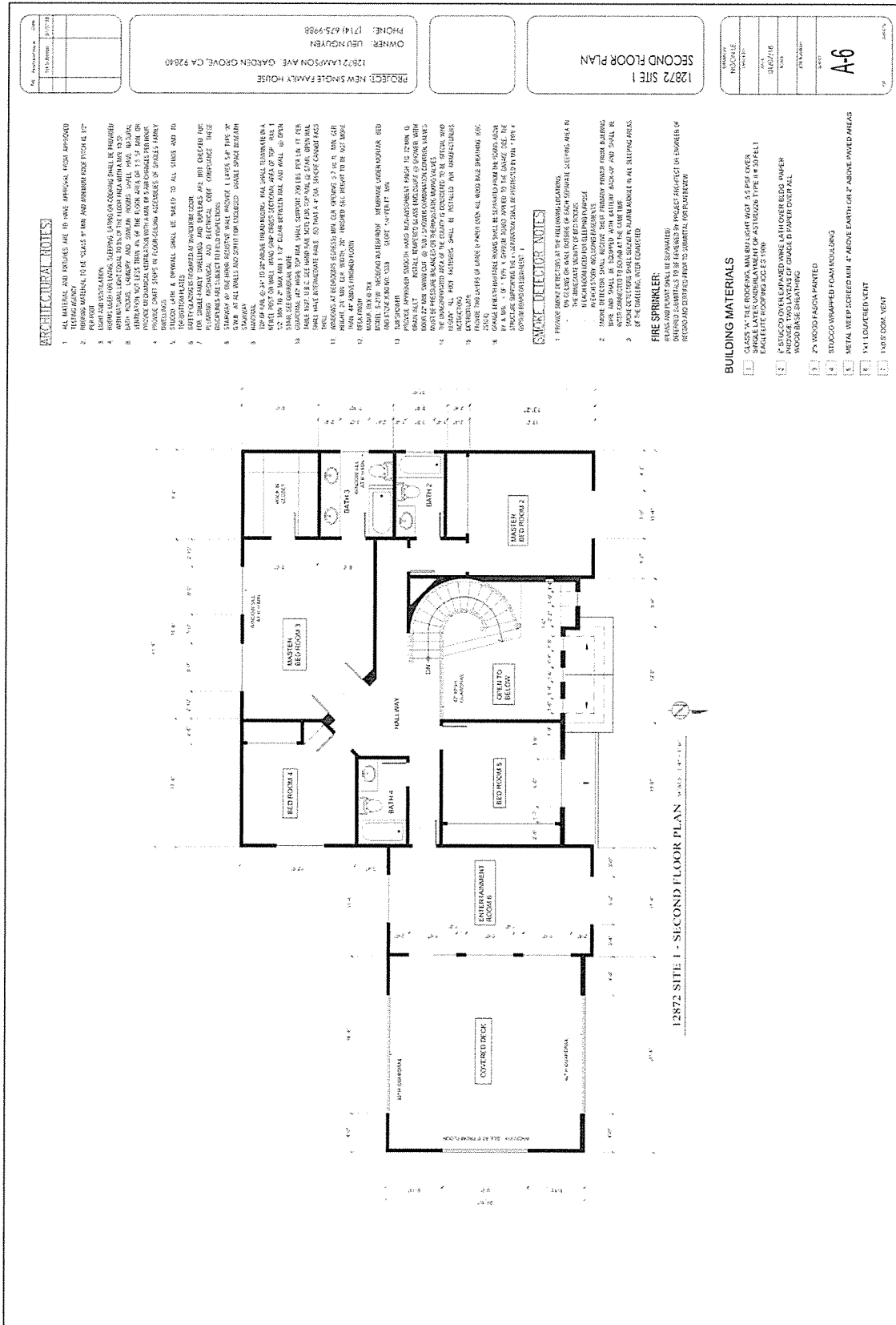
LEE MARINO
Planning Services Manager



By: Priit Kaskla
Assistant Planner







ARCHITECTURAL NOTES

1. ALL MATERIALS AND FINISHES ARE TO HAVE APPROX. HIGH APPROVED FINISH.
2. FINISHES SHALL BE TO THE HIGHEST QUALITY AVAILABLE.
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GENERAL NOTES

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FIRE SPRINKLER:

REVISIONS AND NOTES SHALL BE SEPARATELY PROVIDED TO THE ARCHITECT AND ENGINEER FOR APPROVAL.

BUILDING MATERIALS

1. CLASS 'X' TILE ROOFING, MINIMUM LIGHT WTGT 5.5 PSF OVER
2. METAL WEAP SHEET MIN. 4" ABOVE EARTH OR 2" ABOVE PAVED AREAS
3. FACILITY FLOORING SHALL BE TO THE HIGHEST QUALITY AVAILABLE
4. WOOD FLOORING SHALL BE TO THE HIGHEST QUALITY AVAILABLE
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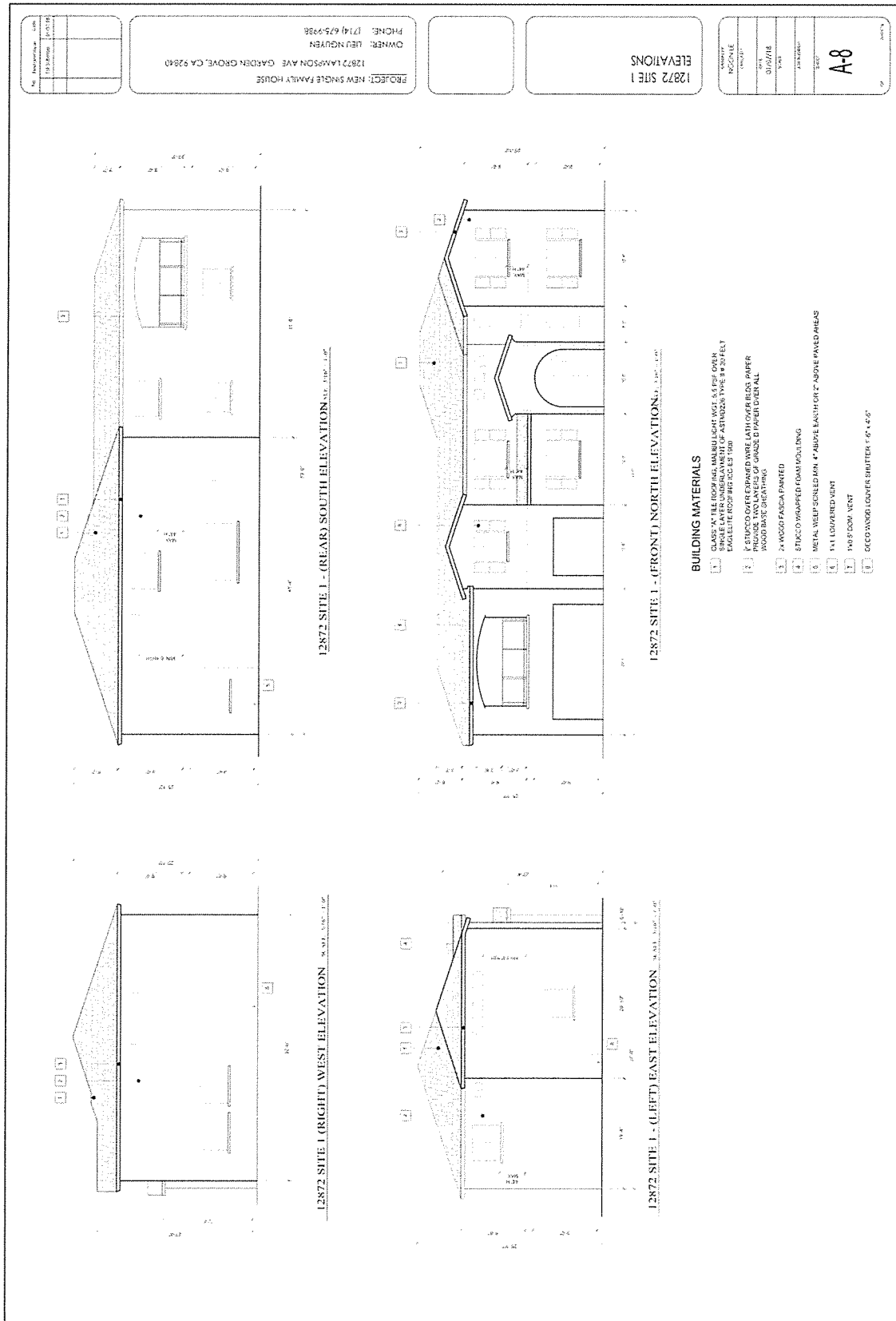
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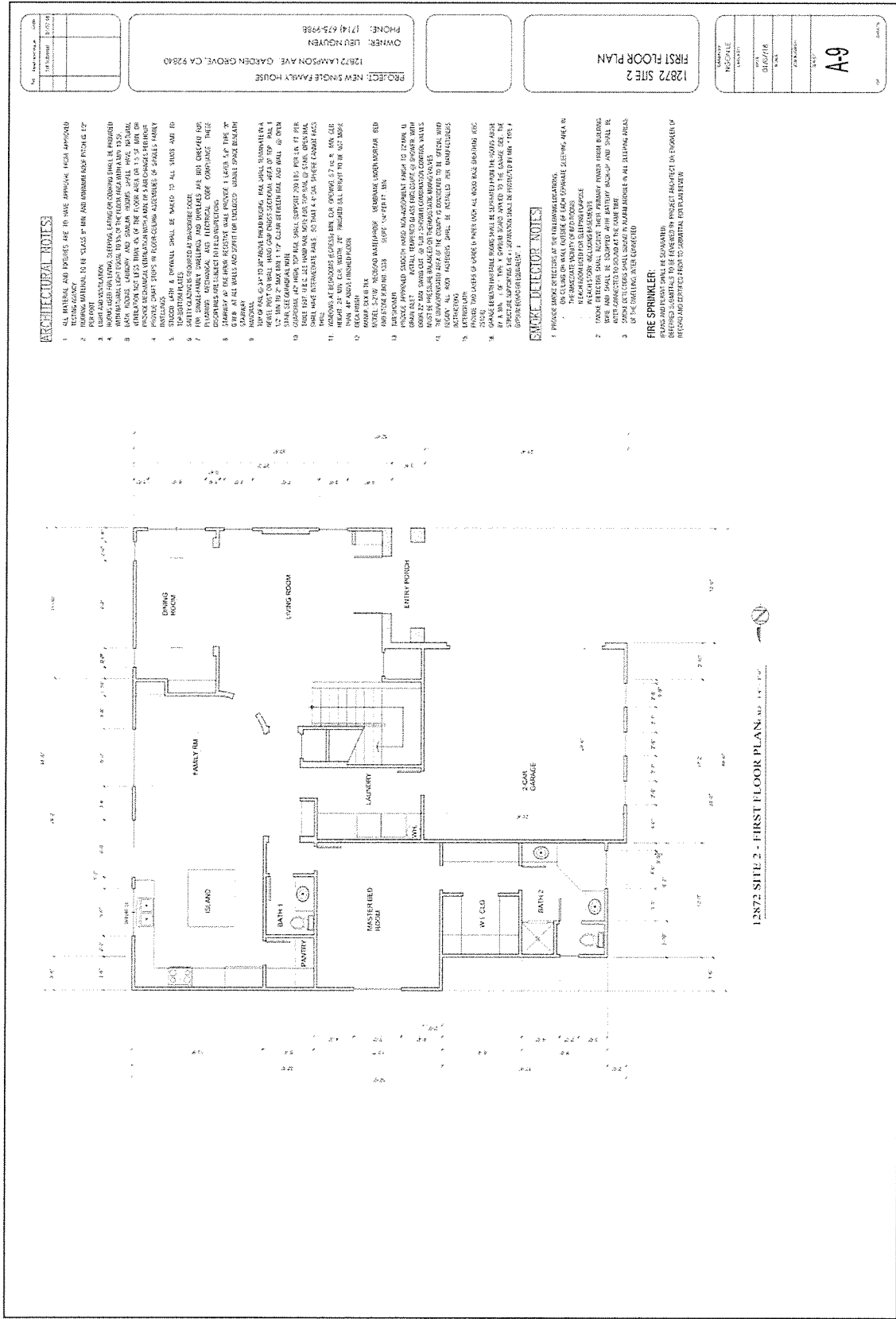
PROJECT: NEW SINGLE FAMILY HOUSE
 12872 LAMPSON AVE GARDEN GROVE, CA 92840
 OWNER: LEU NGUYEN
 PHONE: (714) 625-9988

12872 SITE 1
 SECOND FLOOR PLAN

DATE	DESCRIPTION

A-6





ARCHITECTURAL NOTES

1. ALL MATERIAL AND FINISHES ARE TO HAVE APPROX. 10% ALLOWANCE.
2. FINISHING MATERIAL TO BE CLASS 1 MIN. AND CONTAIN NO MORE THAN 12% FIBER.
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FRAME DETAIL NOTES

1. PROVIDE SHIRT DETAILERS AT THE FOLLOWING LOCATIONS:
 - DOOR AND WINDOW HEADS
 - DOOR AND WINDOW SILL
 - WALL TO WALL INTERIORS
 - WALL TO WALL EXTERIORS
 - WALL TO WALL ROOF
 - WALL TO WALL FLOOR
 - WALL TO WALL CEILING
 - WALL TO WALL BASE
 - WALL TO WALL TOP
 - WALL TO WALL BOTTOM
 - WALL TO WALL SIDE
 - WALL TO WALL END
 - WALL TO WALL JUNCTION
 - WALL TO WALL CORNER
 - WALL TO WALL OPENING
 - WALL TO WALL PENETRATION
 - WALL TO WALL THROUGH
 - WALL TO WALL OVER
 - WALL TO WALL UNDER
 - WALL TO WALL IN
 - WALL TO WALL OUT
 - WALL TO WALL THROUGH
 - WALL TO WALL OVER
 - WALL TO WALL UNDER
 - WALL TO WALL IN
 - WALL TO WALL OUT
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 - DOOR AND WINDOW HEADS
 - DOOR AND WINDOW SILL
 - WALL TO WALL INTERIORS
 - WALL TO WALL EXTERIORS
 - WALL TO WALL ROOF
 - WALL TO WALL FLOOR
 - WALL TO WALL CEILING
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3. PROVIDE SHIRT DETAILERS AT THE FOLLOWING LOCATIONS:
 - DOOR AND WINDOW HEADS
 - DOOR AND WINDOW SILL
 - WALL TO WALL INTERIORS
 - WALL TO WALL EXTERIORS
 - WALL TO WALL ROOF
 - WALL TO WALL FLOOR
 - WALL TO WALL CEILING
 - WALL TO WALL BASE
 - WALL TO WALL TOP
 - WALL TO WALL BOTTOM
 - WALL TO WALL SIDE
 - WALL TO WALL END
 - WALL TO WALL JUNCTION
 - WALL TO WALL CORNER
 - WALL TO WALL OPENING
 - WALL TO WALL PENETRATION
 - WALL TO WALL THROUGH
 - WALL TO WALL OVER
 - WALL TO WALL UNDER
 - WALL TO WALL IN
 - WALL TO WALL OUT
 - WALL TO WALL THROUGH
 - WALL TO WALL OVER
 - WALL TO WALL UNDER
 - WALL TO WALL IN
 - WALL TO WALL OUT

FIRE SPRINKLER

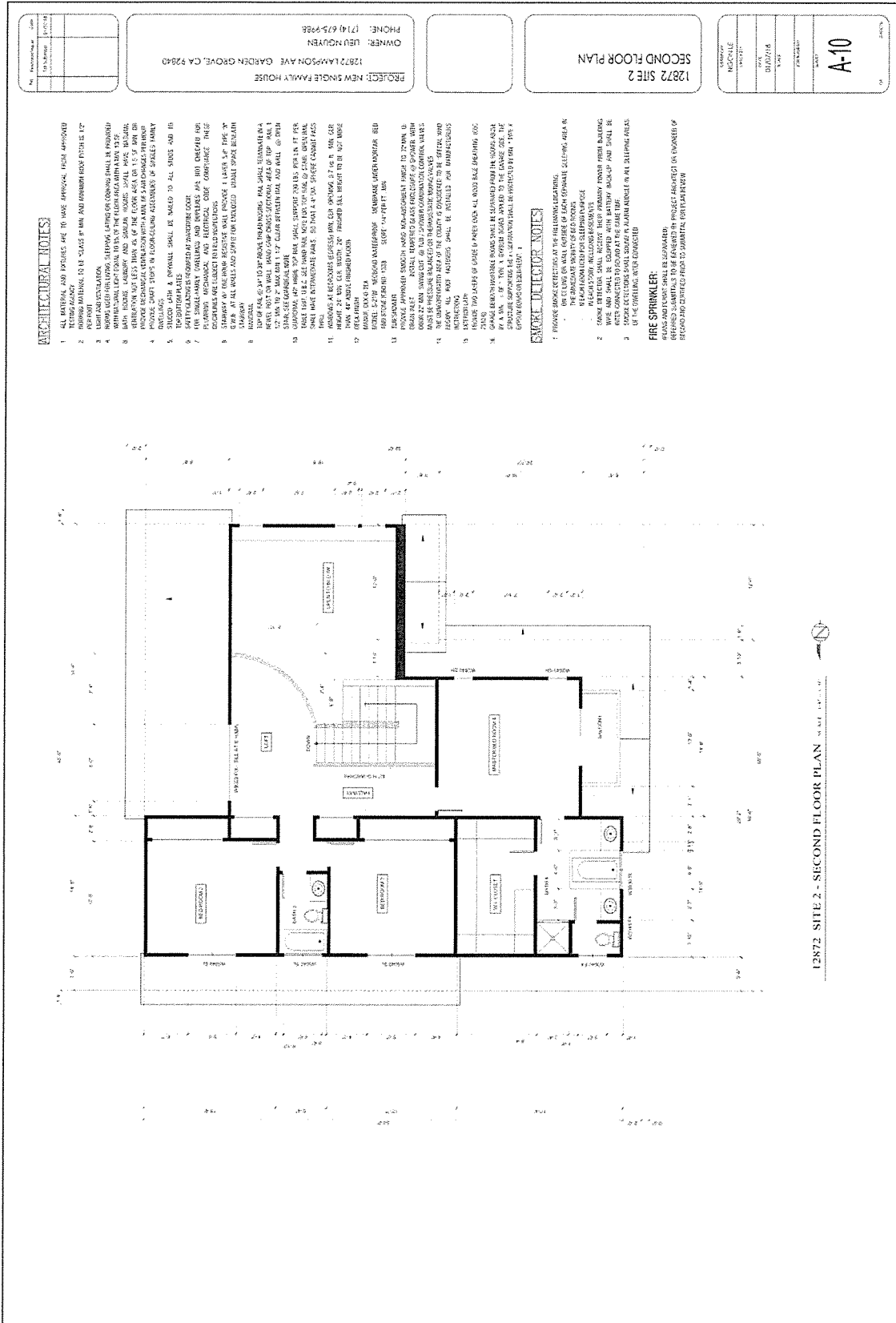
SPRINKLER SHALL BE PROVIDED IN ALL SLEEPING AREAS AND ALL OTHER AREAS AS SHOWN ON THE ATTACHED SPRINKLER PLAN. SPRINKLER SHALL BE PROVIDED IN ALL SLEEPING AREAS AND ALL OTHER AREAS AS SHOWN ON THE ATTACHED SPRINKLER PLAN.

12872 SHEET 2 - FIRST FLOOR PLAN

PROJECT: NEW SINGLE FAMILY HOUSE
OWNER: LIU NGUYEN
PHONE: 714.675.9988
12872 LAMPSON AVE. GARDEN GROVE, CA 92640

12872 SHEET 2
FIRST FLOOR PLAN

DATE	12/15/2021
BY	LIU NGUYEN
CHECKED BY	LIU NGUYEN
SCALE	AS SHOWN
PROJECT NO.	12872
DATE	12/15/2021
BY	LIU NGUYEN
CHECKED BY	LIU NGUYEN
SCALE	AS SHOWN
PROJECT NO.	12872



ARCHITECTURAL NOTES

1. ALL WALLS AND DOORS ARE TO HAVE APPROX. FINISH APPROVED BY THE ARCHITECT.
2. FINISH MARKING TO BE "GRADE" IN HALL AND HORIZONTAL FINISH IN L.P. ROOMS.
3. FINISH MARKING TO BE "GRADE" IN HALL AND HORIZONTAL FINISH IN L.P. ROOMS.
4. FINISH MARKING TO BE "GRADE" IN HALL AND HORIZONTAL FINISH IN L.P. ROOMS.
5. FINISH MARKING TO BE "GRADE" IN HALL AND HORIZONTAL FINISH IN L.P. ROOMS.
6. FINISH MARKING TO BE "GRADE" IN HALL AND HORIZONTAL FINISH IN L.P. ROOMS.
7. FINISH MARKING TO BE "GRADE" IN HALL AND HORIZONTAL FINISH IN L.P. ROOMS.
8. FINISH MARKING TO BE "GRADE" IN HALL AND HORIZONTAL FINISH IN L.P. ROOMS.
9. FINISH MARKING TO BE "GRADE" IN HALL AND HORIZONTAL FINISH IN L.P. ROOMS.
10. FINISH MARKING TO BE "GRADE" IN HALL AND HORIZONTAL FINISH IN L.P. ROOMS.
11. FINISH MARKING TO BE "GRADE" IN HALL AND HORIZONTAL FINISH IN L.P. ROOMS.
12. FINISH MARKING TO BE "GRADE" IN HALL AND HORIZONTAL FINISH IN L.P. ROOMS.
13. FINISH MARKING TO BE "GRADE" IN HALL AND HORIZONTAL FINISH IN L.P. ROOMS.
14. FINISH MARKING TO BE "GRADE" IN HALL AND HORIZONTAL FINISH IN L.P. ROOMS.
15. FINISH MARKING TO BE "GRADE" IN HALL AND HORIZONTAL FINISH IN L.P. ROOMS.

SMOKE DETECTOR NOTES

1. PROVIDE SMOKE DETECTORS AT THE FOLLOWING LOCATIONS:
 - IN EACH SLEEPING AREA
 - IN EACH BATHROOM
 - IN EACH HALLWAY
 - IN EACH LIVING AREA
2. DETECTORS SHALL BE BATTERY OPERATED AND SHALL BE CONNECTED TO A COMMERCIAL MONITORING SERVICE.
3. DETECTORS SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING CODES:
 - IBC 907.5.1
 - IBC 907.5.2

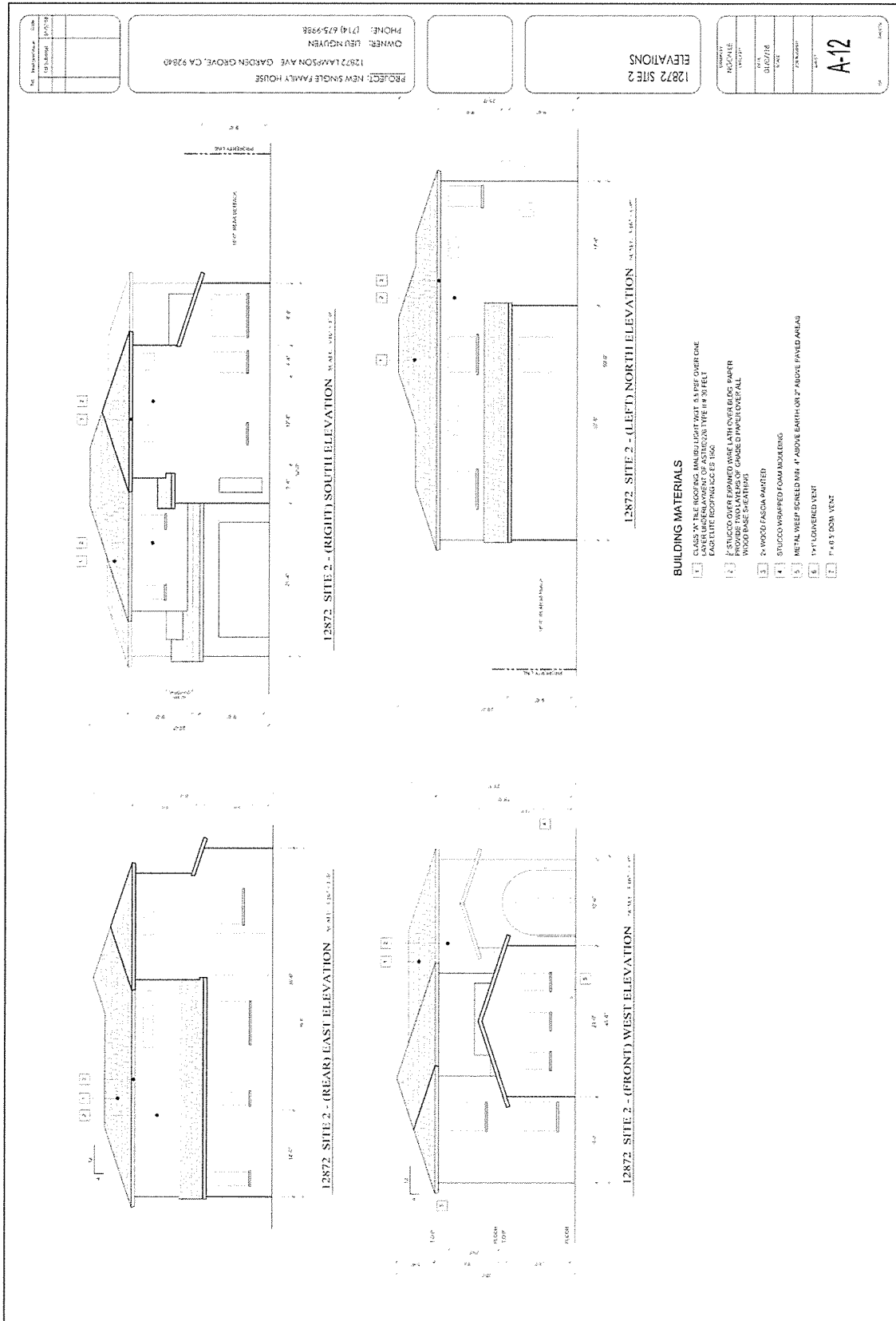
FIRE SPRINKLER

PROVIDE FIRE SPRINKLER SYSTEM IN ALL SLEEPING AREAS AND BATHROOMS.

<p>PROJECT: NEW SINGLE FAMILY HOUSE 12872 LAMPSON AVE GARDEN GROVE, CA 92640 OWNER: LEO NGUYEN PHONE: (714) 635-9288</p>	<p>12872 SITE 2 SECOND FLOOR PLAN</p>
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<p>DATE: 10/15/2021 DRAWN BY: [Name] CHECKED BY: [Name]</p>	<p>SCALE: AS SHOWN</p>
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12872 SITE 2 - SECOND FLOOR PLAN



RESOLUTION NO. 6016-21

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-092-2021 AND TENTATIVE PARCEL MAP NO. PM-2018-122 FOR PROPERTY LOCATED AT 12872 LAMPSON AVENUE, ASSESSOR'S PARCEL NO 231-601-31.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in a regular session assembled on January 21, 2021, hereby approves Site Plan No. SP-092-2021 and Tentative Parcel Map No. PM-2018-122, for a through-lot with street frontages on both Lampson Avenue and Sungrove Circle, just west of Haster Street, at 12872 Lampson Avenue, Assessor's Parcel No. 231-601-31.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-092-2021 and Tentative Parcel Map No. PM-2018-122, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Lieu Nguyen and Hieu Tran.
2. The applicant is requesting Site Plan and Tentative Parcel Map approval to subdivide an existing 14,400 square foot lot, currently improved with a single-family home, into two (2) parcels. Both Lot 1 and Lot 2 will each have an equal lot size of 7,200 square feet. Lot 2 will ultimately result in a lot size of 6916 square feet, after a street dedication along Sungrove Circle. 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) and Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines (14 Cal. Code Regs., Sections 15315 and 15303).
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 January 21, 2021, 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 January 21, 2021; 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 14,400 square foot through-lot with street frontages on both Lampson Avenue and Sungrove Circle, just west of Haster Street, at 12872 Lampson Avenue. 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 is currently improved with an 864 square foot single-family home with an attached 456 square foot two-car garage, to be demolished as a part of this proposal.

The building on Lot 1 will total 3,182 square feet in size. The single-family home will consist of a living room, a family room, a dining room, a kitchen, six (6) bedrooms, and four (4) bathrooms. A covered front entry, and a second-floor deck will also be provided for the building. An attached three-car garage will be provided for the unit with the required open parking spaces along the driveway.

The building on Lot 2 will total 3,247 square feet in size. The single-family home will consist of a living room, a family room, a dining room, a laundry room, a kitchen, a loft, four (4) bedrooms, and four (4) bathrooms. A covered front entry, and a second-floor balcony will also be provided for the building. An attached two-car garage will be provided for the unit with the required open parking spaces along the driveway.

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 before the required street dedication.

Senate Bill 330 (Government Code §66300(d)), states that any residential rental unit that is demolished to facilitate a proposed development must be replaced, and may be subject to certain affordability limitations. The subject project proposes to demolish one residential rental unit. Based on the household size, the tenants' income, and State income data, the existing tenants would be considered "very-low" income. Therefore, the proposed project must provide at least one "very-low" income unit of comparable size on-site. The property owner is required to enter into an affordability agreement with the City for a period of fifty-five (55) years if the "very-low" income unit is to be rented, or for a period of forty-five (45) years if it is to be sold.

Lastly, the construction of the homes will further assist the City in meeting all of its housing goals, and is consistent with the General Plan.

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 Lampson Avenue to the north, and Lot 2 will front onto Sungrove Circle to the south. Lot 1 will have access from a twenty-nine foot (29'-0") wide drive approach, whereas Lot 2 will have access from a twelve-foot (12'-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. Lot 1 will provide a two-car garage and two open parking spaces, and Lot 2 will provide a three-car garage and three open parking spaces.

As a part of this development, the property owner is required to dedicate a portion of frontage along Sungrove Circle, to continue the partially finished

cul-de-sac. The street dedication totals approximately 284 square feet of right-of-way along the Lot 2 frontage, for an ultimate cul-de-sac radius width of thirty-eight feet (38-0") from the centerline of Sungrove Circle. The dedication will aid in the vehicular and pedestrian access and circulation on- and off-site

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 Sungrove Circle. The street dedication will continue the partially finished cul-de-sac along the Lot 2 frontage, for an ultimate cul-de-sac radius width of thirty-eight feet (38-0") from the centerline of Sungrove Circle. The dedication will improve the existing street, utility access, and drainage.

Existing utilities and drainage channels in the area are otherwise 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 (2) 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 7,200 square feet of the R-1 zone, before the required street dedication. 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 (with one property ultimately reduced to 6,916 square feet due to a street dedication). 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 property is currently improved with only an 864 square foot single-family home with an attached 456 square foot two-car garage. As a part of this proposed development, all existing improvements will be demolished.

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. Lot 2, as subdivided, would total the minimum 7,200 square feet required by the Municipal Code. A required street dedication reduces the lot size (6,916 square feet) below the minimum Municipal Code standard (7,200 square feet). This dedication, however, is required only after the subdivision of the subject property. The creation of Lot 2 will precede the dedication, and is therefore considered legal nonconforming.

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, 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 improved, with a single-family home and attached garage that are to be demolished to facilitate the proposed development. 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, prior to a required street dedication along Sungrove Circle. The project complies with the density requirements of the General Plan, and complies with all applicable R-1 development standards.

11. The subject property is not located within in a state responsibility area or a very high fire hazard severity zone, the proposed subdivision is served by local fire suppression services, and the proposed subdivision meets applicable design, location, and ingress-egress requirements.

The subject site is not in a state responsibility area, or a very-high fire hazard severity zone. The project will be served by all applicable local fire suppression services. Both proposed parcels will meet all applicable design requirements of the City, and Orange County Fire Authority. The project complies with all ingress and egress requirements.

12. The discharge of waste from the proposed subdivision into the existing sewer system will not result in a violation of existing requirements prescribed by the California Regional Water Quality Control Board.

The discharge of waste into the existing sewer system from the project will not result in a violation of existing California Regional Water Quality Control Board requirements. The City's Water Division has reviewed the project, and all appropriate conditions of approval have been incorporated to ensure compliance with all applicable state laws.

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-092-2021 and Tentative Parcel Map No. PM-2018-122.

EXHIBIT "A"

Site Plan No. SP-092-2021

Tentative Parcel Map No. PM-2018-122

12872 Lampson Avenue

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, Lieu Nguyen and Hieu Tran, 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

Site Plan No. SP-092-2021 & Tentative Parcel Map No. PM-2018-122
Conditions of Approval

- 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. The new drive approach to the site on Lampson Avenue shall be constructed in accordance with Garden Grove Standard B-120 (Option #2).
 12. The new drive approach to the site on Sungrove Circle shall be constructed in accordance with Garden Grove Standard B-122.
 13. 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 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.
 14. 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.
 15. In accordance with the Orange County Storm Water Program manual, the applicant and/or its contractors shall provide dumpsters on-site during

construction unless an Encroachment Permit is obtained for placement in street.

16. 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
17. 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 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 on-site
 - d. Submit for review and approval by the City an Operations and Maintenance (O&M) Plan for all structural BMPs
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. The applicant and their contractor shall also re-set 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 his expense, any resurvey required due to his 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, Subarticle 18. The surveyor/engineer shall submit record information to the City on 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, Subarticle 18. The surveyor/engineer shall submit record information to the City on Auto Cad DWG format.

21. Prior to issuance of a grading permit, the applicant shall submit to the Planning Services 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. In order to expedite City's approval of the parcel map, the applicant shall forward all plan check comments received from the County of Orange Survey Department to City of Garden Grove's Engineering Division.

23. 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:

Site Plan No. SP-092-2021 & Tentative Parcel Map No. PM-2018-122
Conditions of Approval

- 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.
24. The applicant shall identify a temporary parking site(s) for construction crew and construction trailers office staff prior to issuance of a grading permit. No construction parking is allowed on local streets.
25. Prior to issuance of a grading permit, the applicant 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.
26. 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.
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.
29. Prior to issuance of a grading permit, the applicant shall provide a hydrological analysis with scaled map and calculations 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 remove the existing substandard driveway approach, curb, sidewalk and landscaping along Lampson Avenue and Sun Grove Circle 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 Planning Services Division.

Lampson Avenue

- a. Remove the existing substandard driveway and easterly tree well on Lampson Avenue and construct new curb, gutter and sidewalk.
- b. The new driveway approaches to the site on Lampson Avenue shall be constructed in accordance with City of Garden Grove Standard Plan B-120 (Option #2).
- c. Construct 8-inch curb and gutter replacing the existing driveway approach along the property frontage at thirty-two feet (32'-0") from centerline in accordance with City Standard Plan B-113 (Type C-8).

- d. The applicant shall coordinate with the Planning Services Division and Street Division before placing any type of tree within public right-of-way and proposed landscape area.
- e. Widen the existing tree wells fronting the project on Lampson Avenue to six feet (6'-0") long by three feet (3'-0") wide.
- f. Remove the existing driveway approach and replace it with an eight foot (8'-0") sidewalk adjacent to the street curb on Lampson Avenue in accordance with City Standard B-106.
- g. Remove and replace lifted sidewalk panels on Lampson Avenue in accordance to City of Garden Grove Standard B-106. The owner/contractor shall verify the removal and replacement sections of the sidewalk concrete panels with Public Works Inspector prior to start of construction.
- h. Applicant shall coordinate the location of all new water meters, backflow preventers and backflow devices to be placed in sidewalk/landscape area on Lampson Avenue with the Planning Services Division and Water Division.
- i. Any proposed new landscaping in public right of way shall be approved by Planning Services Division and maintained by the owner.

Sungrove Circle

- a. Remove the dirt berm on Sun Grove Circle and construct new curb, gutter, sidewalk and residential driveway approach.
- b. The new driveway approaches to the site on Sungrove Circle shall be constructed in accordance with City of Garden Grove Standard Plan B-122 (option #1) with a minimum opening width of fifteen feet (15'-0").
- c. Construct 6-inch curb and gutter replacing the existing dirt berm in accordance with City Standard Plan B-114 (Type D-6).
- d. Remove and replace the pavement of the street from the centerline of Sun Grove Circle the edge of proposed existing gutter along the property frontage per City Standard Plan B-104 and the direction of the City Engineer.
- e. Applicant shall coordinate the location of all new water meters, backflow preventers and backflow devices to be placed in sidewalk/landscape area on Sungrove Circle with Planning Division and Water Division.

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

Public Works Environmental

31. The applicant shall replace any street trees along Lampson Avenue that were removed as a result of the replacement of the sidewalk and/or widening of the tree wells with 24-inch box sized "Platanus Ornamentalis" or "Platanus Orientalis" trees.

Water Services Division

32. New water service installations 2" and smaller, shall be installed by the City of Garden Grove at owner's/developer's expense. Installation shall be scheduled upon payment of applicable fees, unless otherwise noted. Fire services and larger water services 3" and larger, shall be installed by developer/owner's contractor per City standards.
33. Water meters shall be located within the City right-of-way. Fire services and large water services 3" and larger, shall be installed by contractor with a Class A or C-34 license, per City water standards and inspected by approved Public Works inspection.
34. Should a separate landscape system be proposed, the irrigation meter shall have a Reduced Pressure Principle Device (RPPD) backflow prevention device. Installation shall be per City standards, and shall be tested by a certified backflow device tester immediately after installation. Cross-connection inspector shall be notified for inspection after the installation is completed. Owner shall have RPPD device tested once a year thereafter by a certified backflow device tester and the test results to be submitted to Public Works, Water Services Division. Property owner must open a water account upon installation of RPPD device.
35. It shall be the responsibility of owner/developer to abandon any existing private water well(s) per Orange County Health Department requirements. Abandonment(s) shall be inspected by Orange County Health Department inspector after permits have been obtained.
36. A composite utility site plan shall be part of the water plan approval.
37. Any new or existing water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.
38. City shall determine if existing water services(s) is/are usable and meets current City standards. Any existing meter and service located within new driveway(s) shall be relocated at owner's expense.

39. If fire sprinkler system is required, the meter and service for the new lot shall be installed per City Standard B-719, which specifies a residential fire sprinkler connection (RFSC) on the backside of the meter.
40. Water meters and boxes shall be installed by City forces upon payment of applicable fees and after new water system (including water services) pass all bacteriological and pressure tests.
41. Location and number of fire hydrants shall be as required by the Water Services Division and the Orange County Fire Authority (OCFA).
42. Owner shall install new sewer lateral with clean out at right-of-way line. Lateral in public right-of-way shall be 4" minimum diameter, extra strength VCP with wedgelock joints.
43. Contractor shall abandon any existing unused sewer lateral(s) at street right-of-way on the property owner's side. The sewer pipe shall be capped with an expansion sewer plug and encased in concrete.
44. All perpendicular crossings of the sewer, including laterals, shall maintain a vertical separation of minimum 12" below the water main, outer diameter to outer diameter. All exceptions to the above require a variance from the State Water Resources Control Board.
45. If water main is exposed during installation of sewer lateral, a twenty foot (20'-0") section of the water main shall be replaced with a twenty foot (20'-0") 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 Standards Code.
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 be solar energy ready, 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:
- a. 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.
 - b. 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.
 - c. 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.
 - d. 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.
53. Hours and days of construction and grading shall be as follows as set forth in the City of Garden Grove's Municipal Code Chapter 8.47 as adopted, except that:
- a. Monday through Saturday - not before 7 a.m. and not after 8 p.m. (of the same day).
 - b. Sunday and Federal Holidays may work same hours, but subject to noise restrictions as stipulated in Chapter 8.47 of the Municipal Code.
54. 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,

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- 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.
55. During construction, if paleontological or archaeological resources are found, all attempts will be made to preserve in place or leave in an undisturbed state in compliance with applicable law.
 56. Any and all correction notice(s) generated through the plan check and/or inspection process is/are hereby incorporated by reference as conditions of approval and shall be fully complied with by the owner, applicant, and all agents thereof.
 57. 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.
 - 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 Lampson Avenue, Sungrove Circle, 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 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.
 - i. The applicant shall be responsible for installing and maintaining all landscaped areas.
58. 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.

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- 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. 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,

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62. The applicant/property owner shall submit signed letters acknowledging receipt of the decision approving Site Plan No. SP-092-2021 and Tentative Parcel Map No. PM-2018-122, and his/her agreement with all conditions of approval.
63. 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-092-2021 and Tentative Parcel Map No. PM-2018-122. The applicant shall pay the City's defense costs, including attorney fees and all other litigation related expenses, and shall reimburse the City for court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award, which may issue against the City including, but not limited to, any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein.
64. 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-092-2021 and Tentative Parcel Map No. PM-2018-122 shall be valid for a period of two (2) 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-092-2021 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-092-2021 shall expire if the building permits for the project expire.
65. 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-092-2021 and Tentative Parcel Map No. PM-2018-122, has begun.
66. Because one (1) existing residential dwelling units will be demolished in order to construct the proposed project, the provisions of paragraph (2) of subdivision (d) of Government Code section 66300 (SB 330) pertaining to "protected units" apply to the proposed housing development. Therefore, the Applicant shall be subject to the following requirements:

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- a. In order to determine if the one (1) unit to be demolished are "protected units" as defined in SB 330, the Applicant shall provide such information determined by the Community and Economic Development Director, in his or her reasonable discretion, to be necessary to verify the income level of the last household in occupancy of the unit. If the income category of the last household in occupancy is not known and/or cannot be verified, it shall be rebuttably presumed that the existing residential dwelling unit to be demolished is a "protected unit" and that lower income renter households occupied the unit.
- b. Pursuant to subparagraph (C) of paragraph (2) of subdivision (d) of Government Code section 66300, the Applicant shall allow existing residents of all "protected units" to occupy their units until six months before the start of construction activities with proper notice.
- c. Pursuant to subparagraph (D) of paragraph (2) of subdivision (d) of Government Code section 66300, the Applicant shall provide both of the following to the occupants of any "protected units": (i) relocation benefits to the occupants of those affordable residential rental units, as determined by the City; and (ii) a right of first refusal for a comparable unit available in the new housing development affordable to the household at an affordable rent, as defined in Section 50053 of the Health and Safety Code, or an affordable housing cost, as defined in 50052.5.
- d. Pursuant to subparagraph (A) of paragraph (2) of subdivision (d) of Government Code section 66300, the Applicant must "replace" all existing "protected units" by providing at least the same number of 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 as of the date the Applicant submitted a complete application, for a period of 55 years commencing upon issuance of a certificate of occupancy for the project (the "target units"). The Applicant shall at all times during the term of the 55-year affordability period comply with the requirement to rent all target units at an affordable rent as required by State Law. Landlords receiving fair market rent from tenants who are recipients of subsidies under Section 8 of the U.S. Housing Act of 1937, do not qualify as affordable rent for purposes of the target units. If target units are required to be provided, an Affordable Housing Agreement shall be prepared by the City, at the Applicant's expense. The Affordable Housing Agreement shall be approved by the City Council and recorded prior to issuance of a building permit for any structure in the housing development. The Affordable Housing Agreement shall run with the land and bind all future owners and successors in interest. The Affordable Housing Agreement shall include, without limitation, the following:

- i. Provisions to ensure that the Applicant allows existing residents of all protected units to occupy their units until six months before the start of construction activities with proper notice pursuant to subparagraph (C) of paragraph (2) of subdivision (d) of Government Code section 66300.
- ii. Provisions to ensure that the Applicant provides relocation benefits as determined by the City and a right of first refusal to occupants of all protected units pursuant to subparagraph (D) of paragraph (2) of subdivision (d) of Government Code section 66300.
- iii. The total number of units approved for the housing development and the number, location, and level of affordability of target units.
- iv. Standards for determining affordable rent for the target units.
- v. The location, unit size in square feet, and number of bedrooms of target units.
- vi. Provisions to ensure affordability for 55 years pursuant to subdivision (d) of Government Code Section 66300 and subparagraph (B) of paragraph (3) of subdivision (c) of Section 65915.
- vii. A schedule for completion and occupancy of target units in relation to construction of non-restricted units.
- viii. 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.
- ix. Procedures for qualifying tenants and prospective purchasers of target units.
- x. Any other provisions to ensure implementation and compliance.
- xi. Procedures for establishing affordable rent, filling vacancies, and maintaining target units for eligible tenants.
- xii. Provisions requiring verification of household incomes.
- xiii. Provisions requiring maintenance of records to demonstrate compliance.

- xiv. The property owner shall restrict tenancy occupancy to a "2 + 1" formula, 2 persons per bedroom plus one additional person (ex: a two-bedroom unit can only house five persons).

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: D.1.	SITE LOCATION: East side of Main Street, between Acacia Parkway and Garden Grove Boulevard, at 12936 Main Street
HEARING DATE: January 21, 2021	GENERAL PLAN: Civic Center Mixed Use
PROJECT: Phuc Long Coffee and Tea Proposed Façade Changes	ZONE: CC-2 (Civic Center Main Street)
APPLICANT: Toby Nguyen	CEQA DETERMINATION: N/A
PROPERTY OWNER: Khanh Le	APN: 090-161-12

REQUEST:

The applicant requests to modify the front building façade (west elevation) of an existing building, located at 12936 Main Street, to accommodate the establishment of a new coffee and tea shop, Phuc Long Coffee and Tea.

BACKGROUND:

The subject site, located at 12936 Main Street, is within Garden Grove’s Historic Main Street district, and is approximately 2,800 square feet. The site is improved with an existing 2,500 square foot one-story building. The subject property is zoned CC-2 (Civic Center Main Street), and has a General Plan Land Use Designation of Civic Center Mixed Use.

The subject tenant space was previously operated as a show room for a kitchen and cabinet retail business, which ceased its operation in September 2020. The building is currently vacant. The applicant is proposing to convert the space into a coffee and tea shop, Phuc Long Coffee and Tea, which is a use allowed within the CC-2 zone. The propose changes include an interior remodeling, and a modification of the building façade to accommodate the new coffee and tea shop. The façade modification includes removing the existing windows, doors and front awning; installing a new folding door system; relocating the front building wall to create a new, 150 square foot outdoor dining area adjacent to the front building; and repainting the entire building. Although the appearance of the building façade will be significantly altered, no additional square footage will be added to the building. Since the Municipal Code only requires entitlements for expansion and/or new construction in CC-2 zone, the request does not require an entitlement.

Regarding the Main Street Design Regulation, the Municipal Code states, in part, "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 [Main Street] zone, the Community [and Economic] Development Department shall adopt, by resolution, architectural and design criteria."

In 1978, the City adopted, by resolution, the Historical Main Street Architectural Design Criteria, which states in part, "The architectural character, which is to be retained and enhanced is that which existed prior to and with the rebuilding of Main Street buildings subsequent to the 1933 Long Beach earthquake. The principal architectural character is of a Spanish style, wood-framed, stucco building fronts and tile roofs". The Design Criteria further states that the design criteria was "established to enhance this particular architectural style."

When a structural rehabilitation is requested for a building within the CC-2 Main Street zone, the applicant is required to submit a building design plan to the City for review. The proposed building design plan is also submitted to the Downtown Main Street Commission ("Downtown Commission"), who reviews the proposed plan, and makes recommendations to the Planning Commission. The proposed project, along with Downtown Commission's recommendation, is then forwarded to the Planning Commission for its consideration.

In 1910, the subject property was initially improved with an approximately 1,500 square foot, one-story, commercial building. In 1982, the Planning Commission approved Site Plan No. SP-108-82 to allow the construction of a 1,000 square foot, one-story addition to the existing building, which totaled 2,500 square feet of building area. At the time, the staff report described that the building featured an off-white colored finish accented with red roof tiles, which is consistent with the Spanish style of Main Street. The front (west) elevation of the building features large, rectangular glass windows with grid patterns, and an approximately 23 foot wide fabric awning located above the windows. The rear of the building, similar to the front elevation, is finished with the same off-white stucco, red roof tiles, and is accented with two brick columns.

On July 13, 2006, the City issued a seismic retrofitting permit to allow the installation of a new steel frame system inside the building to make the structure more resistant to seismic activities or earthquakes. As a result of this structural reinforcement, a total of four (4) 4'x4' steel columns were installed inside the building to support the roof structure. Exhibit "A" is the structural plan of the building, showing the location of the steel columns. Two (2) columns were set back six (6) feet measured from the front property line, while the other two (2) were set back 41 feet from the property line. The steel columns were determined to be inside the building at the time; thus, they were not required to be screened or covered up to match with the architecture of the building.

In December 2020, the applicant submitted a request to the City to modify the front (west) façade of the subject building. The overall structure of the existing building

12936 Main Street Proposed Façade Changes

was to be retained for the most part, with new finishes to freshen its appearance. The intent is to improve the curb appeal of the existing building, while maintaining its original Spanish Revival style. In addition, the proposed façade modification is to offer a new outdoor seating area that incorporates the streetscape of the Historic Main Street into the dining experience at the new coffee and tea shop, Phuc Long Coffee and Tea.

On January 14, 2021, the Downtown Commission considered the applicant's proposal. The commission expressed positive sentiments toward proposed façade changes, citing an improvement over the outdated look of the existing building. By a vote of 4-0 (with 3 commissioners absent), a motion to approve the proposed façade change, was approved.

DISCUSSION:Building design

The applicant requests to modify the current front elevation by removing the existing front windows and door, and replacing with a new 16 foot (16'-0") wide black, aluminum, folding glass panel system, along with a new 36 inch (36") wide black, aluminum swing door. Instead of installing at the same location of the existing windows and door, the new doors will be set back approximately six feet (6'-0") from the front property line, and align with the existing steel columns inside the building as shown in Figure 1. As a result, the front wall of the building will be relocated six feet (6'-0") from the existing location, which reduces the building area to 2,350 square feet. In addition, the existing roof will become cantilevered, and it will create an approximately 150 square foot (6' x 25') open patio area underneath within the property lines. This patio area will be used as a future outdoor seating area of the coffee shop.

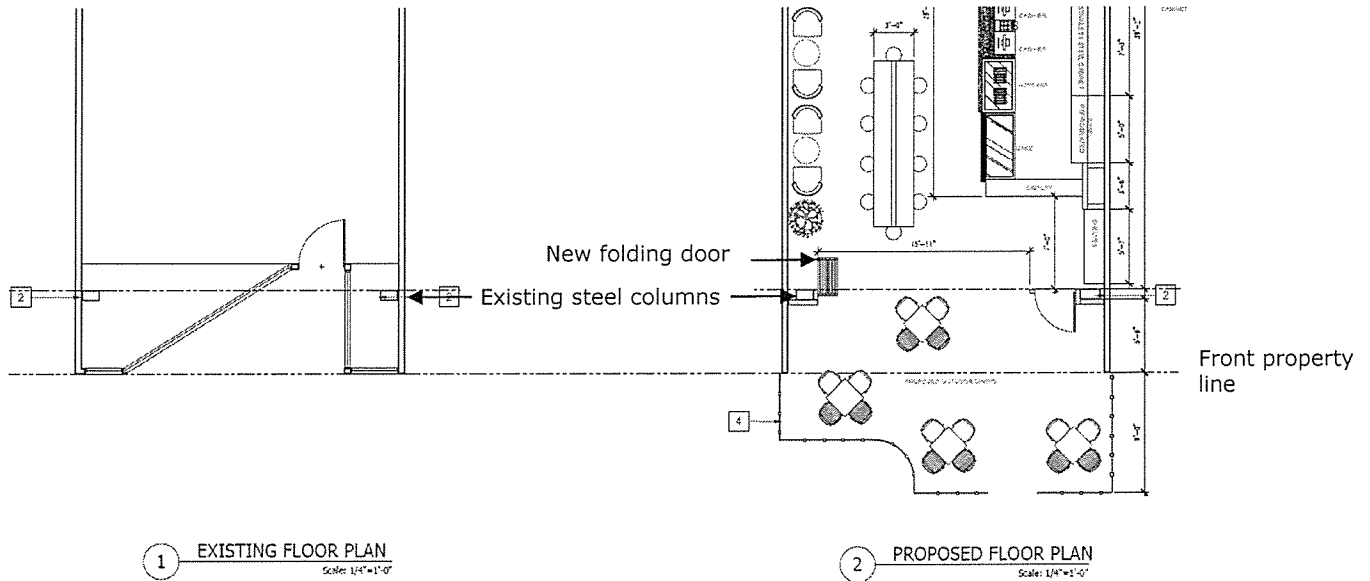


Figure 1: The existing floor plan on the left shows the location of the existing windows and door. The proposed floor plan on the right shows the location where the new folding door system and the new swing door will be installed. The new entrance will be set back six feet (6'-0") from the front property line. As a result, the roof will become cantilevered creating a new open patio area underneath, which will become a new outdoor seating area for the coffee shop.

With the installation of the new doors, the steel columns will be exposed to the street, and will become a part of the building's front façade. To maintain the architectural integrity of the building, the applicant further proposes to cover the steel columns with colored stucco that matches with the rest of the building. In addition, the existing awning on the front facade will also be removed, and the whole building will be repainted white.

On the rear (east) elevation, the existing door and window will also be removed and replaced with a new matching door and window with the front elevation. All of the red roof tiles on the building, and brick work on the rear façade will remain unchanged. By incorporating modern, simplistic features, and neutral color tones, the subject building will continue to exhibit a traditional Spanish style, with stucco fronts, brick work, and tile roof. Thus, the proposed modification is consistent with the architectural theme of the Historic Main Street.

Outdoor dining area on Main Street

In addition to the modification of the front façade of the building, the applicant also proposes to extend the outdoor dining area into the adjacent public right-of-way. The outdoor dining area on the public right-of-way will be 185 square feet (excluding the 150 square foot patio cover area within the property), and will be fenced off by a new black, four foot (4'-0") tall wrought-iron fence. The proposed outdoor dining area, which will be considered under a separate application, will require a Main Street outdoor dining permit, and a Director's Review approval.

Signage

A new sign will be installed on the front building facade after the proposed modifications are complete. Any proposed signage will be required to comply with the Historical Main Street Architectural Design Criteria.

Staff has reviewed the proposed design, and finds that it is consistent with the intent of the Historical Main Street Architectural Design Criteria by retaining several existing elements of the Spanish style building architecture such as red roof tiles, stucco front, and brick work. In addition, the proposed white-colored stucco pairing with the red roof tiles is consistent with the earth tones color scheme required by the Historical Main Street Architectural Design Criteria. A copy of the proposed façade design is attached to this report for reference, as Exhibit "B". Also attached is a copy of the Historical Main Street Architectural Design Criteria.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following actions:

1. Consider the applicant's proposal and adopt Resolution No. 6017-21 to approve, per the attached plans under Exhibit "B", for the modification of the front façade of an existing commercial building, located at 12936 Main Street (APN: 090-161-12).



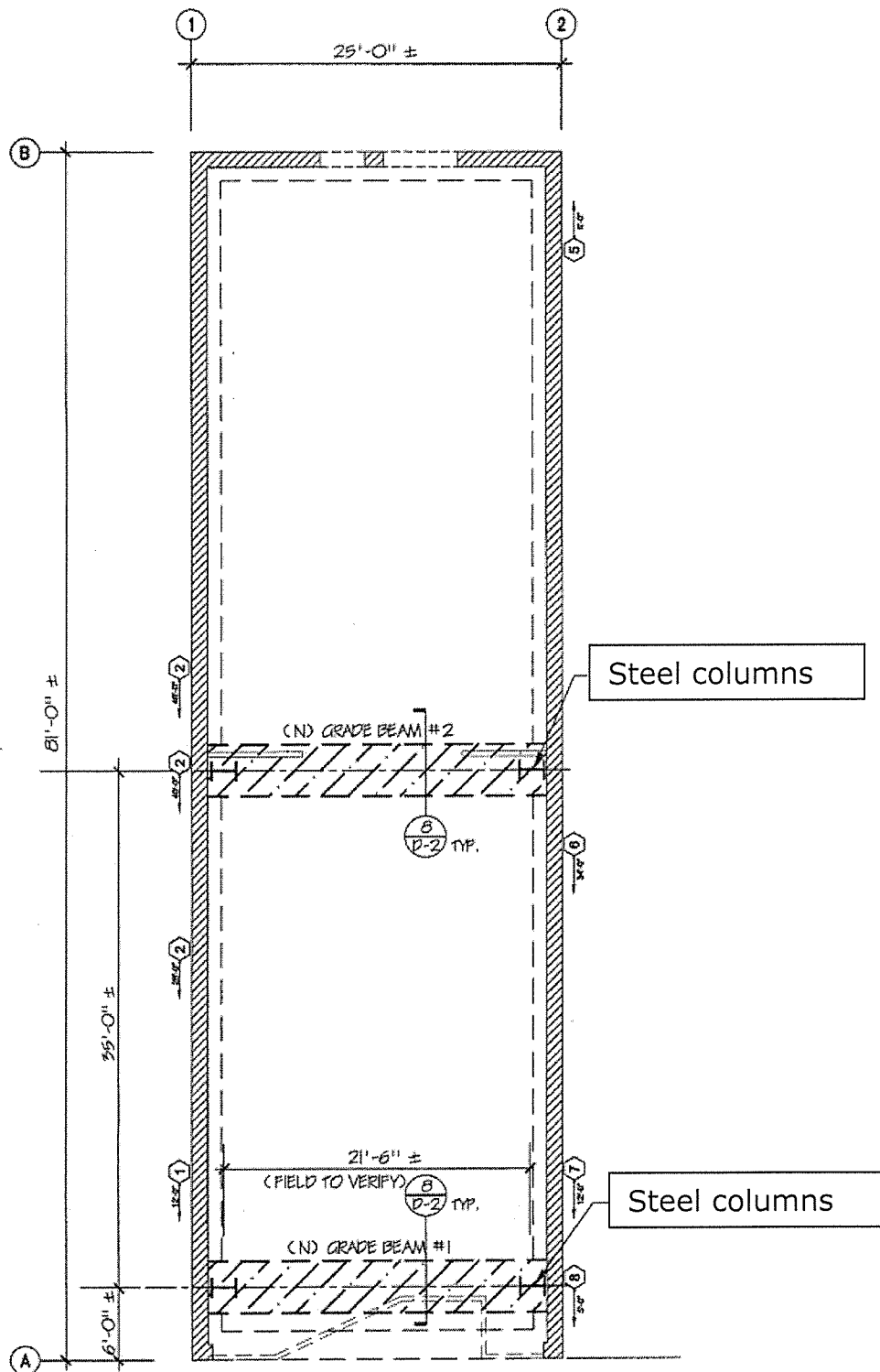
Lee Marino
Planning Services Manager



By: Huong Ly
Assistant Planner

Attachment 1: Historical Main Street Architectural Design Criteria
Attachment 2: Exhibit "A" – Copy of the building's structural plan
Attachment 3: Exhibit "B" – Proposed Façade Design

EXHIBIT "A"



The above floor plan shows the new steel columns were installed inside the building at 6 feet and 41 feet (6'+35') measured from the front (west) property line.

SITE PLAN KEYNOTES

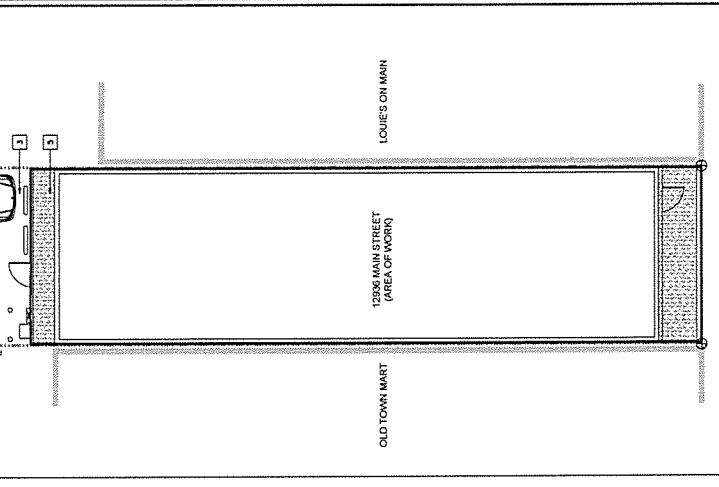
MARK	DESCRIPTION OF WORK
1	(O) 3" HIGH WOOD PAINT BAILING
2	EXTERIOR WALL BELOW
3	(O) PARKING SPACE TO BE REMAIN
4	(O) PARAPET & SPANISH ROOF TILE TO REMAIN
5	(O) CURB STOP TO BE REMOVED
6	(O) ELECTRICAL TRANSFORMER TO REMAIN
7	(O) UNAUTHORIZED PARKING SIGN TO BE REMOVED
8	(O) PARKING STRIP TO BE REMOVED
9	(O) DRAIN LINE
10	(O) DRAIN LINE
11	(O) DRAIN LINE
12	(O) ROOF TOP, AC MECHANICAL EQUIPMENT, TO REMAIN EXISTING
13	(O) ROOF TOP ACCESS LADDER

ACCESSIBLE PATH OF TRAVEL MINIMUM 2X CROSS TRAVEL, NO ABRUPT CHANGES IN ELEVATION ALONG THE PATH OF TRAVEL SHOWN.

CONCRETE/PAVEMENT AND ACCESSIBLE WALKWAY MINIMUM 4" X 4" MAX. SLOPE STRIPING

48" CLEAR WIDTH PATH OF TRAVEL

SYMBOLS LEGEND



1 PROPOSED SITE PLAN
Scale: 1/8" = 1'-0"

SITE PLAN KEYNOTES

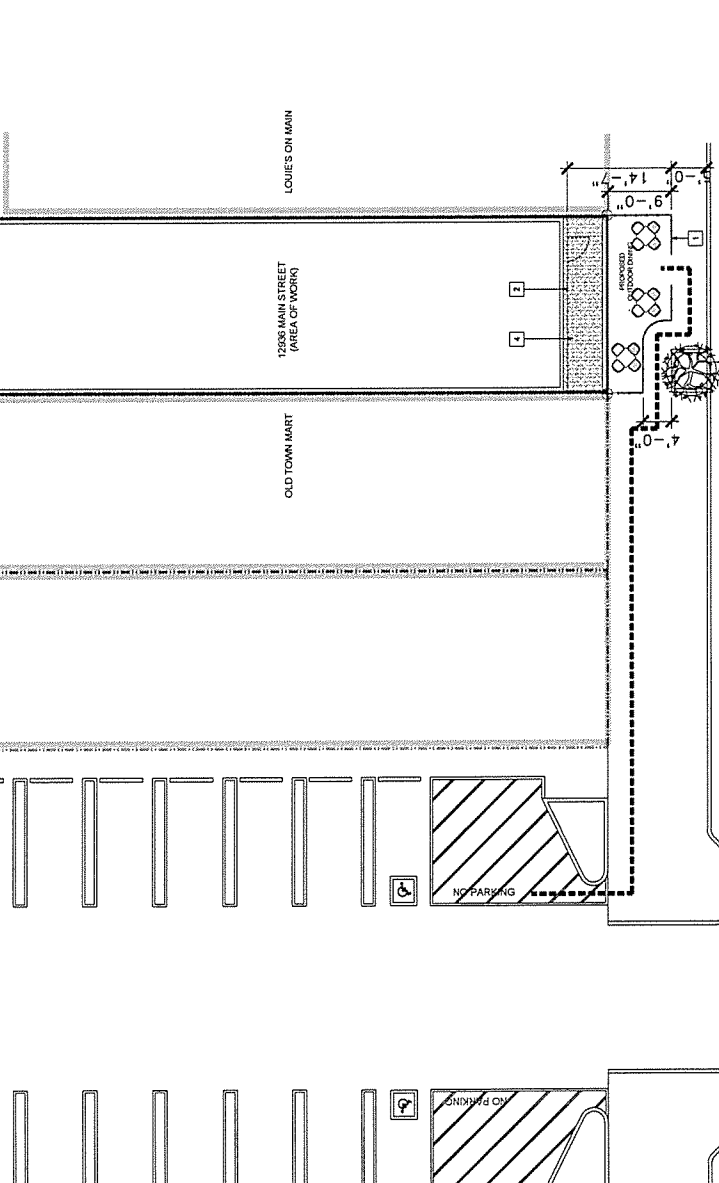
MARK	DESCRIPTION OF WORK
1	(O) 3" HIGH WOOD PAINT BAILING
2	EXTERIOR WALL BELOW
3	(O) PARKING SPACE TO BE REMAIN
4	(O) PARAPET & SPANISH ROOF TILE TO REMAIN
5	(O) CURB STOP TO BE REMOVED
6	(O) ELECTRICAL TRANSFORMER TO REMAIN
7	(O) UNAUTHORIZED PARKING SIGN TO BE REMOVED
8	(O) PARKING STRIP TO BE REMOVED
9	(O) DRAIN LINE
10	(O) DRAIN LINE
11	(O) DRAIN LINE
12	(O) ROOF TOP, AC MECHANICAL EQUIPMENT, TO REMAIN EXISTING
13	(O) ROOF TOP ACCESS LADDER

ACCESSIBLE PATH OF TRAVEL MINIMUM 2X CROSS TRAVEL, NO ABRUPT CHANGES IN ELEVATION ALONG THE PATH OF TRAVEL SHOWN.

CONCRETE/PAVEMENT AND ACCESSIBLE WALKWAY MINIMUM 4" X 4" MAX. SLOPE STRIPING

48" CLEAR WIDTH PATH OF TRAVEL

SYMBOLS LEGEND



2 EXISTING SITE PLAN
Scale: 1/8" = 1'-0"

REV.	DESCRIPTION	DATE

PROJECT: 12936 MAIN STREET
GARDEN GROVE, CA 92840

SHEET TITLE: SITE PLAN

DESIGNER: [Signature]
DATE: 08/15/18
SHEET: A1
OF: 2

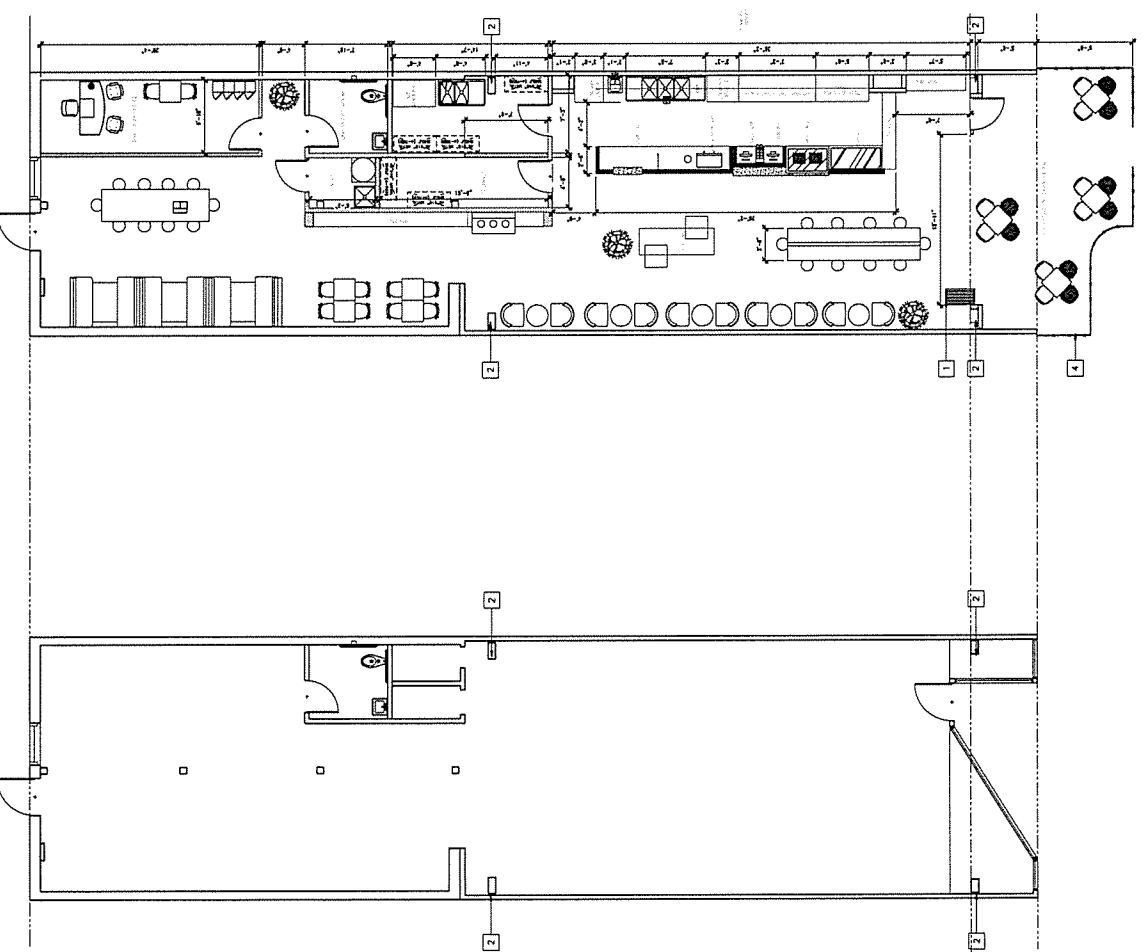
REV	DESCRIPTION	DATE

PROJECT: 12936 MAIN STREET GARDEN GROVE, CA 92840

FLOOR PLAN

NO. 1	DATE
NO. 2	DATE
NO. 3	DATE
NO. 4	DATE
NO. 5	DATE
NO. 6	DATE
NO. 7	DATE
NO. 8	DATE
NO. 9	DATE
NO. 10	DATE
NO. 11	DATE
NO. 12	DATE
NO. 13	DATE
NO. 14	DATE
NO. 15	DATE
NO. 16	DATE
NO. 17	DATE
NO. 18	DATE
NO. 19	DATE
NO. 20	DATE

- 1 NEW TOLLING DOOR SYSTEM
- 2 EXISTING 8"x18"-BEAM STEEL COLUMN TO REMAIN
- 3 MASTER BKT HARDWARE CABINET
- 4 NEW 36" HIGH WOOD PANO RAILING



2 PROPOSED FLOOR PLAN
Scale: 1/4" = 1'-0"

1 EXISTING FLOOR PLAN
Scale: 1/4" = 1'-0"

FLOOR PLAN KEYNOTES

TABLE 10.1.1 COMMON PATH OF TRAVEL W/O SPRINKLER SYSTEM
 OCCUPANCY LOAD 438 OCCUPANT LOAD 538 OCCUPANT LOAD 75'
 TABLE 10.1.2 COMMON PATH OF TRAVEL W/ SPRINKLER SYSTEM
 OCCUPANCY LOAD 200'
 MAX. TRAVEL OF DISTANCE 200'
 ROOM/AREA (S.F.)
 LEVEL OCCUPANT LOAD (OCC./S.F.) AND O.C.
 LEVEL OCCUPANT LOAD

EGRESS REQUIREMENTS

DINING AREA: (1/300) 543 S.F., 2 OCCUPANTS
 CUSTOMER SERVICE AREA: (1/100) 234 S.F., 3 OCCUPANTS
 KITCHEN: (1/100) 115 S.F., 2 OCCUPANTS
 STORAGE: (1/300) 20 S.F., 1 OCCUPANTS
 TOTAL: 10 OCCUPANTS

OCCUPANT LOAD CALCULATIONS

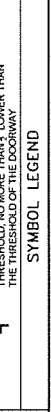
DOOR #	MATERIAL	SIZE	TYPE	OPERATION	W.T.	W.T.	W.T.
1	W/WT	3'-0" x 7'-0" x 1/2"	NEW	EMER.	SWING	EMER. EXIT	EMER. EXIT
2	ALUMINUM	2'-3" x 7'-0" x 1/2"	NEW	SWING	EMER. EXIT	EMER. EXIT	EMER. EXIT
3	WOOD	3'-0" x 7'-0" x 1/2"	NEW	SWING	EMER. EXIT	EMER. EXIT	EMER. EXIT
4	ALUMINUM	1'-6" x 7'-0" x 1/2"	NEW	SWING	EMER. EXIT	EMER. EXIT	EMER. EXIT
5	W/WT	3'-0" x 7'-0" x 1/2"	NEW	SWING	EMER. EXIT	EMER. EXIT	EMER. EXIT

1) THE DOOR SHALL SWING TO THE FULLY OPEN POSITION WHEN AN OPERATING FORCE NOT TO EXCEED 5 LBS.
 (OUTSIDE AND STATION DOORS) AND 15 LBS (THE DOORS) IS APPLIED TO THE LATCH SIDE.
 2) DOORS SHALL BE IN ANY OPENABLE FROM THE LATCH SIDE WITHOUT THE USE OF A KEY OR ANY SPECIAL KNOWLEDGE OR UTILITY.
 3) IN ALL REPAIRED AND 5 OCCUPANCY, KEY LOCKING HARDWARE MAY BE USED AT THE MAIN EXIT DOORS.
 PROVIDED A SIGN IN CONSPICUOUS LETTERS OF 1" HIGH OR MORE IS PROVIDED AT THE DOOR STATION. THIS SIGN TO BE REPAIRED UNDER THE SIGNATURE OF THE ARCHITECT.

DOOR SCHEDULE

- (1) WALL TO REMAIN
- (2) WALLS TO BE DEMO
- (3) WALL
- (4) PART OF TRAVEL
- (5) ILLUMINATED EXIT SIGN W/ EMERGENCY LIGHTING
- (6) UNILLUMINATED EXIT SIGN
- (7) ILLUMINATED DIRECTIONAL EXIT SIGN
- (8) HARDWARE W/ 90 MIN. BACK UP BATTERY
- (9) THRESHOLD, NO MORE THAN 2" LOWER THAN THE THRESHOLD OF THE DOORWAY

SYMBOL LEGEND



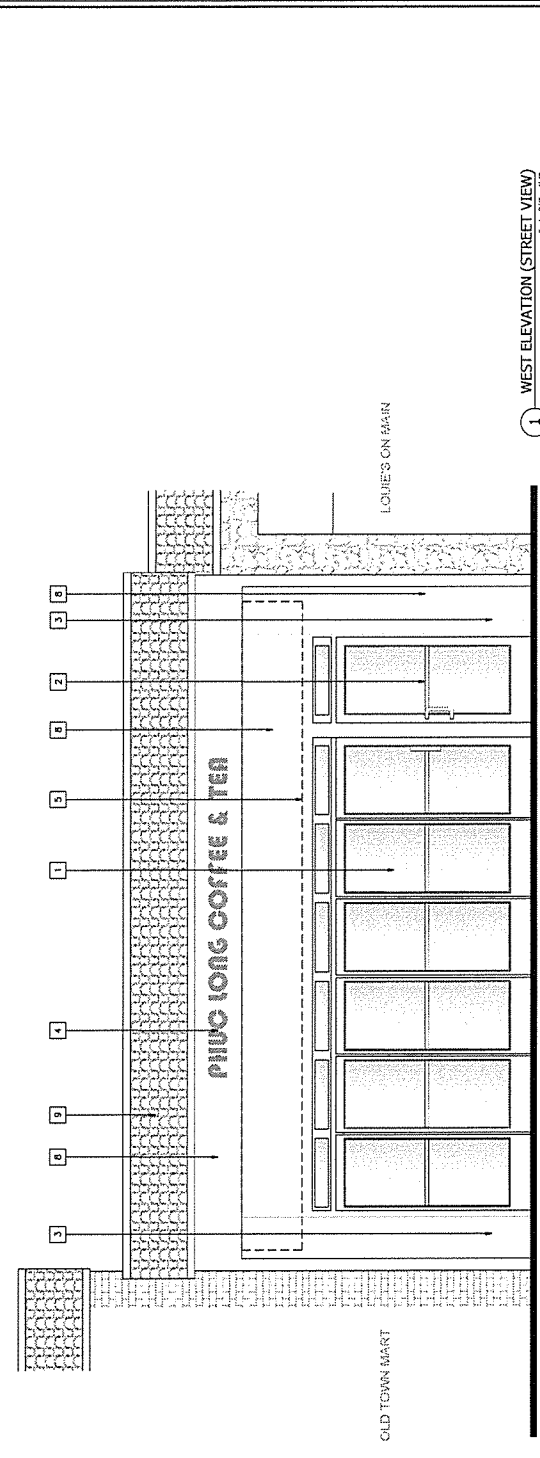


REV.	DESCRIPTION	DATE

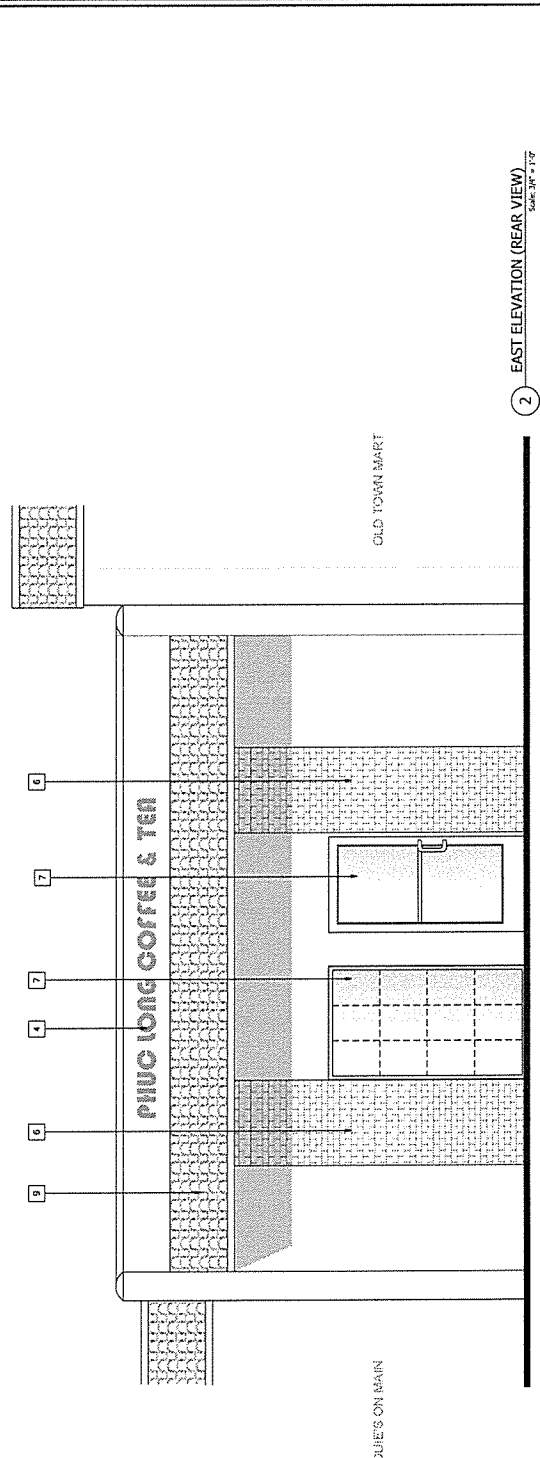
PROJECT: 12936 MAIN STREET
GARDEN GROVE, CA 92840

SHEET TITLE: ELEVATION

DESIGNER: M.M. MIDWAY CONCEPTS
DATE: 2/20/20
PROJECT: 12936 MAIN STREET
SHEET: A4
OF 4 SHEETS



1 WEST ELEVATION (STREET VIEW)
Scale: 3/4" = 1'-0"



2 EAST ELEVATION (REAR VIEW)
Scale: 3/4" = 1'-0"

SCALE: NTS

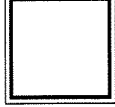
PROPOSED ELEVATIONS

1	NEW FRAMING DOOR SYSTEM (ALUMINUM - BLACK FINISH)
2	NEW 4" FRAMING DOOR (ALUMINUM - BLACK FINISH)
3	COVER EXISTING STEEL COLUMNS WITH STUCCO (TO MATCH EXISTING)
4	REMOVE (MATCH EXISTING FINISH)
5	REMOVE EXISTING FINISH (MATCH WITH STUCCO TO MATCH)
6	EXISTING BRICK VOUCHER TO REMOVE
7	REMOVE EXISTING DOOR AND WINDOW
8	NEW EXTERIOR PAINT (BROWN-ULTRA PURE WHITE)
9	EXISTING SPANISH ROOF TILE TO REMOVE

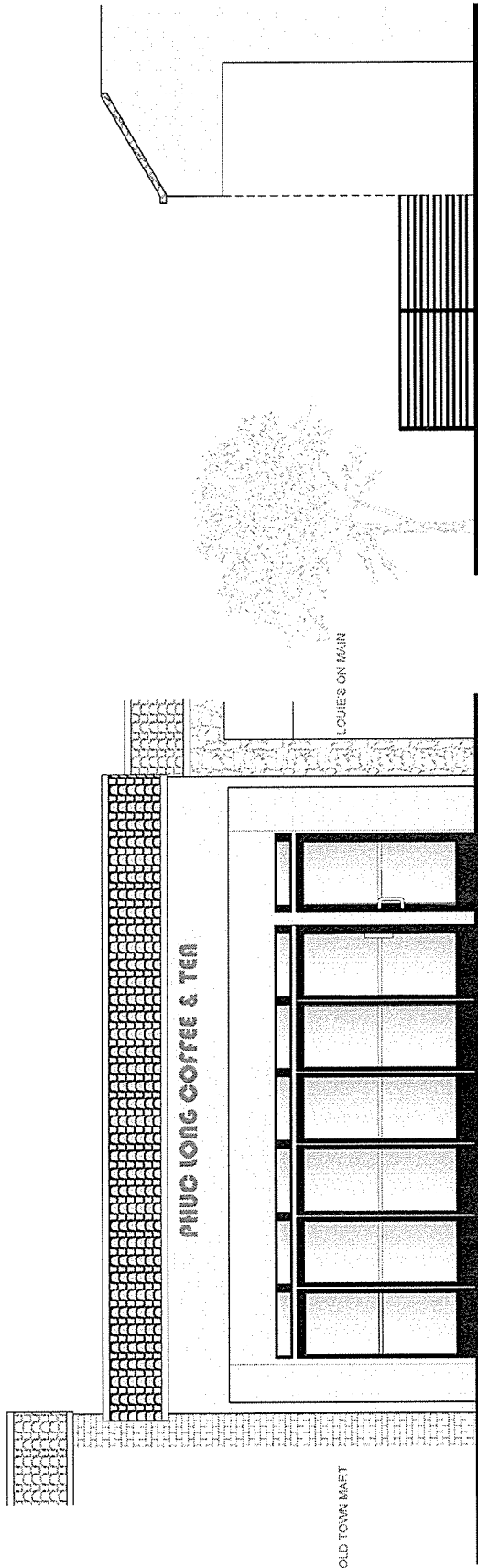
REV.	DESCRIPTION	DATE

PROJECT: 12936 MAIN STREET
GARDEN GROVE, CA 92840

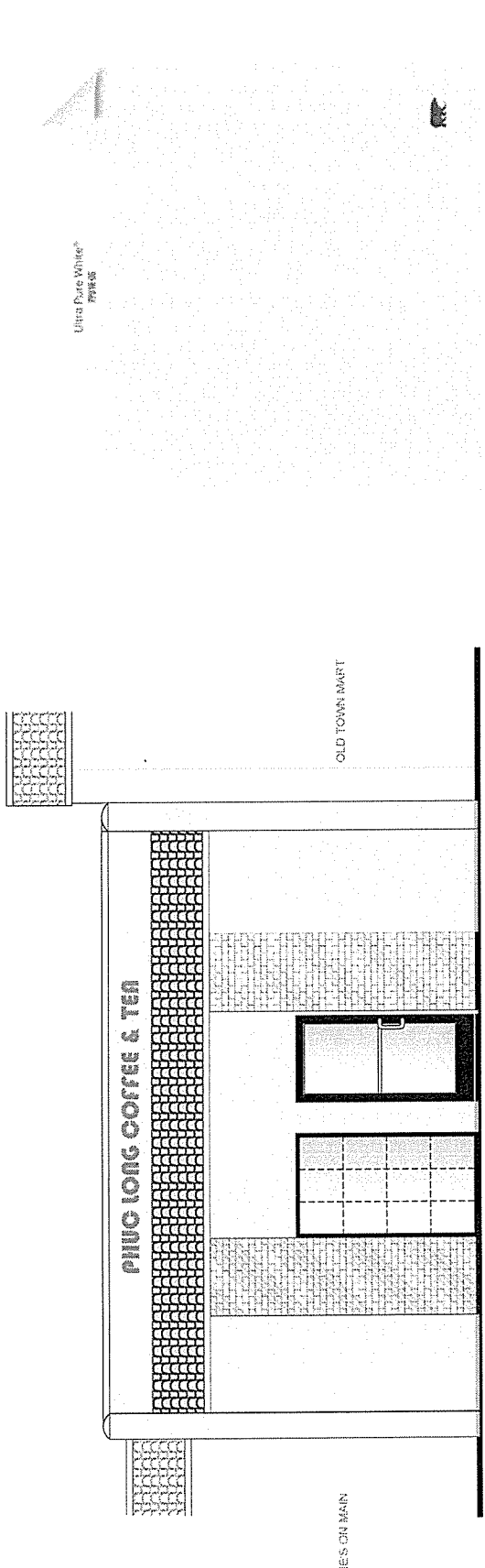
SHEET TITLE: MATERIAL BOARD



CUSTOMER	
SIGNATURE	
DATE	
SCALE	



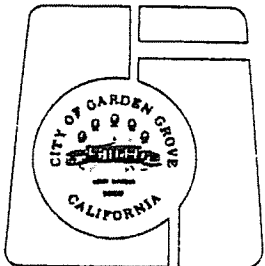
1 WEST ELEVATION (STREET VIEW)
Scale: 1/8" = 1'-0"



2 EAST ELEVATION (REAR VIEW)
Scale: 3/8" = 1'-0"

NEW EXTERIOR PAINT - BEHR ULTRA PURE WHITE

ARCHITECTURAL AND DESIGN CRITERIA
FOR THE
MAIN STREET HISTORICAL-RETAIL COMBINING ZONE



GARDEN GROVE

Prepared by:
Office of Redevelopment
Revised March 14, 1979

SECTION 1. AUTHORITY

Pursuant to Section 9213K.4.a of the Municipal Code of the City of Garden Grove, the Agency for Community Development is empowered to adopt architectural and design criteria for the revitalization of buildings located within the Main Street Historical-Retail Combining Zone.

SECTION 2. PURPOSE

The purpose of the architectural and design criteria is to establish parameters for the restoration and revitalization of Main Street's buildings without stifling individual creativity of design.

SECTION 3. ARCHITECTURAL CHARACTER

The architectural character which is to be retained and enhanced is that which existed prior to and with the rebuilding of Main Street buildings subsequent to the 1933 Long Beach earthquake. The principal architectural character is of a Spanish style with wood-framed, stucco building fronts and tile roofs. The following design criteria have been established to enhance this particular architectural style.

SECTION 4. DESIGN CRITERIA

A. Total Building Design

The following design criteria shall apply to all building elevations, including rear and side elevations where visible, and not solely to that portion of a building which fronts on Main Street.

B. Materials

Primary facing materials should be textured in appearance, such as textured stucco. Decorative ceramic tiles should be utilized beneath windows. Colored fabric should be utilized for awnings. Cast iron may be used in details and decorative features. Monterey or similar tile should be used on those portions of roof visible from any public right-of-way.

C. Color

Earth tones should predominate with white or off-white being the primary color of the building facia. Blacks, browns, reds, yellows, greens, grays or blues should be used for details and highlights though nothing contained herein shall predispose the use of any other color provided that it is integrated into the overall architecture and design of the building and is not out of character with the general historical theme adopted for Main Street.

D. Roof-Mounted Mechanical Equipment

All new roof-mounted mechanical equipment shall be located, and existing roof-mounted mechanical equipment shall be screened, such that they are not visible from any public right-of-way.

E. Roof Drainage

All roof drainage for new buildings or for buildings undergoing major restoration shall be designed to transport rain water and other drainage to the rear of the building.

F. Awnings and Canopies

Brightly colored fabric awnings should be a major design feature of each building and should be maintained in good repair and replaced as necessary. Canopies should be designed to be a part of the integral design of the building in terms of materials and appearance.

G. Signs

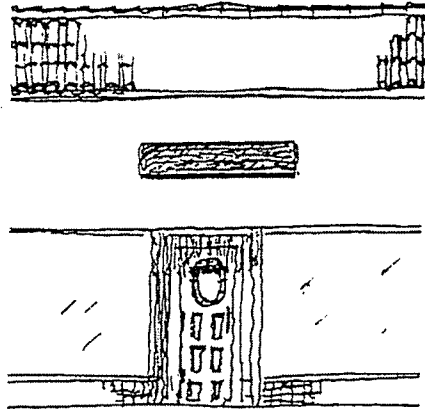
1. Signs on Main Street should advertise the place of business, be architecturally attractive and contribute to the retention or restoration of the historical character of the street. Some consistency or similarity of signs is important to obtain the desired appreciation that all areas of the street and uses are a part of a progressive commercial center.

Unless signs are controlled they will tend to compete with each other and with the otherwise improved appearance of the street. Without reasonably applied sign criteria, signs will dominate the street.

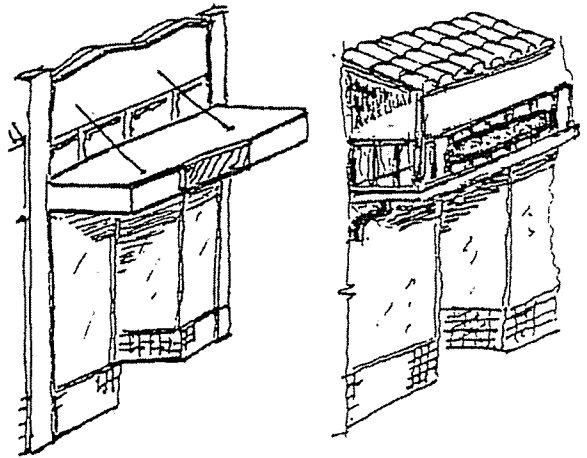
Signs standards assure each merchant that all other establishments are similarly restricted. The merchant is protected against over-powering advertising structures from competitors and/or adjacent properties on the street

2. Signs visible from the Main Street right-of-way should be pedestrian oriented in size, shape and location.
3. Lettering and symbols should be integrated into the overall architecture and design of the building and should be in character with the general historical theme adopted for Main Street.
4. The total sign area on any single building facade in the Main Street Historical-Retail zone shall not exceed one (1) square foot per lineal foot of facade frontage or 10% of the facade area, whichever is smaller. The total sign area on an alley facade shall not exceed two (2) square feet per lineal foot of facade or 10% of the facade area, whichever is smaller.
5. Each business property will be permitted one (1) Principal Identification Sign on each building facade of the business. The Principal Identification Sign may be a Wall Sign, or Marquee Sign. Only the name of the business and/or one or two major categories or services should be shown on any sign. Traditional trademarks, logos and symbols are permitted.
6. One perpendicular projecting sign not to exceed six (6) square feet will be permitted on the front or primary face of each establishment provided, however, that the sign material is wood and that the sign face is designed as a graphic representation of the goods or services

SIGN EXAMPLES



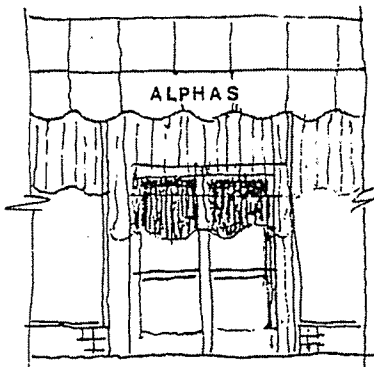
FACADE SIGN



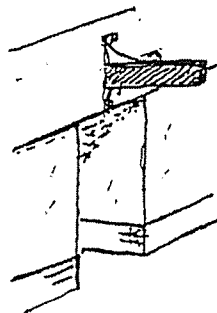
MARQUEE SIGNS

Signs may be of wood or other suitable materials, or painted directly on the wall or marquee surface.

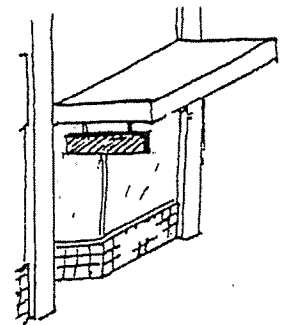
Maximum area: One sq. ft. per lineal foot of facade or 10% of facade area whichever is smaller.



AWNING SIGN



WALL HUNG SIGN



UNDER MARQUEE SIGN

PERPENDICULAR PROJECTING SIGNS

May be used as principal sign. Lettering is applied directly to awning fabric.

One permitted for each establishment on primary facade. Maximum area is six sq. ft.

provided at the particular establishment. As an incentive to encourage the utilization of this type of sign, the square footage of such sign shall not be included in the total allowable square footage limitation.

7. The choice of sign materials should be left to the discretion of the applicant, subject to the approval of the Agency for Community Development, though the design should not contain visible bulbs, neon tubing, exposed wiring, or luminous paints. Wood or simulated wood signs with carved, routed, or sandblasted letters are particularly encouraged. Other materials compatible with the general architectural theme will be permitted. In the interest of energy conservation, signs should be illuminated only when essential for operation of a business. No movement or flashing lights shall be permitted.
8. Natural, stained or painted wood or simulated wood backgrounds are acceptable. Where other materials are used or signs are painted directly on wall surfaces, earth tones should predominate with white or off-whites, ivories or beiges being the primary color of the sign background. Blacks, browns, reds, yellows, greens, grays or blues should be used for details and highlights though nothing contained herein shall predispose the use of any other color provided that it is integrated into the overall architecture and design of the building and is not out of character with the general historical theme adopted for Main Street.
9. Signs which become non-conforming as a result of this criteria shall be removed or brought into conformance within six months from the date that they become non-conforming.

SECTION 5. BUILDING DESIGN PLAN

A. Initial Action

The applicant should contact the staff of the Agency for Community Development to discuss the request or proposal prior to the preparation of detailed drawings.

B. Contents

The applicant shall prepare the following and submit them to the Office of Redevelopment for review:

1. Elevations

The applicant shall submit eighteen (18) copies of elevations containing the following information:

- a. Types: At least one proposed front, side (if visible), and rear elevation for each building on the site.
- b. Scale: Any scale large enough to show clearly the details of the development.

- c. Materials: Exterior building materials labeled and identified.
- d. Signs: All proposed signs including location, dimensions, materials, colors, and copy (if available).
- e. Title Block.

2. Other Exhibits

The applicant shall submit one copy of each of the following:

- a. Color Photograph: The applicant shall submit a color photograph of each elevation of the existing building.
- b. Color Rendering: The applicant shall submit a color rendering of each elevation for the proposed restoration of the existing building.
- c. Evidence of Title: Evidence of title, secured through a title insurance company within six (6) months prior to filing the application is needed to satisfy the requirement that the recorded owner be known and consents to the filing of the application.
- d. Letter of Authorization (form attached): The Letter of Authorization is to be submitted only if the applicant is not the recorded owner of the property. The recorded owner must sign the Letter of Authorization and have it notarized.

2826B/101A
3/19/79

RESOLUTION NO. 6017-21

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING THE MODIFICATION OF THE FRONT (WEST) FAÇADE OF AN EXISTING COMMERCIAL BUILDING, LOCATED AT 12936 MAIN STREET, ASSESSOR'S PARCEL NO. 090-161-12.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on January 21, 2021, does hereby approve the modification of the front façade of an existing commercial building, located at 12936 Main Street, Assessor's Parcel No. 090-161-12.

BE IT FURTHER RESOLVED in the matter of the 12936 Main Street Proposed Façade Changes, the Planning Commission of the City of Garden Grove hereby finds, determines, declares, and resolves as follows:

WHEREAS, the subject case was initiated by Toby Nguyen (the Applicant);

WHEREAS, a request to modify the building façade of the existing commercial building, located at 12936 Main Street;

WHEREAS, the subject site has a General Plan Land Use Designation of Civic Center Mixed Use and is currently zoned CC-2 (Civic Center Main Street);

WHEREAS, existing land use, zoning, and General Plan designation of property within the vicinity of the subject property have been reviewed;

WHEREAS, the City of Garden Grove has determined that this project is not subject to the California Environmental Quality Act ("CEQA"; Cal. Pub. Resources Code Section 21000 et seq.) pursuant to Section 15301 (Existing Facilities) of the State CEQA Guidelines (Cal. Code of Regs., Title 14, Section 15000 et seq.);

WHEREAS, in 1978, the City adopted, by resolution, the Historical Main Street Architectural Design Criteria, which states in part, "The architectural character, which is to be retained and enhanced is that which existed prior to and with the rebuilding of Main Street buildings subsequent to the 1933 Long Beach earthquake. The principal architectural character is of a Spanish style, wood-framed, stucco building fronts and tile roofs". The Historical Main Street Architectural Design Criteria further states that the design criteria was "established to enhance this particular architectural style";

WHEREAS, when a structural rehabilitation is requested for a building within the CC-2 (Civic Center Main Street) zone, the applicant is required to submit a building design plan to the City for review. The proposed building design plan is also submitted to the Downtown Main Street Commission ("Downtown Commission"), who reviews the proposed plan and makes recommendations to the Community and Economic Development Department;

WHEREAS, the Downtown Commission gave due and careful consideration to the matter during its meeting of January 14, 2021, and, through a motion to approve the project, forwarded a recommendation to the Planning Commission;

WHEREAS, a report submitted by City staff was reviewed.

WHEREAS, pursuant to a legal notice, a public hearing was held on January 21, 2021, and all interested persons were given an opportunity to be heard.

WHEREAS, the Planning Commission gave due and careful consideration to the matter during its meeting of January 21, 2021; and

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. *Incorporation of Recitals.* The foregoing recitals are true and correct and are incorporated by reference herein.

SECTION 2. *Findings.* The Planning Commission finds that the proposed design, per the attached Exhibit "B", is consistent with the intent of the Historical Main Street Architectural Design Criteria. The Planning Commission finds that the proposed design will upgrade the front façade of the subject building by incorporating modern contemporary elements into the existing Spanish style while maintaining architectural consistency of the Historic Main Street.

Adopted this 21st day of January 2021