



A G E N D A

GARDEN GROVE PLANNING COMMISSION REGULAR MEETING

October 21, 2021

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE

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. Members of the public are asked to consider very carefully before attending this meeting in person and are encouraged to wear face masks and maintain a six foot distance from others. Please do not attend this meeting if you have had direct contact with someone who has tested positive for COVID-19, or if you are experiencing symptoms such as coughing, sneezing, fever, difficulty breathing or other flu-like symptoms.

REGULAR SESSION – 7:00 P.M.

ROLL CALL: CHAIR PEREZ, VICE CHAIR LINDSAY
COMMISSIONERS ARESTEGUI, CUNNINGHAM, LEHMAN, 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 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: September 2, 2021
- C. CONTINUED 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
SITE PLAN NO. SP-101-2021

APPLICANT: DENNIS O'NEIL (SUNBELT STORES, INC.)
LOCATION: NORTH SIDE OF WESTMINSTER AVENUE, WEST OF
BROOKHURST STREET AT 13861 BROOKHURST STREET

REQUEST: Site Plan approval to expand an existing 180,449 square foot shopping center, which is currently improved with the Garden Grove Superstore, a Target retail store, and a Firestone auto repair shop, by constructing (i) two (2) new 4,000 square foot drive-thru pad buildings, (ii) one (1) new 4,000 square foot multi-tenant commercial building attached to the existing Target, and (iii) replacing the existing Firestone auto repair shop with a 5,600 square foot drive-thru multi-tenant building. The site is in the C-2 (Community Commercial) zone. In conjunction with the request, the Planning Commission will also consider the adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the project.

STAFF RECOMMENDATION: Adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approval of Site Plan No. SP-101-2021, subject to the recommended Conditions of Approval.

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

D.1. CERTIFICATION OF THE ENVIRONMENTAL IMPACT REPORT (EIR) FOR
FOCUSED GENERAL PLAN UPDATE AND ZONING AMENDMENTS
GENERAL PLAN AMENDMENT NO. GPA-003-2021
AMENDMENT NO. A-031-2021

APPLICANT: CITY OF GARDEN GROVE
LOCATION: CITYWIDE

REQUEST: To recommend to the City Council: (i) Certification of the Environmental Impact Report (EIR) for the proposed focused General Plan Update and Zoning Amendments; (ii) Adoption of a General Plan Update (GPA-003-2021), which includes updates to the Housing Element, the Land Use Element, and the Safety Element, along with the adoption of a new Environmental Justice Element; and (iii), Adoption of Text/Map Amendments (A-031-2021) to Title 9 of the Municipal Code and to the Zoning Map to implement the goals and policies of the Housing Element and Land Use Element. The focus of the General Plan Update is to comply with State Law provisions, including complying with the 6th Cycle (2021-29) of the Regional Housing Needs Assessment (RHNA) that requires the City to Plan for 19,168 residential dwelling units for all income levels during the 2021-29 planning period.

A copy of the Draft EIR is available for public review at Garden Grove City Hall and on the City's website at ggcity.org/planning.

The Draft of the Housing Element, Land Use Element, Safety Element, and Environment Justice Element for public review is only available on the City's website at ggcity.org/housing-element.

As part of the Land Use Element update, the General Plan Land Use designation of selected parcels will be changed. The parcels are generally located along Garden Grove Boulevard in the vicinity of the Beach Boulevard and Harbor Boulevard intersections, as well as along Harbor Boulevard between Trask Avenue and Westminster Avenue, along Westminster Avenue at the Taft Street and Euclid Street intersections, on Brookhurst Street, south of 15th Street, and those at the southeast corner of Katella Avenue and Magnolia Street. The specific parcels proposed to be changed are as follows:

GENERAL PLAN LAND USE DESIGNATION CHANGING FROM LIGHT COMMERCIAL TO RESIDENTIAL/COMMERCIAL MIXED-USE 1:

7861 GARDEN GROVE BLVD APN# 131-682-62	7942 GARDEN GROVE BLVD APN# 096-281-14
7761 GARDEN GROVE BLVD APN# 131-682-61	7701 GARDEN GROVE BLVD APN# 131-682-05
7942 GARDEN GROVE BLVD APN# 096-281-14	7900 GARDEN GROVE BLVD APN# 096-281-09
7912 GARDEN GROVE BLVD APN# 096-281-11, APN# 096-281-13	

GENERAL PLAN LAND USE DESIGNATION CHANGING FROM LIGHT COMMERCIAL TO RESIDENTIAL/COMMERCIAL MIXED-USE 2:

11092 MAGNOLIA ST APN# 132-061-32	8301 GARDEN GROVE BLVD APN# 131-541-20
11072 MAGNOLIA ST APN# 132-061-31	10721 WESTMINSTER AVE APN# 099-504-47
11052 MAGNOLIA ST APN# 132-061-28	10711 WESTMINSTER AVE APN# 099-504-45
11012 MAGNOLIA ST APN# 132-061-29	10691 WESTMINSTER AVE APN# 099-504-44
11002 MAGNOLIA ST APN# 132-061-18	10742 WESTMINSTER AVE APN# 099-181-12

GENERAL PLAN LAND USE DESIGNATION CHANGING FROM LIGHT COMMERCIAL TO RESIDENTIAL/COMMERCIAL MIXED-USE 3:

12141 GARDEN GROVE BLVD APN# 231-404-13

GENERAL PLAN LAND USE DESIGNATION CHANGING FROM LIGHT COMMERCIAL TO INTERNATIONAL WEST MIXED-USE:

13971 HARBOR BLVD APN# 100-130-74	13945 HARBOR BLVD APN# 100-130-73
13933 HARBOR BLVD APN# 100-130-71	13911 HARBOR BLVD APN# 100-130-72
13970 HARBOR BLVD APN# 101-681-22	13552 HARBOR BLVD APN# 101-080-75
13950 HARBOR BLVD APN# 101-681-18	13512 HARBOR BLVD APN# 101-080-76
13462 HARBOR BLVD APN# 101-642-01 APN# 101-681-17	12091 TRASK AVE APN# 101-642-02

GENERAL PLAN LAND USE DESIGNATION CHANGING FROM LIGHT COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL:

10081 13 TH ST APN# 099-173-20	11001 WESTMINSTER AVE APN# 100-151-33
14202 BROOKHURST ST APN# 099-173-08	11025 WESTMINSTER AVE APN# 100-151-34
14212 BROOKHURST ST APN# 099-173-10, APN# 099-173-45	

GENERAL PLAN LAND USE DESIGNATION CHANGING FROM INDUSTRIAL TO INTERNATIONAL WEST MIXED-USE:

13962 SEABOARD CIR APN# 100-130-68	13932 SEABOARD CIR APN# 100-130-67
11901 WESTMINSTER AVE APN# 100-130-69	13902 SEABOARD CIR APN# 100-130-66
13821 HARBOR BLVD APN# 100-130-79	13862 SEABOARD CIR APN# 100-130-58
13821 HARBOR BLVD APN# 100-130-79	

GENERAL PLAN LAND USE DESIGNATION CHANGING FROM INDUSTRIAL TO MEDIUM DENSITY RESIDENTIAL:

11461 WESTMINSTER AVE APN# 100-141-10	13931 NEWHOPE ST APN# 100-141-09
11431 WESTMINSTER AVE APN# 100-141-11	

GENERAL PLAN LAND USE DESIGNATION CHANGING FROM HEAVY COMMERCIAL TO INTERNATIONAL WEST MIXED-USE:

13831 HARBOR BLVD APN# 100-130-56	13731 HARBOR BLVD APN# 100-130-52
13691 HARBOR BLVD APN# 100-123-09	13631 HARBOR BLVD APN# 100-123-02
13571 HARBOR BLVD APN# 100-122-33	13551 HARBOR BLVD APN# 100-122-11
13501 HARBOR BLVD APN# 100-122-40	13531 HARBOR BLVD APN# 100-122-12
13501 HARBOR BLVD APN# 100-122-39	13592 HARBOR BLVD APN# 101-080-73
13571 HARBOR BLVD APN# 100-122-32	13852 HARBOR BLVD APN# 101-315-33
13822 HARBOR BLVD APN# 101-311-17	13812 HARBOR BLVD APN# 101-311-19
13802 HARBOR BLVD APN# 101-311-24	13792 HARBOR BLVD APN# 101-311-21
13772 HARBOR BLVD APN# 101-311-20	13752 HARBOR BLVD APN# 101-311-25
13732 HARBOR BLVD APN# 101-080-71	13700 HARBOR BLVD APN# 101-080-63
13692 HARBOR BLVD APN# 101-080-64	13666 HARBOR BLVD APN# 101-080-68
13650 HARBOR BLVD APN# 101-080-66	13592 HARBOR BLVD APN# 101-080-74
11942 TRASK AVE APN# 100-122-22, APN# 100-122-23	

GENERAL PLAN LAND USE DESIGNATION CHANGING FROM CIVIC INSTITUTION TO INTERNATIONAL WEST MIXED-USE:

12501 GARDEN GROVE BLVD APN# 231-561-16	12609 GARDEN GROVE BLVD APN# 231-561-24
12555 GARDEN GROVE BLVD APN# 231-561-25	12601 GARDEN GROVE BLVD APN# 231-561-22
12601 GARDEN GROVE BLVD APN# 231-561-23	12665 GARDEN GROVE BLVD APN# 231-323-21
12892 PALM ST APN# 231-561-15	12601 GARDEN GROVE BLVD APN# 231-561-14
12665 GARDEN GROVE BLVD APN# 231-323-22, APN# 231-323-20	

AS PART OF THE ZONING MAP AMENDMENT, THE ZONING DESIGNATION OF SELECTED PARCELS WILL BE CHANGED. THE PARCELS ARE GENERALLY LOCATED ALONG GARDEN GROVE BOULEVARD IN THE VICINITY OF BEACH BOULEVARD AND THE HARBOR BOULEVARD INTERSECTIONS, ALONG HARBOR BOULEVARD BETWEEN TRASK AVENUE AND WESTMINSTER AVENUE, ALONG WESTMINSTER AVENUE AT THE TAFT STREET AND EUCLID STREET INTERSECTIONS, ON BROOKHURST STREET, SOUTH OF 15TH STREET, AT THE SOUTHEAST CORNER OF KATELLA AVENUE AND MAGNOLIA STREET, AND THOSE IN THE CIVIC CENTER AREA. THE SPECIFIC PARCELS PROPOSED TO BE REZONED ARE AS FOLLOWS:

ZONE CHANGE FROM C-1 (NEIGHBORHOOD COMMERCIAL) TO R-3 (MULTIPLE-FAMILY RESIDENTIAL):

10081 13 TH ST APN# 099-173-20	14202 BROOKHURST ST APN# 099-173-08
14212 BROOKHURST ST APN# 099-173-10, APN# 099-173-45	

ZONE CHANGE FROM C-1 (NEIGHBORHOOD COMMERCIAL) TO NMU (NEIGHBORHOOD MIXED-USE):

11092 MAGNOLIA ST APN# 132-06-132	11072 MAGNOLIA ST APN# 132-061-31
11052 MAGNOLIA ST APN# 132-061-28	11012 MAGNOLIA ST APN# 132-061-29
11002 MAGNOLIA ST APN# 132-061-18	

ZONE CHANGE FROM C-2 (COMMUNITY COMMERCIAL) TO GGMU-1 (GARDEN GROVE MIXED-USE 1):

7861 GARDEN GROVE BLVD APN# 131-682-62	7761 GARDEN GROVE BLVD APN# 131-682-61
7701 GARDEN GROVE BLVD APN# 131-682-05	7900 GARDEN GROVE BLVD APN# 096-281-09
7942 GARDEN GROVE BLVD APN# 096-281-14	7942 GARDEN GROVE BLVD APN# 096-281-14
7912 GARDEN GROVE BLVD APN# 096-281-11, APN# 096-281-13	

ZONE CHANGE FROM C-2 (COMMUNITY COMMERCIAL) TO GGMU-2 (GARDEN GROVE MIXED-USE 2):

8301 GARDEN GROVE BLVD APN# 131-541-20

ZONE CHANGE FROM M-1 (LIMITED INDUSTRIAL) TO R-3 (MULTIPLE-FAMILY RESIDENTIAL):

11461 WESTMINSTER AVE APN# 100-141-10	13931 NEWHOPE ST APN# 100-141-09
11431 WESTMINSTER AVE APN# 100-141-11	

ZONE CHANGE FROM HCSP-DC (HARBOR CORRIDOR SPECIFIC PLAN-DISTRICT COMMERCIAL) TO GGMU-3 (GARDEN GROVE MIXED-USE 3):

12141 GARDEN GROVE BLVD APN# 231-404-13

ZONE CHANGE FROM CC-OS (CIVIC CENTER- OPEN SPACE) TO CC-3 (CIVIC CENTER CORE):

11391 ACACIA PKWY APN# 090-154-57
11261 ACACIA PKWY APN# 090-154-58
12772 5TH ST APN# 090-154-49

11200 STANDARD AVE APN# 090-143-27
APN# 090-154-56

AS PART OF THE ZONING AMENDMENT, THE RESIDENTIAL DENSITIES OF SECTIONS 9.18.090.020, 9.18.090.030, 9.18.090.070, 9.18.090.080 OF CHAPTER 18 OF TITLE 9 OF THE MUNICIPAL CODE WILL BE AMENDED TO BE CONSISTENT WITH THE DENSITIES OF THE LAND USE ELEMENT UPDATE, AND SECTION 9.18.190 WILL BE INCORPORATED TO CREATE A MIXED-USE OVERLAY ZONE. THE PARCELS INCLUDED IN THE MIXED-USE OVERLAY ZONE ARE GENERALLY LOCATED ALONG HARBOR BOULEVARD, BETWEEN CHAPMAN AVENUE AND WESTMINSTER AVENUE, ALONG WESTERN AVENUE BETWEEN LAMPSON AVENUE AND CHAPMAN AVENUE, AND ON WESTMINSTER AVENUE AT TAFT STREET.

THE FOLLOWING PARCELS WILL BE INCLUDED IN THE INTERNATIONAL WEST MIXED-USE OVERLAY:

APN# 101-011-06	APN# 231-561-14	APN# 101-080-63	APN# 100-352-20
APN# 101-080-68	APN# 101-080-64	APN# 100-130-67	APN# 100-130-66
APN# 231-491-12	APN# 231-491-13	APN# 231-491-14	APN# 231-491-15
APN# 231-451-40	APN# 231-451-38	APN# 231-451-37	APN# 231-451-36
APN# 100-130-56	APN# 101-611-78	APN# 100-130-71	APN# 100-345-23
APN# 101-681-22	APN# 101-642-02	APN# 101-452-02	APN# 100-335-25
APN# 101-611-02	APN# 100-335-34	APN# 100-335-37	APN# 100-130-72
APN# 100-335-30	APN# 100-130-74	APN# 100-130-73	APN# 101-642-01
APN# 101-080-71	APN# 101-080-73	APN# 101-080-74	APN# 231-441-36
APN# 100-347-15	APN# 231-405-01	APN# 100-122-33	APN# 101-080-76
APN# 100-345-21	APN# 101-311-25	APN# 101-343-65	APN# 231-441-35
APN# 101-011-02	APN# 101-315-33	APN# 231-422-14	APN# 231-422-07
APN# 231-422-12	APN# 231-422-15	APN# 231-423-09	APN# 231-422-09
APN# 231-423-08	APN# 231-422-08	APN# 231-422-22	APN# 231-422-21
APN# 231-422-20	APN# 231-422-19	APN# 231-422-18	APN# 231-422-17
APN# 231-422-16	APN# 231-422-11	APN# 231-423-15	APN# 231-423-16
APN# 231-423-14	APN# 231-423-13	APN# 231-423-12	APN# 231-423-11
APN# 231-423-10	APN# 231-422-10	APN# 231-423-02	APN# 231-423-01
APN# 231-423-03	APN# 231-423-04	APN# 231-423-05	APN# 231-423-06
APN# 231-423-07	APN# 101-311-17	APN# 101-011-03	APN# 101-311-19
APN# 101-311-24	APN# 101-311-21	APN# 101-311-20	

THE FOLLOWING PARCELS WILL BE INCLUDED IN THE INDUSTRIAL/RESIDENTIAL 1 MIXED-USE OVERLAY:

APN# 131-671-11	APN# 131-671-09	APN# 131-671-10	APN# 131-671-08
APN# 215-032-01			

THE FOLLOWING PARCELS WILL BE INCLUDED IN THE RESIDENTIAL/COMMERCIAL MIXED-USE 2 RESIDENTIAL OVERLAY:

10721 WESTMINSTER AVE APN# 099-504-47	10711 WESTMINSTER AVE APN# 099-504-45
10691 WESTMINSTER AVE APN# 099-504-44	10742 WESTMINSTER AVE APN# 099-181-12

STAFF RECOMMENDATION: Recommend to City Council: (i) Certification of the Environmental Impact Report (EIR) for the proposed focused General Plan Update and Zoning Amendments; (ii) Adoption of a General Plan Update (GPA-003-2021), which includes updates to the Housing Element, the Land Use Element, and the Safety Element, along with the adoption of a new Environmental Justice Element; and (iii), Adoption of Text/Map Amendments (A-031-2021) to Title 9 of the Municipal Code and the Zoning Map to implement the goals and policies of the Housing Element and Land Use Element.

- E. MATTERS FROM COMMISSIONERS
- F. MATTERS FROM STAFF
- G. ADJOURNMENT

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

Meeting Minutes
Thursday, September 2, 2021

CALL TO ORDER: 7:03 p.m.

ROLL CALL:

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

Absent: None.

PLEDGE OF ALLEGIANCE: Led by Commissioner Soeffner.

ORAL COMMUNICATIONS – PUBLIC – None.

August 19, 2021 MINUTES:

Action: Received and filed.

Motion: Lindsay Second: Lehman

Ayes: (7) Arestegui, Cunningham, Lehman, Lindsay, Perez,
Ramirez, Soeffner

Noes: (0) None

PUBLIC HEARING – MITIGATED NEGATIVE DECLARATION, MITIGATION MONITORING AND REPORTING PROGRAM, AND SITE PLAN NO. SP-101-2021 FOR PROPERTY LOCATED ON THE NORTH SIDE OF WESTMINSTER AVENUE, WEST OF BROOKHURST STREET, AT 13861 BROOKHURST STREET.

Applicant: DENNIS O'NEIL (SUNBELT STORES, INC.)

Date: September 2, 2021

Request: Site Plan approval to expand an existing 180,449 square foot shopping center, which is currently improved with the Garden Grove Superstore, a Target retail store, and a Firestone auto repair shop, by constructing (i) two (2) new 4,000 square foot drive-thru pad buildings, (ii) one (1)

new 4,000 square foot multi-tenant commercial building attached to the existing Target, and (iii) replacing the existing Firestone auto repair shop with a 5,600 square foot drive-thru multi-tenant building. The site is in the C-1 (Neighborhood Commercial) zone. In conjunction with the request, the Planning Commission will also consider the adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the project.

Action: In order to prepare additional cost estimates for off-site improvements, and to prepare a construction phasing plan, the applicant, who was not present, requested that the item be continued to the October 21st meeting. Staff read the report summary into the record and the public hearing was opened for testimony. With the public hearing open, the Planning Commission moved to continue the item to the October 21st date.

Motion: Lindsay Second: Ramirez

Ayes: (7) Arestegui, Cunningham, Lehman, Lindsay, Perez, Ramirez, Soeffner

Noes: (0) None

PUBLIC HEARING – SITE PLAN NO. SP-082-2020TE1 AND CONDITIONAL USE PERMIT NO. CUP-180-2020TE1 FOR PROPERTY LOCATED ON THE NORTHWEST CORNER OF CHAPMAN AVENUE AND DALE STREET AT 8471 CHAPMAN AVENUE.

Applicant: 7-ELEVEN, INC.
Date: September 2, 2021

Request: Approval of a one-year time extension for entitlements approved under Site Plan No. SP-082-2020 and Conditional Use Permit No. CUP-180-2020 to remove existing site improvements and construct a 2,232 square foot 24-hr convenience store with an 1,800 square foot fueling canopy with eight (8) pumps, and to revoke Conditional Use Permit No. CUP-228-08 to create a new CUP for a gas station and an Alcoholic Beverage Control Type "20" (Off-Sale, Beer and Wine) License. The site is in the C-1 (Neighborhood Commercial) zone. A CEQA determination is not required as the project was previously exempted.

Action: Resolution No. 6030-21 was approved in order for the Applicant to obtain adequate funding for the project. Two residents, Nghi Lam and Hoanh Bui opposed the previously approved project with concerns related to a service station being located behind their residences, 24-hour noises, and safety. The applicant provided his email (adan@7pcd.com) for residents to reach out with private concerns as 7-Eleven, Inc. is dedicated to being a good neighbor.

Motion: Ramirez Second: Lindsay

Ayes: (7) Arestegui, Cunningham, Lehman, Lindsay, Perez,
Ramirez, Soeffner

Noes: (0) None

MATTERS FROM COMMISSIONERS: Chair Perez wished everyone a happy Labor Day holiday.

MATTERS FROM STAFF: Staff gave a brief summary of the agenda items for the October 7th and 21st meetings and stated the September 16th meeting would be cancelled.

ADJOURNMENT: At 7:25 p.m. to the next Meeting of the Garden Grove Planning Commission on Thursday, October 7, 2021, at 7:00 p.m. in the Community Meeting Center, 11300 Stanford Avenue, Garden Grove.

Judith Moore
Recording Secretary

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.1.	SITE LOCATION: North side of Westminster Avenue, west of Brookhurst Street, south of Woodbury Avenue, at 13861 Brookhurst Street
HEARING DATE: October 21, 2021	GENERAL PLAN: Light Commercial (LC)
CASE NO.: Site Plan No. SP-101-2021	ZONE: C-2 (Community Commercial)
APPLICANT: Dennis O'Neil, Sunbelt Stores, Inc.	APN: 098-621-01
PROPERTY OWNER: Same as applicant	CEQA DETERMINATION: Mitigated Negative Declaration

REQUEST:

The applicant is requesting Site Plan approval to expand an existing 180,449 square foot shopping center, which is currently improved with the Garden Grove Superstore, a Target retail store, and a Firestone auto repair shop, by constructing (i) two (2) new 4,000 square foot drive-thru pad buildings, (ii) one (1) new 4,000 square foot multi-tenant commercial building attached to the existing Target, (iii) replacing the existing Firestone auto repair shop with a 5,600 square foot drive-thru multi-tenant building, and (iv) removing Target's 13,600 square foot garden center.

DISCUSSION:

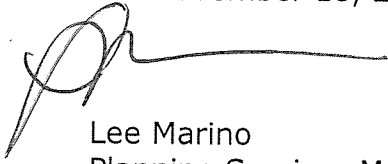
The Applicant, Sunbelt Stores, Inc., had previously requested that the Public Hearing for Site Plan No. SP-101-2021 be continued from the September 2nd, 2021 Planning Commission meeting to October 21st, 2021, in order to prepare additional cost estimates for off-site improvements, and to prepare a construction phasing plan. The Planning Commission opened the public hearing with no members of the public speaking in favor, or against the item. Per Staff's recommendation, the Planning Commission left the public hearing open and continued the item to the October 21st, 2021 Planning Commission meeting.

The applicant has provided a written request, attached hereto, to further continue the public hearing to the November 18th, 2021 Planning Commission meeting in order to finalize the aforementioned cost estimates and construction phasing plan.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

1. Keep the public hearing open and continue Site Plan No. SP-101-2021 to the November 18, 2021, Planning Commission meeting.



Lee Marino
Planning Services Manager



By: Mary Martinez
Associate Planner

SUNBELT

Investment Holdings Inc.

8095 Othello Avenue
San Diego, CA 92111
Telephone: (858) 495-4900
Facsimile: (858) 278-8397

October 13, 2021


Mary Martinez / Associate Planner
City of Garden Grove Planning Services Division
11222 Acacia Parkway
Garden Grove, CA 92840

Subject: MND / MMRP / SP-101-2021 // Request to change date of Planning Commission Hearing

Dear Mary,

The above referenced item is on the agenda for the October 21, 2021 Planning Commission hearing. I am writing to request that you move the item to be heard at the November 18, 2021 Planning Commission hearing. We are making this request to give us more time to assess the draft conditions of approval. Thank you for your consideration.

Sincerely,



Dennis O'Neil
Vice President
Sunbelt Investment Holdings Inc. for Sunbelt Stores, Inc

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: D.1.	SITE LOCATION: Citywide
HEARING DATE: October 21, 2021	GENERAL PLAN: N/A
CASE NO.: General Plan Amendment No. GPA-003-2021 and Amendment No. A-031-2021	ZONE: N/A
APPLICANT: City of Garden Grove	CEQA DETERMINATION: Environmental Impact Report (EIR)

REQUEST:

A request for the Garden Grove Planning Commission to hold a public hearing and consider recommending that the City Council: (i) certify the Environmental Impact Report (EIR) for the proposed Focused General Plan Update and Zoning Amendments, adopt a Mitigation Monitoring and Reporting Program, and adopt a Statement of Overriding Considerations; (ii) adopt General Plan Amendment No. GPA-003-2021, which includes updates to the Housing Element, the Land Use Element, and the Safety Element, and the adoption of a new Environmental Justice Element; and (iii) adopt Zoning Amendment No. A-031-2021, which includes text/map amendments to Title 9 of the Municipal Code and to the Zoning Map to implement the Housing Element and Land Use Element Updates. The focus of the General Plan and Zoning Amendments is to comply with State law provisions, including complying with the 6th Cycle (2021-2029) of the Regional Housing Needs Assessment (RHNA) that requires the City to plan for 19,168 residential dwelling units for all income levels during the 2021-2029 planning period.

BACKGROUND:

The City of Garden Grove has prepared a Draft Focused General Plan Update with revisions to the Housing Element, Land Use Element, and Safety Element, and preparation of a new Environmental Justice Element in compliance with Government Code Section 65302. The proposed Housing Element Update establishes programs, policies, and actions to generally further the goal of meeting the existing and projected housing needs in the community. The proposed Land Use Element Update incorporates the housing growth identified in the Housing Element. The proposed Safety Element Update addresses climate change vulnerability and resiliency and incorporates the City's Local Hazard Mitigation Plan. The new Environmental Justice Element focuses on addressing community needs and pollution burden challenges citywide and within disadvantaged communities. The Draft Housing Element was made available online for public review on the City's website (<https://ggcity.org/housing-element>) starting on July 6, 2021, with the remaining documents available starting on August 19, 2021.

In addition to the Focused General Plan Update, the City is proposing amendments to Title 9 (Land Use) of the Garden Grove Municipal Code and to the Zoning Map in compliance with California Government Code (CGC) Section 65300 et seq., to implement and achieve consistency with the Housing Element and Land Use Element Updates. The Focused General Plan Update and Zoning Amendments are referred to collectively in this Report as the "FGPUZA" or the "Project".

The City has prepared a Draft Environmental Impact Report (EIR) for the proposed FGPUZA. The proposed Project that is evaluated in the Draft EIR is adoption of both the Focused General Plan Update and Zoning Amendments. The Draft EIR is an informational document that evaluates a proposed Project's potential to significantly impact the environment, while also identifying ways to reduce or avoid environmental impacts through mitigation measures and alternatives to the Project. The Draft EIR was available during the public review period from August 23, 2021 to October 6, 2021.

The Planning Commission is requested to hold a public hearing and consider recommending to the City Council adoption of the FGPUZA, and certification of the associated EIR. These final steps to adopt the FGPUZA, and to achieve a Housing Element certified by the California State Department of Housing and Community Development (HCD), will round out a comprehensive process, driven by extensive community engagement, which began in August of 2020.

Public Participation

Government Code 65583(c)(7) requires: "The local government shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort." Under State law, local governments must be diligent in soliciting participation by all segments of the community in this effort. A Public Engagement Plan was developed for the targeted General Plan update. Staff identified key audiences and engagement methods to encourage participation from a broad cross-section of the Garden Grove community, representative of the City's diverse cultural groups, income levels, ages, and interests.

Engagement Tools and Methods

Due to the local and statewide COVID-19 emergency orders that prohibited in-person meetings, and the State's authorization of public meetings to be held online, during the time of Project preparation, the public largely participated in online workshops, surveys, and public meetings. A dedicated online portal (<https://ggcity.org/housing-element>) contained surveys, news, background information, and links to resources. Community workshops, stakeholder interviews, focus groups, and other meetings with the public were facilitated using videoconferencing software (i.e., via Zoom). The community housing surveys were made available online and included a mapping exercise for the survey participants to provide more geographic precision to their responses. Prominently placed on the online portal were the surveys, fact sheets, and a Housing Element 101 video that

was available in English, Vietnamese, Spanish, and Korean. Multilingual surveys were also printed and distributed to residents of large multifamily housing complexes, and at the City's resource centers. Surveys, workshops, and important dates were advertised in the City's social media platforms with thousands of followers: Facebook, Twitter, Instagram, YouTube, and Next Door. Downloadable presentations and summaries of public comments from workshops and surveys were made available online for public review.

Stakeholder Interviews and Focus Group Meetings

The initial public engagement efforts began in August and September of 2020, during which the City received valuable input from key stakeholders and members/residents of the community, through stakeholder interviews and focus group meetings. In addition to general public stakeholders, key stakeholders attended the meetings, which included members from local housing and non-housing advocacy groups, service providers, and housing and affordable housing developers. Public comments received were collected live during the meetings and posted on a virtual "mural" comment board viewable by all participants. The comment murals were then posted on the City's website for public review.

Community Surveys

The City launched multiple surveys to gather public ideas and input on how to address housing and community health issues.

The first survey – the Housing and Environmental Justice Community Survey "Meeting our Housing Needs and Addressing Community Health Issues" – was a text survey available during September 2020 as both a hard copy and online survey, and available in four languages: English, Vietnamese, Spanish, and Korean. Respondents input basic demographic data, preferences regarding the location and type of new housing needed in the community, and community health concerns. On multiple occasions, City staff distributed printed surveys to residents at multiple apartment complexes in areas considered to be a Disadvantaged Community (DAC), and at the City's three (3) resource centers: H. Louis Lake Senior Center, the Buena Clinton Youth and Family Center, and Magnolia Park Family Resource Center.

The second survey - Housing Sites/Land Use Mapping Survey – was an online interactive mapping survey, made available beginning November 2020 and ending January 2021. Respondents interacted with an online virtual map of Garden Grove and responded to several residential density scenarios and potential land use changes proposed to accommodate the City's Regional Housing Needs Assessment (RHNA) in different City sectors. Participants generally had positive responses to all scenarios, with more supporting high-density uses (up to 70 units/acre) in a few urbanized districts. The 2nd Survey was posted on the City's website and available in English, Spanish, Vietnamese, and Korean.

The third survey – Environmental Justice Community Survey – was an online interactive mapping survey, made available beginning April 2021 and ending June 2021. Respondents input basic demographic data and interacted with an online virtual map of Garden Grove and responded to several environmental justice issue areas including pollution, healthy foods, community services, safe walking and biking, parks, and physical activity. The 3rd Survey was posted on the City’s website and was made available in English, Spanish, Vietnamese, and Korean. City staff distributed printed surveys to residents at multiple apartment complexes in areas considered to be a Disadvantaged Community (DAC), and at the City’s three (3) resource centers: H. Louis Lake Senior Center, the Buena Clinton Youth and Family Center, and Magnolia Park Family Resource Center.

Community Workshops and Study Sessions

Over the course of the project’s timeline, the City held multiple community workshops and study sessions, open to the public, to provide opportunities for stakeholders to stay informed and apprised of project updates. Videos of workshops, comments collected, as well as copies of study session presentation materials (i.e., PowerPoint presentations), were posted on the City’s website to provide access to those resources to interested parties that were unable to attend. The following matrix provides a list of said community workshops and study sessions that were held, all of which were open to the public.

Date	Event	Content
September 17, 2020	Joint NICC/PCC Study Session	An overview of the General Plan, Housing Element, Environmental Justice Element, and Safety Element. A presentation on RHNA, the City’s preliminary plan to meet the State required RHNA objective, public engagement plans, and project timeline.
November 18, 2020	Virtual Community Meeting	An overview of the General Plan, Housing Element, Environmental Justice Element, and Safety Element. A presentation on RHNA, the City’s preliminary plan and potential land use alternatives to meet the State required RHNA objective. Also, a presentation and exercise to educate the public on what is residential density, potential housing opportunity sites for residential development. Future public engagement, project timeline, upcoming online mapping survey, and next steps presented.
November 19, 2020	Planning Commission Study Session	An overview of the General Plan, Housing Element, Environmental Justice Element, and Safety Element. A presentation on RHNA, the City’s preliminary plan and potential land use alternatives to meet the State required RHNA objective. Also, a presentation and exercise to educate the public on what is residential density, potential housing opportunity sites for residential development. Future public engagement, project timeline, upcoming online mapping survey, and next steps presented.
December 8, 2020	City Council Presentation for Discussion	An overview of the public engagement efforts thus far, along with comments received from stakeholders including the

		public. Summary of community survey responses. Online mapping survey results received thus far. Summary of comments received from prior Virtual Community Meeting and Planning Commission Study session. A presentation on RHNA, the City's preliminary plan and potential land use alternatives to meet the State required RHNA objective. Also, a presentation and exercise on residential density and potential housing opportunity sites for residential development. Future public engagement, project timeline, upcoming online mapping survey, and next steps presented. Also, an update to the City's RHNA appeal efforts.
January 12, 2021	Discussion of the Land Use Alternatives for the Housing Element Update (City Council)	A summary of the responses and comments received via the online mapping survey, which focused on Housing and Environmental Justice. An overview of RHNA and the proposed land use alternatives which identify housing density strategies to achieve a plan to meet the State's required RHNA allocation of 19,168 housing units. Received City Council direction to proceed with the proposed land use alternatives and conduct an in-depth analysis of the potential impacts through preparation of the Draft Environmental Impact Report (EIR) and the Draft Housing Element.
January 21, 2021	Housing Element and RHNA Update (Planning Commission)	An overview of the Housing Element, the City's approach to meeting the State required RHNA, a summary of the City's public engagement outreach efforts, and an overview of the RHNA process and how Garden Grove's RHNA number was determined.
April 13, 2021	Status Report of the Housing Element Update including Focused General Plan Update and Zoning Amendments (FGPUZA) (City Council)	An update on the status of the Housing Element, the focused updates to the Land Use Element and Safety Element, preparation of the Environmental Justice Element, and focused zoning amendments. An update on the City's RHNA (2) appeal applications, which were denied by SCGA. An update on the City's recent public outreach efforts, and next steps in the process. Also, notification of an upcoming virtual community forum, open to the public, to present information and receive community input on environmental justice issues in Garden Grove.
April 21, 2021	Environmental Justice Community Online Forum	A virtual community online forum to present information and receive community input on environmental justice issues in Garden Grove. Received feedback on strategies to: improve air quality, reduce pollution; increase walkability, biking, and public transit; promote access to parks and active living; access to healthy foods; adding and improving community services; promoting civic engagement; and expanding access to housing and services.
May 20, 2021	Planning Commission Study Session	Study session to present the goals, policies, and programs for the Housing Element Update. Presented goals and policies that address: housing maintenance and preservation; affordable housing; adequate housing sites; removal of constraints to housing production; equal access to

		housing; and community engagement.
May 25, 2021	City Council Study Session	Study session to present the goals, polices, and programs for the Housing Element Update. Presented goals and policies that address: housing maintenance and preservation; affordable housing; adequate housing sites; removal of constraints to housing production; equal access to housing; and community engagement.
July 6, 2021	Release of Housing Element Public Review Draft	The Draft Housing Element was made available online for public review on the City’s website (https://ggcity.org/housing-element) starting on July 6, 2021
August 19, 2021	Notification of Availability of the Draft Focused General Plan Update	A notification of availability to the City Council and community stakeholders of the Draft Focused General Plan Update (available on the City’s website) with revisions to the Land Use Element, Safety Element, and Housing Element, and preparation of a new Environmental Justice Element. Also a notice of availability of the Draft EIR for the Focused General Plan Update and Zoning Amendments (FGPUZA).
August 19, 2021	Notification of Availability of the Draft Environmental Impact Report (EIR)	A notification of availability to the City Council and community stakeholders of the Draft EIR for the Focused General Plan Update and Zoning Amendments (FGPUZA).

Additional Public Engagement and Outreach Efforts

Throughout the entirety of the Project, the City has maintained continued coordination efforts with the Office of Community Relations to extensively promote and inform the public regarding the latest news, through the City’s social media platforms, press releases, email blasts, flyers, mailers, and through the City’s Housing Element website: <https://ggcity.org/housing-element>. The City attended, and distributed flyers, at City sponsored events (e.g., Clementine Trolley meal distributions at the Buena Clinton Youth and Family Center, and meal distributions at the Magnolia Park Family Resource Center). Community outreach has been coordinated to actively engage underrepresented residents in identifying the needs of vulnerable populations, low-income areas, and disadvantaged communities, and helping define equitable land use, transportation, and housing strategies to lessen high pollution burdens and climate hazards.

A comprehensive summary of the City’s public engagement and community outreach efforts are included as an attachment to this report.

Key Findings from Public Engagement

Key findings across engagement activities are listed below:

- **Need for Affordable Housing.** Participants indicated a need for additional affordable housing for low-income households as a result of the high cost of housing in Orange County. An overwhelming percentage (72%) of respondents of the community surveys expressed the importance of ensuring that children who grow up in Garden Grove can afford to live in Garden Grove

as adults. As a result, Program 11 (Inclusionary Housing Ordinance) and Program 22 (Affordable Housing Overlay) were added to this Element.

- **Meet Housing Demand for Special Groups.** The community voiced a clear desire to provide housing for special groups, including seniors, large families, persons who are homeless or at-risk of becoming homeless, veterans, and persons with disabilities.
- **Housing Inequities and Discrimination.** Residents wish to see targeted efforts to address long-term inequities in the housing market, including discrimination in renting.
- **Focus Placing Housing Along Corridors and Aging Commercial Centers.** Participants expressed a preference to locate multi-family and mixed-use developments along major corridors, and closer to transit facilities and commercial services, while minimizing adverse impacts to adjoining single-family neighborhoods. They also indicated that older commercial centers are appropriate for mixed use and higher density housing.
- **Address Parking and Other Community Impacts.** The community voiced concerns that increased housing development could negatively impact neighborhoods, including adverse consequences such as parking spillover, increased traffic and pollutant emissions, safety concerns, overcrowding, and decrease in community services.

DISCUSSION:

Housing Element Update:

The City's Consultant (MIG), along with Staff, have prepared the Draft Housing Element for the 2021-2029 planning period, to identify goals and strategies to meet the housing needs of existing and future residents for the production of safe, decent, and affordable housing for all persons in the community. This plan is required by State Housing Law and must be updated every eight years. The Housing Element must be adopted within 120 days from the statutory due date of October 15, 2021 (i.e., by February 11, 2022) and certified by the Department of Housing and Community Development (HCD).

RHNA and Appeal

The Regional Housing Needs Assessment (RHNA) is mandated by State Housing Law as part of the periodic process of updating local Housing Elements of General Plans. The RHNA quantifies the housing need, for all income levels, within each jurisdiction. Garden Grove's RHNA allocation for the 2021-2029 planning period is 19,168 units. The State of California requires the City of Garden Grove to plan for 19,168 future homes to accommodate growth in the region. The City officially submitted two (2) applications to SCAG (Southern California Association of Governments) to appeal its RHNA allocation. Both appeals were subsequently

denied by SCAG. The Land Use Element and Zoning Code and Map are also proposed to be updated to accommodate the City's RHNA allocation and to maintain consistency with the goals, policies, and programs of the Housing Element Update.

The goals and policies represent the Housing Element's foundation. Further articulation of how the City will achieve the stated goals and policies is found in the programs. Programs identify specific actions the City will undertake toward putting each goal and policy into action. Quantified objectives identified in particular programs are estimates of assistance the City can offer based on funding and staff resources. The Housing Element programs aim to address five (5) overarching themes:

- **Housing Maintenance and Preservation.** Preserve, maintain, and enhance the condition of the existing affordable housing stock citywide.
- **Affordable Housing.** Assist in the development of adequate housing to meet the needs of extremely low-, very low-, low-, and moderate-income households, by providing a regulatory environment that streamlines project review, and welcomes partnerships with developers to encourage and facilitate the production of affordable housing to allow persons of all economic segments to live in the community.
- **Adequate Housing Sites.** Identify adequate sites to encourage the development of a variety of types of housing to meet the diverse community needs for all income levels.
- **Remove Constraints to Housing Production.** Address and, where possible, remove governmental constraints to the maintenance, improvement, and development of housing, including housing for people at all income levels, as well as housing for people with disabilities.
- **Equal and Fair Access to Housing.** Promote and achieve an environment in which all people, regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, have fair and equal access to the housing of their choice.

As part of the Housing Element Update, existing programs were evaluated and updated, as necessary, based on progress and continued appropriateness. Furthermore, new programs were added to the Housing Element to address new State required provisions and to provide for additional ways to support program goals.

HCD Review

On July 14, 2021, the City of Garden Grove submitted its Draft Housing Element for the 6th RHNA cycle (2021-2029 planning period) for review to the California Department of Housing and Community Development (HCD). On September 8, 2021, the City participated in a videoconference call with HCD Staff to discuss their

comments on the City's Draft Housing Element. On September 10, 2021, the City received HCD's comment letter, which outlined specific necessary changes to the Draft Housing Element. Comments from HCD focused primarily on the following topics: Evaluation of effectiveness of existing policies and programs in meeting the housing needs for special needs populations; housing needs, resources, and constraints; housing programs; and public participation. A copy of HCD's comment letter has been attached for reference.

Draft Housing Element Comment Letters

The City received notification that two (2) comment letters were submitted to HCD relating to the Draft Housing Element - one (1) letter from the Kennedy Commission, dated August 30, 2021, and one (1) letter from the Public Law Center, dated September 10, 2021. The City received one (1) comment letter relating to the Draft Housing Element from the Southwest Regional Council of Carpenters dated August 6, 2021. Copies of the letters are attached for reference.

Updated Draft Housing Element

In response to HCD's comment letter and public comments received, the City has made all necessary revisions to the Draft Housing Element to bring the City's Draft Housing Element into compliance with all applicable requirements under Article 10.6 of the Government Code.

The following documents relating to the Housing Element can be found at the following link: <https://ggcity.org/housing-element>.

- A copy of the original Draft Housing Element (dated July 2021)
- An updated version of the Draft Housing Element (dated October 2021) which includes new revisions (redlines included) that address HCD's requested changes and public comments; and
- A response matrix which lists all HCD comments, with corresponding City responses and specific revisions to the Housing Element to address said comments.

Land Use Element Update and Zoning Amendments:

In order to achieve the State's required RHNA allocation for the City, of 19,168 future residential units, associated focused amendments to the Land Use Element and focused zoning amendments are necessary to accommodate the increase in residential densities in the city, and to maintain consistency with the goals, policies, and programs of the Housing Element Update.

Focused General Plan Land Use Element Update

Staff, in coordination with consultant for the project, MIG, has finalized proposed focused amendments to the General Plan Land Use Element, as part of the Housing Element Site Inventory Analysis to demonstrate to the State Department of Housing

and Community Development (HCD) the City’s feasible capacity for 19,168 future residential units, as required by the State’s RHNA allocation for the City.

The City of Garden Grove is a built-out community with virtually no vacant land available. The most feasible path to adding over 19,000 housing units during the 6th Cycle is through avenues such as ADUs and redevelopment of existing improved sites. As of 2021, Garden Grove has 48,504 existing housing units. The number of housing units identified in the State required RHNA could potentially increase the number of housing units by 40 percent within the eight-year period (2021-2029).

To address this challenge, the City is proposing to increase the maximum permitted residential density in all existing mixed-use land use designations by an average of 25 percent (See Table A-1). There will be no additional changes to residential densities for all other non-mixed use land use designations. The City is also proposing to concurrently adopt an update to the Land Use Element and Land Use Diagram (Exhibit LU-3 – also referred to as “land use map” in the Municipal Code) to reflect the increase in densities and to accommodate the RHNA units. This will also include changes to the General Plan land use designations of certain properties that are part of the Sites Inventory, to allow residential uses and development where the existing land use designation does not allow residential.

Table A-1

General Plan Land Use Designation	Existing Maximum Density (units/acre)	Proposed Maximum Density (units/acre)
Residential/Commercial Mixed Use 1	42	60
Residential/Commercial Mixed Use 2	21	24
Residential/Commercial Mixed Use 3	32	48
Civic Center Mixed Use	42	48
Industrial/Residential Mixed Use 1	42	60
Industrial/Residential Mixed Use 2	32	48
International West Mixed Use	60	70

Copies of the proposed updates to the Land Use Element and Land Use Diagram can be found at the following link: <https://ggcity.org/housing-element>.

Focused Zoning Amendments

In conjunction with the proposed Focused General Plan Amendment, Staff, in coordination with consultant for the project, MIG, has also finalized the proposed focused Zoning Amendments, as part of the Housing Element Site Inventory Analysis, to demonstrate to the State Department of Housing and Community

Development (HCD) the City’s feasible capacity for 19,168 future residential units, as required by the State’s RHNA allocation for the City.

The City is proposing to adopt amendments to Title 9 (Land Use) to ensure consistency with the updates to the Land Use Element and the Housing Element, including the goals, policies, and programs of the Housing Element Update. As such, the City is striving to accommodate the State’s mandated 6th Cycle RNHA both through concurrent amendments in the General Plan Land Use Element and the Zoning Code when the Housing Element is adopted.

To address the challenge in meeting the State’s RHNA allocation, and to ensure consistency with the proposed aforementioned density increases for the existing mixed-use General Plan land use designations, the City is also proposing to increase the maximum residential density in all existing mixed-use zones by an average of 25 percent (See Table A-2). This will also include zone changes to certain properties that are part of the Sites Inventory, to allow residential uses and development where the existing zoning does not allow residential.

Table A-2

Zone	Existing Maximum Density (units/acre)	Proposed Maximum Density (units/acre)
Garden Grove Boulevard Mixed Use 1 (GGMU-1)	42	60
Garden Grove Boulevard Mixed Use 2 (GGMU-2)	21	24
Garden Grove Boulevard Mixed Use 3 (GGMU-3)	32	48
Civic Center Mixed Use 1 (CC-1)	21	24
Civic Center Mixed Use 2 (CC-2)	32	48
Civic Center Mixed Use 3 (CC-3)	42	60
Neighborhood Mixed Use (NMU)	21	24
Adaptive Reuse (AR)	32	48

For properties that have International West Mixed Use, Industrial/Residential Mixed Use 1, and Residential/Commercial Mixed Use 2 General Plan land use designations, but are also identified in the Sites Inventory, the City is proposing to adopt a Mixed Use Overlay zone for said properties. The purpose of the Mixed Use Overlay zone is to allow for residential and mixed-use development to be allowed in addition to those uses regulated by the respective underlying zoning.

International West Mixed Use Overlay. For properties within the International West Mixed Use General Plan land use designation, the Mixed Use Overlay zone in this area is intended to create a transit-oriented development district around the OC Transit line station at Harbor Boulevard and Westminster Avenue. New

development is to consist of a complementary mix of uses that benefit from ready access to rail transit, anchored by multi-family residential with commercial services and retail uses along pedestrian-friendly frontages. For projects utilizing the Mixed Use Overlay Zone, allowed uses and development standards will be the same as for properties within the Garden Grove Boulevard Mixed Use 1 (GGMU-1) zone. A maximum residential density of 70 dwelling units per acre will be permitted. It should be noted that the International West Mixed Use Overlay zone is only applicable to projects within the International West Mixed Use General Plan land use designation that propose a residential or mixed-use development. Otherwise, all standards and requirements of the respective underlying zone will apply.

Industrial/Residential Mixed Use 1 Overlay. For properties within the existing Industrial/Residential Mixed Use 1 General Plan land use designation, the Mixed Use Overlay Zone in these areas is intended to accommodate residential development. For projects utilizing the Mixed Use Overlay Zone, allowed uses and development standards will be the same as for properties within the Garden Grove Boulevard Mixed Use 1 (GGMU-1) zone. In addition, live-work and work-live uses will be allowed subject to Conditional Use Permit approval. A maximum residential density of 60 dwelling units per acre will be permitted. It should be noted that the Industrial/Residential Mixed Use 1 Overlay zone is only applicable to projects within the Industrial/Residential Mixed Use 1 General Plan land use designation that propose a residential or mixed-use development. Otherwise, all standards and requirements of the respective underlying zone will apply.

Residential/Commercial Mixed Use 2 Residential Overlay. For properties within the Residential/Commercial Mixed Use 2 General Plan land use designation, located along Westminster Avenue where the overlay zone has been applied on the Zoning Map, the Residential/Commercial Mixed Use 2 Residential Overlay Zone in these areas is intended to facilitate the development of stand-alone residential development along Westminster Avenue. For projects utilizing the Residential/Commercial Mixed Use 2 Residential Overlay, only the stand-alone residential uses permitted in the Garden Grove Boulevard Mixed Use 2 (GGMU-2) zone will be allowed. A maximum residential density of 24 dwelling units per acre will be permitted. It should be noted that the Residential/Commercial Mixed Use 2 Residential Overlay zone is only applicable to projects within the Residential/Commercial Mixed Use 2 General Plan land use designation that propose a residential development. Otherwise, all standards and requirements of the respective underlying zone will apply.

Exhibits for the proposed Mixed Use Overlay zones are attached for reference.

Safety Element Update:

The Safety Element is a required element of the General Plan by the State of California. The goal of the Safety Element is to reduce the potential short and long-term risk of death, injuries, property damage, and economic and social dislocation resulting from fires, floods, droughts, earthquakes, landslides, climate

change, and other hazards. State law requires jurisdictions to update the Safety Element upon the next revision of the Housing Element.

The City's consultant (MIG), along with Staff, has prepared a draft update to the Safety Element concurrently with the Housing Element. The Safety Element update meets the requirements of California Government Code Section 65302(g), and addresses potential and existing hazards in the city relating to flood hazards, fire hazards, and climate adaptation and resilience strategies.

A copy of the proposed updates to the Safety Element can be found at the following link: <https://ggcity.org/housing-element>.

Environmental Justice Element:

In September 2016, Senate Bill 1000 (SB 1000) was adopted requiring jurisdictions with disadvantaged communities to incorporate environmental justice policies into their general plans. State law requires environmental justice policies to be incorporated into the General Plan upon the adoption or the next revision of two or more general plan elements. The City of Garden Grove is in the process of updating both the Housing Element and the Safety Element, which also requires the City to prepare and incorporate environmental justice policies in the General Plan.

Garden Grove has nine (9) census tracts identified as disadvantaged communities. These communities are disproportionately affected by environmental pollution and other hazards that can lead to negative public health effects, exposure, or environmental degradation. These communities also have concentrations of people that experience low income, high unemployment, low levels of homeownership, high-rent burden and/or low levels of educational attainment.

The City's consultant (MIG), along with Staff, has prepared a new Draft Environmental Justice Element that addresses the following environmental justice goals, policies, and objectives as required by State law:

- Reducing pollution exposure and improving air quality
- Promoting access to public facilities
- Promoting access to healthy foods
- Promoting safe and sanitary homes
- Promoting physical activity
- Promoting civic engagement

A copy of the proposed new Environmental Justice Element can be found at the following link: <https://ggcity.org/housing-element>.

Environmental Impact Report (EIR):

The City of Garden Grove (City or Lead Agency) has prepared a Focused General Plan Update and Zoning Code Amendments (collectively, the "FGPUZA" or "Project"). The City's General Plan was last updated in 2008 and the City is

proposing to amend three existing General Plan elements (Housing Element, Land Use Element, and Safety Element), and create a new Environmental Justice Element. In addition, the Project includes amendments to Title 9 of the Municipal Code and to the Zoning Map to ensure consistency with the proposed Focused General Plan Update and to implement the goals and policies of the Housing Element and Land Use Element.

The proposed FGPUZA is a long-range planning program to guide the growth and development within the City's corporate boundaries or "Planning Area". It is intended to communicate the City's vision of its future and to establish a policy framework to govern decision-making concerning the physical development of the community, including assurances that the community at large will be supported by an adequate range of public services and infrastructure systems. Although it will allow for an overall increase in development potential for the entire Planning Area, the Project would not, by itself, authorize any specific development project or other form of land use approval or any kind of public facilities or capital facilities expenditures or improvements.

It is anticipated that growth in the City as a result of its RHNA housing allocation and future land uses will be substantial. The goals, policies and implementing actions, contained in the proposed FGPUZA address the potentially negative aspects of growth, and have been designed to facilitate development efficiently and effectively in an area where roads and infrastructure already exist. The more compact urban form envisioned by the FGPUZA is expected to improve the livability in Garden Grove by improving walking and bicycling opportunities, increasing economic vitality and job opportunities, and reducing vehicle-miles-travelled (VMT).

The adoption and implementation of the FGPUZA is defined as a "project", subject to review under the California Environmental Quality Act (CEQA) 1970 (Public Resources Code, Section 21000 et seq.), and the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et. seq.). The City prepared an Initial Study which determined that the Project would have not significant impacts in the following four (4) environmental topics: (a) Aesthetics; (b) Agriculture and Forest Resources; (c) Mineral Resources; and (d) Wildfire. The Initial Study further concluded that the Project has the potential to result in one or more significant direct, indirect, and/or cumulative environmental impacts in the following areas:

- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population and Housing

- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems

Based on the results of the Initial Study, the City of Garden Grove distributed a Notice of Preparation (NOP) to local, county, state, and federal agencies along with interested private organizations and individuals which included the Initial Study. The NOP was delivered to the State Clearinghouse and the CEQA-required 30-day review period began on June 30, 2021 and ended on July 30, 2021. On July 14, 2021, the City conducted a public scoping meeting to provide an opportunity to receive feedback from the community on potential environmental issues in the City and to present the Project, the EIR process, and environmental topics to be analyzed in an EIR. The presentation materials and the video of the scoping meeting were subsequently posted on the City's website for public consumption.

Based on the Initial Study and NOP process, the City has prepared a Draft Program Environmental Impact Report (Draft EIR) to assess the potential long range and cumulative environmental consequences that could result from adoption and implementation of the proposed FGPUZA.

In accordance with CEQA, a Notice of Availability, along with the Draft EIR, was circulated to the public, responsible agencies, and other interested persons for their review and comment during a 45-day public review period from August 23, 2021 to October 6, 2021.

The advantages of a Program EIR include consideration of effects and alternatives that cannot practically be reviewed at the project-level, consideration of cumulative impacts that may not be apparent on a project-by-project basis, and the ability to enact citywide mitigation measures. In the City's Draft EIR, the analysis is programmatic in nature given the broad scope of the Focused General Plan Update. Each environmental issue is analyzed in a similar manner, starting with a discussion of the existing environmental setting, including physical conditions and pertinent planning and regulatory framework. Thresholds of significance are then defined and used to measure the proposed Project's potential impact to the existing environmental conditions, known as the environmental baseline.

The impact analysis for each the 16 topical areas examines the broad, long-term environmental effects resulting from implementation of the goals and policies contained in the FGPUZA. The assessment of impacts focuses on how the impact in question could occur and whether the goals, policies or some other aspect of the proposed Project would reduce or ameliorate such impacts. If the analysis indicates that a significant impact could occur, even with the benefits of any proposed goals or policies, mitigation measures are specified. Since the FGPUZA is designed to accommodate projected growth and the City's RHNA, the FGPUZA's potential growth-related impacts have also been evaluated in the topical Chapters of the EIR

(Air Quality, Biological Resources, etc.) and, as appropriate, mitigation measures have been applied to address such impacts.

CEQA Guidelines Section 15126.2(c) requires that the EIR discuss "significant environmental effects which cannot be avoided if the proposed project is implemented." Impacts are identified as significant and unavoidable for one of four reasons: 1) no potentially feasible mitigation has been identified; 2) potential mitigation has been identified, but may be found by the Lead Agency to be infeasible; 3) with implementation of feasible mitigation, the impact still would not, or might not, be reduced to a less-than-significant level; or 4) implementation of the mitigation measure would require approval of another jurisdictional agency, whose approval will be pursued by the Lead Agency, but cannot be guaranteed as of the publication of the EIR. Here, Air Quality, Greenhouse Gas Emissions, and Transportation have been identified in the EIR as significant and unavoidable.

Approval of the FGPUZA would result in significant and unavoidable impacts (to Air Quality, Greenhouse Gas Emissions, and Transportation). Therefore, the City must adopt a "Statement of Overriding Considerations" per CEQA Guidelines Section 15093 describing why the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of the approved FGPUZA outweigh its significant unavoidable impacts. The FGPUZA is being proposed, notwithstanding these effects, to fully achieve the Project objectives, which in part, are to ensure the City meets its State-mandated Regional House Needs Allocation (RHNA) goal of 19,168 dwelling units for the 2021-2029 planning period (6th cycle).

The Planning Commission is requested to recommend that the City Council certify the EIR for the proposed FGPUZA and adopt a Statement of Overriding Considerations, ensuring the City meets its State-mandated Regional House Needs Allocation (RHNA) goal of 19,168 dwelling units for the 2021-2029 planning period (6th cycle).

A copy of the Draft EIR, the appendices, and public comments received on the Draft EIR are available on the City's website at <https://ggcity.org/planning/environmental-documents>.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

1. Conduct a public hearing;
2. Adopt Resolution No. 6031-21 recommending that the City Council: (i) Certify the Environmental Impact Report (EIR) for the proposed Focused General Plan Update and Zoning Amendments, adopt a Mitigation Monitoring and Reporting Program, and adopt a Statement of Overriding Considerations; and (ii) approve General Plan Amendment No. GPA-003-2021, which includes updates to the Housing Element, the Land Use Element, and the Safety Element, and the adoption of a new Environmental Justice Element; and
3. Adopt Resolution No. 6032-01 recommending that the City Council approve Zoning Amendment No. A-031-2021 making focused text/map amendments to Title 9 of the Garden Grove Municipal Code and to the Zoning Map to implement the Housing Element and Land Use Element Updates.



Lee Marino
Planning Services Manager



Chris Chung
Urban Planner

- Attachment 1: Public Engagement and Community Outreach Summary
- Attachment 2: HCD Comment Letter on the Draft Housing Element dated September 10, 2021
- Attachment 3: Southwest Regional Council of Carpenters Comment Letter dated August 6, 2021
- Attachment 4: Kennedy Commission Comment Letter dated August 30, 2021
- Attachment 5: Public Law Center Comment Letter dated September 10, 2021
- Attachment 6: Planning Commission (GPA-003-2021 and EIR) Resolution No. 6031-21 with General Plan Amendment Exhibits "A" (Map) and "B" (List of Properties)
- Attachment 7: Planning Commission (A-031-2021) Resolution No. 6032-21 with Draft City Council Ordinance

Public Engagement & Community Outreach

Garden Grove has conducted extensive community outreach for the proposed Focused General Plan Update and Zoning Amendments (FGPUZA), as identified below.

Outreach Activity	Description	
Website	Garden Grove Housing Element Update Website (ggcity.org/housing-element) <ul style="list-style-type: none"> ▪ News/Information, flyers, surveys, ways to connect, all available to the public online. 	
Informational Video	Housing Element 101 Video (by GGTV3) – Informational animated video to help educate the public on the Housing Element Update <ul style="list-style-type: none"> ▪ Available on YouTube in 4 languages (English, Spanish, Vietnamese, and Korean) ▪ Search YouTube: “Housing Element 101 Garden Grove” 	
Stakeholder Interviews and Focus Group Meetings (Aug/Sept 2020)	City Council	<ul style="list-style-type: none"> ▪ Individual interviews
	Focus Groups	
	Housing and affordable housing developers	<ul style="list-style-type: none"> ▪ Zoning flexibility ▪ Clear & consistent design standards ▪ Collaboration with City ▪ Support new housing types ▪ More affordable housing & funding opportunities
	Service providers, housing & non-housing advocacy groups	<ul style="list-style-type: none"> ▪ NIMBYism challenge ▪ More affordable housing ▪ City/Community partnerships ▪ More community facilities & green space ▪ Focus on youth and senior needs ▪ Mentorship program for housing & community services
	Business community and education partners	<ul style="list-style-type: none"> ▪ Growth in housing production and school facilities capacity ▪ Close coordination between City and school district
	Virtual Neighborhood & HOAs Meeting (open to public)	<ul style="list-style-type: none"> ▪ Affordable/attractive housing ▪ Creative solutions ▪ Walkable areas ▪ Parking solutions ▪ Funding sources for housing
Community Survey(s)	First Community Survey (September 2020)	<ul style="list-style-type: none"> ▪ 622 completed surveys ▪ Available in 4 languages: English, Spanish, Vietnamese, and Korean ▪ Available online ▪ In-person survey outreach conducted at the H. Louis Lake Senior Center, Buena Clinton Youth and Family Center, Magnolia Park Family Resource Center ▪ Informational flyer with hardcopy survey distributed to 11 DAC apartment complexes ▪ Informational flyer available at City Hall Lobby

	<p>Second Community Online Survey (November 2020 – January 2021)</p>		<ul style="list-style-type: none"> ▪ Interactive mapping survey available online ▪ Available in 4 languages: English, Spanish, Vietnamese, and Korean ▪ Informational flyer distributed by Louis H. Senior Center, Magnolia Park Resource Center, Buena Clinton Youth Center, Police Department Community Liaison Division, and Housing Authority ▪ Informational flyer distributed to 9 DAC apartment complexes ▪ Information flyer emailed to 21 apartment managers in DAC/Affordable Housing complexes to post on-site ▪ Informational flyer available in City Hall and Housing Authority Lobby ▪ Informational flyer posted at City Hall and CMC
<p>Community Workshops and Study Sessions (All open to the public)</p> <p>* Email blasts sent out for each event to community stakeholders, business licensees, and general email sign-up list participants</p>	<p>Sept 17, 2020</p>	<p>Joint NICC/PCC Study Session</p>	<p>An overview of the General Plan, Housing Element, Environmental Justice Element, and Safety Element. A presentation on RHNA, the City's preliminary plan to meet the State required RHNA objective, public engagement plans, and project timeline.</p>
	<p>Nov 18, 2020</p>	<p>Virtual Community Meeting</p>	<p>An overview of the General Plan, Housing Element, Environmental Justice Element, and Safety Element. A presentation on RHNA, the City's preliminary plan and potential land use alternatives to meet the State required RHNA objective. Also, a presentation and exercise to educate the public on what is residential density, potential housing opportunity sites for residential development. Future public engagement, project timeline, upcoming online mapping survey, and next steps presented.</p>
	<p>Nov 19, 2020</p>	<p>Planning Commission Study Session</p>	<p>An overview of the General Plan, Housing Element, Environmental Justice Element, and Safety Element. A presentation on RHNA, the City's preliminary plan and potential land use alternatives to meet the State required RHNA objective. Also, a presentation and exercise to educate the public on what is residential density, potential housing opportunity sites for residential development. Future public engagement, project timeline, upcoming online mapping survey, and next steps presented.</p>
	<p>Dec 8, 2020</p>	<p>City Council Presentation for Discussion on the Housing Element</p>	<p>An overview of the public engagement efforts thus far, along with comments received from stakeholders including the public. Summary of community survey responses. Online mapping survey results received thus far. Summary of comments received from prior Virtual Community Meeting and Planning Commission Study session. A presentation on RHNA, the City's preliminary plan and potential land use alternatives to meet the State required RHNA objective. Also, a presentation and</p>

			exercise on residential density and potential housing opportunity sites for residential development. Future public engagement, project timeline, upcoming online mapping survey, and next steps presented. Also, an update to the City's RHNA appeal efforts.
	Jan 12, 2021	Discussion of the Land Use Alternatives for the Housing Element Update (City Council)	A summary of the responses and comments received via the online mapping survey, which focused on Housing and Environmental Justice. An overview of RHNA and the proposed land use alternatives which identify housing density strategies to achieve a plan to meet the State's required RHNA allocation of 19,168 housing units. Received City Council direction to proceed with the proposed land use alternatives and conduct an in-depth analysis of the potential impacts through preparation of the Draft Environmental Impact Report (EIR) and the Draft Housing Element.
	Jan 21, 2021	Housing Element and RHNA Update (Planning Commission)	An overview of the Housing Element, the City's approach to meeting the State required RHNA, a summary of the City's public engagement outreach efforts, and an overview of the RHNA process and how Garden Grove's RHNA number was determined.
	Apr 13, 2021	Status Report of the Housing Element Update including Focused General Plan Update and Zoning Amendments (FGPUZA) (City Council)	An update on the status of the Housing Element, the focused updates to the Land Use Element and Safety Element, preparation of the Environmental Justice Element, and focused zoning amendments. An update on the City's RHNA (2) appeal applications, which were denied by SCGA. An update on the City's recent public outreach efforts, and next steps in the process. Also, notification of an upcoming virtual community forum, open to the public, to present information and receive community input on environmental justice issues in Garden Grove.
	Apr 21, 2021	Environmental Justice Community Online Forum	A virtual community online forum to present information and receive community input on environmental justice issues in Garden Grove. Received feedback on strategies to: improve air quality, reduce pollution; increase walkability, biking, and public transit; promote access to parks and active living; access to healthy foods; adding and improving community services; promoting civic engagement; and expanding access to housing and services.

	May 20, 2021	Planning Commission Study Session	Study session to present the goals, polices, and programs for the Housing Element Update. Presented goals and policies that address: housing maintenance and preservation; affordable housing; adequate housing sites; removal of constraints to housing production; equal access to housing; and community engagement.
	May 25, 2021	City Council Study Session	Study session to present the goals, polices, and programs for the Housing Element Update. Presented goals and policies that address: housing maintenance and preservation; affordable housing; adequate housing sites; removal of constraints to housing production; equal access to housing; and community engagement.
	Jul 6, 2021	Release of Housing Element Public Review Draft	The Draft Housing Element was made available online for public review on the City's website (https://gqcity.org/housing-element) starting on July 6, 2021
	Aug 19, 2021	Notification of Availability of the Draft Focused General Plan Update	A notification of availability to the City Council and community stakeholders of the Draft Focused General Plan Update (available on the City's website) with revisions to the Land Use Element, Safety Element, and Housing Element, and preparation of a new Environmental Justice Element. Also a notice of availability of the Draft EIR for the Focused General Plan Update and Zoning Amendments (FGPUZA).
	Aug 19, 2021	Notification of Availability the Draft Environmental Impact Report (EIR)	A notification of availability to the City Council and community stakeholders of the Draft EIR for the Focused General Plan Update and Zoning Amendments (FGPUZA).
Survey & Meeting Flyers	Translated into English, Spanish, Vietnamese, and Korean		
Individual Fact Sheets	<p>Translated into English, Spanish, Vietnamese, and Korean</p> <ul style="list-style-type: none"> ▪ Housing Element ▪ Land Use Element ▪ Safety Element ▪ New Environmental Justice Element <p>Printed flyers and facts sheets circulated through Buena Clinton, Magnolia Center, Senior Center, and Police Department Community Liaison Division.</p> <p>Housing Element fact sheet and Survey & Meeting flyer emailed to 22 apartment managers in DAC/Affordable Housing to post on-site in all languages</p>		
Digital	<ul style="list-style-type: none"> ▪ Banners for City website, Facebook, and Twitter ▪ Corner sign (at Euclid Street and Acacia Parkway) ▪ 22 Freeway (e.g., Clear Channel and Auto Center) ▪ Community Calendar email blasts 		

Digital & Print Media	<ul style="list-style-type: none"> ▪ Survey and meeting flyer (translated) ▪ Housing Element fact sheet (translated) ▪ Safety Element fact sheet (translated) ▪ Land Use Element and Zoning Code fact sheet (translated) ▪ New Environmental Justice Element fact sheet (translated) 	
Publications Digital & Direct Mail to all water bill account holders in the City	<ul style="list-style-type: none"> ▪ Connections (Fall 2020) – 40,000 Distribution ▪ CityWorks (Sept 2020 - Oct 2020) – 32,000 Distribution ▪ CityWorks (Nov 2020 – Dec 2020) – 32,000 Distribution ▪ Connections (Winter/Spring 2021) – 40,000 Distribution ▪ CityWorks (Jan 2021) – 16,000 Distribution ▪ CityWorks (Feb 2021) – 16,000 Distribution ▪ CityWorks (Mar 2021) – 16,000 Distribution 	
News Releases	<ul style="list-style-type: none"> ▪ August 20, 2020 ▪ September 18, 2020 ▪ November 5, 2020 ▪ December 1, 2020 ▪ January 5, 2021 ▪ April 19, 2021 ▪ June 3, 2021 ▪ July 13, 2021 ▪ August 26, 2021 	
Social Media Outreach	Social Media Outlet	Activities
	Facebook	<ul style="list-style-type: none"> ▪ Aug 25, 2020 (1,969 people reached; 2,210 impressions; 155 engagements) ▪ Sept 1, 2020 (1,221 people reached; 2,210 impressions; 126 engagements) ▪ Sept 1, 2020 (1,604 people reached; 1,155 impressions; 20 engagements) ▪ Sept 1, 2020 (2,225 people reached; 2,693 impressions; 270 engagements) ▪ Sept 2, 2020 (538 people reached; 606 impressions; 15 engagements) ▪ Sept 2, 2020 (751 people reached; 840 impressions; 26 engagements) ▪ Sep 15, 2020 (4,597 people reached; 5,776 impressions; 303 engagements) ▪ Sept 18, 2020 (1,591 people reached; 1,826 impressions; 98 engagements) ▪ Sept 21, 2020 (11,162 people reached; 19,999 impressions; 1,442 engagements) ▪ Nov 3, 2020 (1,078 people reached; 1,203 impressions; 60 engagements) ▪ Nov 5, 2020 (383 people reached; 439 impressions) ▪ Nov 16, 2020 (1,231 people reached; 1,231 impressions; 364 video views; 49 engagements) ▪ Nov 23, 2020 (3,235 people reached; 3,974 impressions; 1,173 video views; 319 engagements) ▪ Dec 8, 2020 (682 people reached; 13 engagements) ▪ Dec 10, 2020 (892 people reached; 959 impressions; 20 post link clicks; 40 engagements) ▪ Dec 17, 2020 (14,101 people reached; 21,119 impressions; 239 engagements) ▪ Jan 4, 2021 (1,086 people reached; 1,158 impressions; 27 engagements) ▪ Jan 6, 2021 (675 people reached; 720 impressions; 8 engagements) ▪ Feb 1, 2021 (1,019 people reached; 1,069 impressions; 24 engagements) ▪ Apr 13, 2021 (961 people reached; 1,017 impressions; 20 engagements)

		<ul style="list-style-type: none"> ▪ Apr 15, 2021 (14,890 people reached; 21,023 impressions; 758 engagements) ▪ Apr 19, 2021 (1,320 people reached; 1,409 impressions; 119 engagements) ▪ Jul 13, 2021 (3,466 people reached; 3,601 impressions; 664 engagements) ▪ Aug 31, 2021 (9,563 people reached; 12,013 impressions; 749 engagements)
	Instagram	<ul style="list-style-type: none"> ▪ Aug 25, 2020 (1,661 people reached; 1,855 impressions; 100 engagements) ▪ Sept 1, 2020 (932 people reached; 1,134 impressions; 38 engagements) ▪ Sept 1, 2020 (1,168 people reached; 1,247 impressions; 64 engagements) ▪ Sept 2, 2020 (1,145 people reached; 1,225 impressions; 33 engagements) ▪ Sept 2, 2020 (909 people reached; 936 impressions; 17 engagements) ▪ Sept 15, 2020 (1,048 people reached; 1,095 impressions; 23 engagements) ▪ Sept 18, 2020 (1,619 people reached; 1,705 impressions; 65 engagements) ▪ Sept 21, 2020 (1,024 people reached; 1,102 impressions; 19 engagements) ▪ Nov 3, 2020 (1,049 people reached; 1,408 impressions; 25 engagements) ▪ Nov 5, 2020 (1,673 people reached; 1,888 impressions; 75 engagements) ▪ Nov 16, 2020 (390 views; 18 engagements) ▪ Nov 23, 2020 (238 views; 9 engagements) ▪ Jan 4, 2021 (1,543 people reached; 1,750 impressions; 56 engagements) ▪ Jan 6, 2021 (939 people reached; 941 impressions; 13 engagements) ▪ Feb 1, 2021 (1,157 people reached; 1,311 impressions; 32 engagements) ▪ Apr 19, 2021 (1,483 people reached; 1,573 impressions; 68 engagements)
	Twitter	<ul style="list-style-type: none"> ▪ Aug 25, 2020 (4,262 people reached; 687 impressions; 28 engagements) ▪ Sept 1, 2020 (4,179 people reached; 890 impressions; 32 engagements) ▪ Sept 1, 2020 (4,172 people reached; 683 impressions; 8 engagements) ▪ Sept 2, 2020 (4,170 people reached; 674 impressions; 33 engagements) ▪ Sept 2, 2020 (4,170 people reached; 792 impressions; 7 engagements) ▪ Sept 21, 2020 (4,182 people reached; 729 impressions; 4 engagements) ▪ Nov 3, 2020 (4,222 people reached; 1,303 impressions; 23 engagements) ▪ Nov 5, 2020 (4,228 people reached; 1,643 impressions; 51 engagements) ▪ Nov 23, 2020 (4,240 people reached; 1,098 impressions; 27 engagements) ▪ Dec 10, 2020 (4,506 people reached; 745 impressions; 13 engagements) ▪ Jan 4, 2021 (4,303 people reached; 871 impressions; 52 engagements) ▪ Jan 6, 2021 (4,307 people reached; 896 impressions; 12 engagements) ▪ Feb 1, 2021 (4,271 people reached; 698 impressions; 25 engagements)

		<ul style="list-style-type: none"> ▪ Apr 13 2021 (4,330 people reached; 774 impressions; 26 engagements) ▪ Apr 19, 2021 (4,329 people reached; 896 impressions; 13 engagements) ▪ Aug 31, 2021 (4,379 people reached; 355 impressions; 6 engagements)
	Nextdoor	<ul style="list-style-type: none"> ▪ Nov 5, 2020 (569 impressions) ▪ Nov 23, 2020 (572 impressions) ▪ Dec 11, 2020 (669 impressions) ▪ Jan 4, 2021 (587 impressions) ▪ Apr 13, 2021 (542 impressions) ▪ Jun 7, 2021 (501 impressions) ▪ Jul 13, 2021 (479 impressions)
Message/Remarks		<ul style="list-style-type: none"> ▪ August 21, 2020 – Message from the City Manager ▪ September 22, 2020 - City Council Meeting remarks by the City Manager ▪ March 26, 2021 – Message from the City Manager
Community Outreach		<ul style="list-style-type: none"> ▪ Vietnamese Quarterly and Bi-Monthly Newsletters ▪ Radio Public Service Announcements to Little Saigon Radio, VNCR Radio, and Radio Bolsa (September 9, 2020) ▪ Vietnamese TV Talk Shows <ul style="list-style-type: none"> ○ September 16, 2020 - CBN-TV ○ November 9, 2020 - VNA-TV ○ December 2, 2020 - CBN-TV ○ December 16, 2020 - CBN-TV ○ April 5, 2021 – VNA-TV ○ April 13, 2021 – Community Presentation at Advance Beauty College ○ April 28, 2021 – CBN-TV ▪ Residents and Friends of Garden Grove ▪ Garden Grove Neighborhood Watch ▪ Garden Grove Chamber ▪ Vietnamese Chamber ▪ Hispanic Chamber ▪ Korean Chamber ▪ Korean Federation ▪ Korean Senior Association ▪ Nonprofits: United Way, BGCGG ▪ Garden Grove Unified School District
GGTV3		<ul style="list-style-type: none"> ▪ Public Service Announcement (Housing Element 101 Video in English, Spanish, Vietnamese, and Korean)

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

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September 10, 2021

Lisa Kim, Community and Economic Development Director
Planning Services Division
City of Garden Grove
11222 Acacia Parkway
Garden Grove, CA 92840

Dear Lisa Kim:

RE: Review of the City of Garden Grove's 6th Cycle (2019-2021) Draft Housing Element

Thank you for submitting the City of Garden Grove's (City) 6th cycle draft housing element received for review on July 14, 2021. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review. Our review was facilitated by a telephone conversation on September 8, 2021 with you; Chris Chung, Urban Planner; Lee Marino, Planning Services Division Manager; and Maria Parra, Senior Planner. In addition, HCD considered comments from the Kennedy Commission and Roy English pursuant to Government Code section 65585, subdivision (c).

The draft element addresses many statutory requirements; however, revisions will be necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code). The enclosed Appendix describes these, and other revisions needed to comply with State Housing Element Law.

To remain on an eight-year planning cycle, the City must adopt its housing element within 120 calendar days from the statutory due date of October 15, 2021 for Southern California Association of Governments (SCAG) localities. If adopted after this date, Government Code section 65588, subdivision (e)(4), requires the housing element be revised every four years until adopting at least two consecutive revisions by the statutory deadline. For more information on housing element adoption requirements, please visit HCD's website at: http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/sb375_final100413.pdf.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the County to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: http://opr.ca.gov/docs/OPR_Appendix_C_final.pdf and http://opr.ca.gov/docs/Final_6.26.15.pdf.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City should continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate.

Pursuant to Government Code section 65583.3, subdivision (b), the City must utilize standards, forms, and definitions adopted by HCD when preparing the sites inventory. Please see HCD's housing element webpage at <https://www.hcd.ca.gov/community-development/housing-element/index.shtml> for a copy of the form and instructions. The City can reach out to HCD at sitesinventory@hcd.ca.gov for technical assistance. Upon adoption of the housing element, the City must submit an electronic version of the sites inventory with its adopted housing element to sitesinventory@hcd.ca.gov.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City meets housing element requirements for these and other funding sources.

We are committed to assisting the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Mashal Ayobi, of our staff, at Mashal.Ayobi@hcd.ca.gov or (916) 776-7421.

Sincerely,

A handwritten signature in black ink, appearing to read "Shannan West". The signature is fluid and cursive, with the first name being more prominent.

Shannan West
Land Use & Planning Unit Chief

Enclosure

APPENDIX CITY OF GARDEN GROVE

The following changes are necessary to bring the City's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on HCD's website at <http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml>. Among other resources, the housing element section contains HCD's latest technical assistance tool, *Building Blocks for Effective Housing Elements (Building Blocks)*, available at <http://www.hcd.ca.gov/community-development/building-blocks/index.shtml> and includes the Government Code addressing State Housing Element Law and other resources.

A. Review and Revision

Review the previous element to evaluate the appropriateness, effectiveness, and progress in implementation, and reflect the results of this review in the revised element. (Gov. Code, § 65588 (a) and (b).)

As part of the evaluation of programs in the past cycle, the element must provide an explanation of the effectiveness of goals, policies, and related actions in meeting the housing needs of special needs populations (e.g., elderly, persons with disabilities, large households, female headed households, farmworkers and persons experiencing homelessness). For example, quantify how many people the shelter served or how many referrals were made to Regional Center of Orange County pursuant to Program 10.

B. Housing Needs, Resources, and Constraints

1. *Affirmatively further[ing] fair housing (AFFH) in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2...shall include an assessment of fair housing in the jurisdiction (Gov. Code, § 65583, subd. (c)(10)(A)).*

The element has some basic information racial segregation, racial and ethnically concentrated areas of poverty, and include maps of the TCAC opportunity areas at a local level. However, the element generally does not address this requirement. The element, among other things, must include outreach, an assessment of fair housing, identification, and prioritization of contributing factors to fair housing issues and goals and actions sufficient to overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity. This information must be provided both at the local level compared at the regional level and be informed by regional and local data and knowledge from stakeholders within the City. For more information, please contact HCD and visit <https://www.hcd.ca.gov/community-development/affh/index.shtml>.

2. *An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment*

during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)

The City has a regional housing needs allocation (RHNA) of 19,168 housing units, of which 6,967 are for lower-income households. To address this need, the element relies on a mix of vacant and significantly underutilized sites. To demonstrate the adequacy of these sites and strategies to accommodate the City's RHNA, the element must include complete analyses:

Progress in Meeting the RHNA: The element must clarify conflicting data on Tables 12-31 and 12-32. For example, Table 12-32 states 896 units approved to extremely- and very low-income and 38 units to low-income categories, but Table 12-31 shows 41 units to very low-, 359 units to lo-w, 124 units to moderate-, and 436 units to above moderate-income categories.

Sites Inventory: Appendix B (Sites Inventory) states that there is no infrastructure capacity on these sites. HCD understands that this is an error. The sites inventory must clarify whether infrastructure including dry utilities is available for these parcels.

Realistic Capacity: While the element provides assumptions of buildout for sites included in the inventory, it must also provide support for these assumptions. For sites in zones that allow nonresidential uses, the element needs to analyze the likelihood that the identified units will be developed as noted in the inventory. This analysis should consider the likelihood of nonresidential development, performance standards, and development trends supporting residential development.

Suitability of Nonvacant Sites: The element must include an analysis demonstrating the potential for redevelopment of nonvacant sites. To address this requirement, the element describes in general the existing use of each nonvacant site for example "commercial" or "shopping center". This alone is not adequate to demonstrate the potential for redevelopment in the planning period. The description of existing uses should be sufficiently detailed to facilitate an analysis demonstrating the potential for additional development in the planning period. In addition, the element needs to also analyze the extent that existing uses may impede additional residential development. For example, the element includes sites identified as single-family residents, religious institutions, a culinary school, an adult daycare and senior center, but no analysis was provided to demonstrate whether these existing uses would impede development of these sites within the planning period. The element can summarize past experiences converting existing uses to higher density residential development, include current market demand for the existing use, provide analysis of existing leases or contracts that would perpetuate the existing use or prevent additional residential development and include current information on development trends and market conditions in the City and relate those trends to the sites identified. The element could also consider indicators such as age and condition of the existing structure expressed developer interest, low improvement to land value ratio, and other factors. In addition, some of the sites are identified as civic facilities. There must be discussion and analysis on whether the City has plans to redevelop these sites or plans to sell the property if owned by the

City, and how the jurisdiction will comply with the Surplus Land Act (Article 8 (commencing with Section 54220) of Chapter 5 of Part 1 of Division 2 of Title 5).

In addition, if the housing element relies upon nonvacant sites to accommodate more than 50 percent of the RHNA for lower-income households, the housing element must demonstrate that the existing use is not an impediment to additional residential development in the planning period (Gov. Code, § 65583.2, subd. (g)(2)). This can be demonstrated by providing substantial evidence that the existing use is likely to be discontinued during the planning period (Gov. Code, § 65583.2, subd. (g)(2)).

Accessory Dwelling Units (ADU): The element assumes an average of 436 ADUs per year will be constructed during the planning period, for a total of 3,618 ADUs. The element's analysis and programs do not support this assumption. Specifically, in addition to other methods, HCD accepts the use of trends in ADU construction since January 2018 to estimate new production. Based on past production between 2018 to 2020, the City is averaging about 144 ADUs per year. To support assumptions for ADUs in the planning period, the element could reduce the number of ADUs assumed per year or reconcile trends with HCD records, including additional information such as more recent permitted units and inquiries, resources and incentives, other relevant factors and modify policies and programs as appropriate. The element should support its ADU assumptions based on the number of ADU permits issued, not the number of ADU applications. The element must also commit to monitor ADU production throughout the course of the planning period and implement additional actions if not meeting target numbers anticipated in the housing element. In addition to monitoring production, this program should also monitor affordability. Additional actions, if necessary, should be taken in a timely manner (e.g., within 6 months). Finally, if necessary, the degree of additional actions should be in stride with the degree of the gap in production and affordability. For example, if actual production and affordability of ADUs is far from anticipated trends, then rezoning or something similar would be an appropriate action. If actual production and affordability is near anticipated trends, then measures like outreach and marketing might be more appropriate.

Environmental Constraints: Per third party comments, some of the sites are currently and have been used for decades for metal recycling and auto repairs, so the soil is probably very polluted with lead and other heavy metals. The element must describe and analyze environmental constraints that may impede the development of housing within the planning period on these sites, specifically the provision of housing affordable to lower-income housing.

Sites with Zoning for a Variety of Housing Types:

Emergency Shelters: While the element notes emergency shelters are allowed in the M-1 zone, it must demonstrate the City still has sufficient capacity to accommodate the identified housing need for emergency shelters and evaluate the available acreage for characteristics like parcel size or potential redevelopment or reuse opportunities, proximity to services and describe development standards.

Transitional & Supportive Housing: The element does not adequately address requirements for transitional housing and supportive housing. Pursuant to Senate Bill 2 (Chapter 633, Statutes of 2007), transitional and supportive housing must be permitted as a residential use in all zones and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone. The element must demonstrate consistency with these statutory requirements and include a program as appropriate.

3. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Government Code section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7). Transitional housing and supportive housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. (Gov. Code, § 65583, subd. (a)(5).)*

Development Standards: The element must identify and analyze all relevant land-use controls impacts as potential constraints on a variety of housing types (e.g., multifamily rental housing, mobile homes, transitional housing). The analysis must also evaluate the cumulative impacts of land-use controls on the cost and supply of housing, including the ability to achieve maximum densities and the capacity assumed in the housing element sites inventory. In particular, the element should analyze the limitation that only 50 percent of the building area in a multifamily development may be three stories and the one-story requirement within 20 feet of a R-1 zone property and requirements for the provision of outdoor recreational and leisure area. The analysis should describe past or current efforts to remove identified governmental constraints, and the element should include programs to address or remove the identified constraints.

Local Processing and Permit Procedures: The element generally describes the discretionary permitting process for multifamily development (p. 12-41). The element must analyze the process as a potential constraint on housing supply and affordability. The analysis should identify findings of approval and their potential impact on development approval certainty, timing, and cost. In particular, the element must evaluate the following review criteria:

- complying with the spirit and intent of applicable provisions, conditions, and requirements
- compatibility with the physical, functional, and visual quality of the neighboring uses
- desirable neighborhood characteristics and planning and design
- attain an attractive environment for the occupants of the property

The element must demonstrate this process is not a constraint, or it must include a program to address and remove or mitigate constraints to the approval of multifamily development related to these requirements.

Constraints on Housing for Persons with Disabilities: While the element makes reference to reasonable accommodation for persons with disabilities, it does not provide any information on the City's reasonable accommodation procedure. The element should describe the City's reasonable accommodation procedure, including how requests are made and processed, and any approval findings. In addition, the element details that residential care facilities serving six or fewer persons are permitted in all residential zones. However, residential care facilities serving seven or more persons require a Conditional Use Permit (CUP). The element should analyze the process as a potential constraint on housing for persons with disabilities and add or modify programs as appropriate to ensure zoning permits group homes objectively with approval certainty.

4. *An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, the cost of construction, the requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Government Code section 65583.2, and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality's share of the regional housing need in accordance with Government Code section 65584. The analysis shall also demonstrate local efforts to remove nongovernmental constraints that create a gap between the locality's planning for the development of housing for all income levels and the construction of that housing. (Gov. Code, § 65583, subd. (a)(6).)*

The element must be revised to include analysis of requests to develop housing at densities below those anticipated, and the length of time between receiving approval for a housing development and submittal of an application for building permits that potentially hinder the construction of a locality's share of the regional housing need. Page 12-34 lists the requirement but does not provide analysis.

5. *Analyze any special housing needs such as elderly; persons with disabilities, including a developmental disability; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter. (Gov. Code, § 65583, subd. (a)(7).)*

While the element quantifies the City's special needs populations, it must also analyze their special housing needs. For a complete analysis of each population group, the element should discuss challenges faced by the population, the existing resources to meet those needs (e.g., availability of senior housing units, number of large units, number of deed restricted units, etc.), an assessment of any gaps in resources, and proposed policies, programs, and funding to help address those gaps. Additionally, the

element must include an estimate of the number of persons experiencing homelessness based upon the most recent from Point in Time (PIT) data.

C. Housing Programs

1. *Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the Housing Element through the administration of land use and development controls, the provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available. The program shall include an identification of the agencies and officials responsible for the implementation of the various actions. (Gov. Code, § 65583, subd. (c).)*

To address the program requirements of Government Code section 65583, subdivision (c)(1-6), and to facilitate implementation, programs should include: (1) a description of the City's specific role in implementation; (2) definitive implementation timelines; (3) objectives, quantified where appropriate; and (4) identification of responsible agencies and officials. Programs to be revised include the following:

Program 9 (Accessory Dwelling Units): The program must include specific timeframes for the preparation of pre-approved plans, the development of promotional materials, and when the city will consider the establishment of the ADU amnesty program.

Program 10 (Density Bonus): Provide a specific timeline for review and evaluation with specific actions.

Program 11 (Inclusionary Housing Ordinance): Provide a specific timeframe for the consideration and evaluation of the development of inclusionary housing ordinance.

Program 22 (Affordable Housing Overlay): Provide a specific timeframe for the consideration and adoption of an affordable housing overlay.

2. *Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy (SRO) units, emergency shelters, and transitional housing. (Gov. Code, § 65583, subd. (c)(1).)*

As noted in Finding B2, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. The element indicates that sites will require rezoning and general plan amendments which is expected to occur prior to the start of the planning period (October 15, 2021) (page 12-78). Please be aware, if rezonings are not completed by that date, the element must include a program(s) to identify sites with appropriate zoning to accommodate the regional housing need within the planning period. (Gov. Code, § 65583.2, subd. (h) and (i).)

Program 8 (Residential Sites Inventory and Monitoring of No Net Loss): The program should be amended to commit to amending the City's sites inventory if a shortfall is identified pursuant to Government Code section 65863.

Nonvacant Sites Reliance to Accommodate RHNA: As the element relies upon nonvacant sites to accommodate the regional housing need for lower-income households, it should include a program(s) to promote residential development affordable to lower-income housing on these sites. The program could commit to provide financial assistance, regulatory concessions such as a streamlined permit processing, or incentives including the adoption of an affordable housing overlay pursuant to Program 22 to encourage and facilitate new, or more intense, residential development on the sites. In addition, the element could amend Program 12 to monitor development on sites in the mixed-use zone as it relates to the provision of housing affordable to lower-income households and commit provision of additional actions as necessary to facilitate development.

3. *The housing element shall contain programs which assist in the development of adequate housing to meet the needs of extremely low-, very low-, low- and moderate-income households. (Gov. Code, § 65583, subd. (c)(2).)*

While the element includes programs to assist in the development of very low-, low-, and moderate-income households, it must also include a program(s) to assist in the development of housing affordable extremely low-income (ELI) households. Programs must be revised or added to the element to assist in the development of housing for ELI households. For example, Program 13 in the element could describe what the City will do to encourage developers to include ELI units with wraparound services. In addition, the element states that the City is working with the owners of the Tamerlane Dr. property (p.12-63) to preserve at-risk units. Program 7 could be updated to reflect these efforts.

4. *Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)*

As noted in Findings B3 and B4, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

Program 14 (Parking Standards): The element identified the City's parking standards as a potential constraint to development. The element must include specific commitments to mitigate or remove constraints with specific timelines.

5. *Promote AFFH opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law. (Gov. Code, § 65583, subd. (c)(5).)*

The element must be revised to add or modify goals and actions based on the outcomes of a complete analysis as noted in Finding B1. Goals and actions must specifically respond to the analysis and to the identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends. Actions must have metrics and milestones as appropriate and must address housing mobility enhancement, new housing choices and affordability in high opportunity areas, place-based strategies for community preservation and revitalization and displacement protection. For example, Program 1 (Housing Rehabilitation) can target or prioritize grants in lower or moderate-resourced neighborhoods, or Program 17 (Zoning Code Update) could be amended to include relocation and protections for those long-term tenants in SRO or motels which could be displaced if converted to permanent housing.

D. Public Participation

Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the element shall describe this effort. (Gov. Code, § 65583, subd.(c)(8).)

While the element includes a general summary of the public participation process (p. 12-6 to 12-10, Appendix C), it must also demonstrate diligent efforts were made to involve all economic segments of the community in the development of the housing element. The element should be revised to discuss outreach to lower-income and special needs groups during the public participation efforts, solicitation efforts for survey responses, and participation in community workshops. HCD reviewed third-party comments as part of this review. These should be considered as part of the revised element. In addition, the element should also summarize the public comments and describe how they were considered and incorporated into the element. For additional information, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/getting-started/public-participation.shtml>.

In addition, HCD understands the City made the element available to the public only two weeks prior to its submittal to HCD. By not providing an opportunity for the public to review and comment on a draft of the element in advance of submission, the City has not yet complied with statutory mandates to make a diligent effort to encourage the public participation in the development of the element and it reduces HCD's ability to consider public comments in the course of its review. The availability of the document to the public and opportunity for public comment prior to submittal to HCD is essential to the public process and HCD's review. The City must proactively make future revisions available to the public, including any commenters, prior to submitting any revisions to HCD and diligently consider and address comments, including making revisions to the document where appropriate. HCD's future review will consider the extent to which the revised element documents how the City solicited, considered, and addressed public comments in the element. The City's consideration of public comments must not be limited by HCD's findings in this review letter.



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VIA E-MAIL

August 6, 2021

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RE: City of Garden Grove 2021-2029 Draft Housing Element

Dear Ms. Pomeroy, Mr. Chung, and Community Development Department,

On behalf of the Southwest Regional Council of Carpenters (“**Commenter**” or “**Southwest Carpenters**”), my Office is submitting these comments on the City of Garden Grove’s (“**City**” or “**Lead Agency**”) 2021-2029 update to the City’s General Plan Housing Element (“**Project**”).

The Southwest Carpenters is a labor union representing more than 50,000 union carpenters in six states and has a strong interest in well ordered land use planning and addressing the environmental impacts of development projects.

Individual members of the Southwest Carpenters live, work and recreate in the City and surrounding communities and would be directly affected by the Project’s environmental impacts.

Commenters expressly reserves the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this

Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

Commenters incorporates by reference all comments raising issues regarding the EIR submitted prior to certification of the EIR for the Project. *Citizens for Clean Energy v City of Woodland* (2014) 225 Cal. App. 4th 173, 191 (finding that any party who has objected to the Project’s environmental documentation may assert any issue timely raised by other parties).

Moreover, Commenter requests that the Lead Agency provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act (“**CEQA**”), Cal Public Resources Code (“**PRC**”) § 21000 *et seq*, and the California Planning and Zoning Law (“**Planning and Zoning Law**”), Cal. Gov’t Code §§ 65000–65010. California Public Resources Code Sections 21092.2, and 21167(f) and Government Code Section 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency’s governing body.

The City should require the use of a local skilled and trained workforce to benefit the community’s economic development and environment. The City should require the use of workers who have graduated from a Joint Labor Management apprenticeship training program approved by the State of California, or have at least as many hours of on-the-job experience in the applicable craft which would be required to graduate from such a state approved apprenticeship training program or who are registered apprentices in an apprenticeship training program approved by the State of California.

Community benefits such as local hire and skilled and trained workforce requirements can also be helpful to reduce environmental impacts and improve the positive economic impact of the Project. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. As environmental consultants Matt Hagemann and Paul E. Rosenfeld note:

[A]ny local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling.

Skilled and trained workforce requirements promote the development of skilled trades that yield sustainable economic development. As the California Workforce Development Board and the UC Berkeley Center for Labor Research and Education concluded:

. . . labor should be considered an investment rather than a cost – and investments in growing, diversifying, and upskilling California’s workforce can positively affect returns on climate mitigation efforts. In other words, well trained workers are key to delivering emissions reductions and moving California closer to its climate targets.¹

Local skilled and trained workforce requirements and policies have significant environmental benefits since they improve an area’s jobs-housing balance, decreasing the amount of and length of job commutes and their associated greenhouse gas emissions. Recently, on May 7, 2021, the South Coast Air Quality Management District found that that the “[u]se of a local state-certified apprenticeship program or a skilled and trained workforce with a local hire component” can result in air pollutant reductions.²

Cities are increasingly adopting local skilled and trained workforce policies and requirements into general plans and municipal codes. For example, the City of Hayward 2040 General Plan requires the City to “promote local hiring . . . to help

¹ California Workforce Development Board (2020) Putting California on the High Road: A Jobs and Climate Action Plan for 2030 at p. ii, *available at* <https://laborcenter.berkeley.edu/wp-content/uploads/2020/09/Putting-California-on-the-High-Road.pdf>

² South Coast Air Quality Management District (May 7, 2021) Certify Final Environmental Assessment and Adopt Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions Program, and Proposed Rule 316 – Fees for Rule 2305, Submit Rule 2305 for Inclusion Into the SIP, and Approve Supporting Budget Actions, *available at* <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2021/2021-May7-027.pdf?sfvrsn=10>

achieve a more positive jobs-housing balance, and reduce regional commuting, gas consumption, and greenhouse gas emissions.”³

In fact, the City of Hayward has gone as far as to adopt a Skilled Labor Force policy into its Downtown Specific Plan and municipal code, requiring developments in its Downtown area to requiring that the City “[c]ontribute to the stabilization of regional construction markets by spurring applicants of housing and nonresidential developments to require contractors to utilize apprentices from state-approved, joint labor-management training programs, . . .”⁴ In addition, the City of Hayward requires all projects 30,000 square feet or larger to “utilize apprentices from state-approved, joint labor-management training programs.”⁵

Locating jobs closer to residential areas can have significant environmental benefits. As the California Planning Roundtable noted in 2008:

People who live and work in the same jurisdiction would be more likely to take transit, walk, or bicycle to work than residents of less balanced communities and their vehicle trips would be shorter. Benefits would include potential reductions in both vehicle miles traveled and vehicle hours traveled.⁶

In addition, local hire mandates as well as skill training are critical facets of a strategy to reduce vehicle miles traveled. As planning experts Robert Cervero and Michael Duncan noted, simply placing jobs near housing stock is insufficient to achieve VMT reductions since the skill requirements of available local jobs must be matched to those held by local residents.⁷ Some municipalities have tied local hire and skilled and

³ City of Hayward (2014) Hayward 2040 General Plan Policy Document at p. 3-99, *available at* https://www.hayward-ca.gov/sites/default/files/documents/General_Plan_FINAL.pdf.

⁴ City of Hayward (2019) Hayward Downtown Specific Plan at p. 5-24, *available at* <https://www.hayward-ca.gov/sites/default/files/Hayward%20Downtown%20Specific%20Plan.pdf>.

⁵ City of Hayward Municipal Code, Chapter 10, § 28.5.3.020(C).

⁶ California Planning Roundtable (2008) Deconstructing Jobs-Housing Balance at p. 6, *available at* <https://cprounhtable.org/static/media/uploads/publications/cpr-jobs-housing.pdf>

⁷ Cervero, Robert and Duncan, Michael (2006) Which Reduces Vehicle Travel More: Jobs-Housing Balance or Retail-Housing Mixing? *Journal of the American Planning Association* 72 (4), 475-490, 482, *available at* <http://reconnectingamerica.org/assets/Uploads/UTCT-825.pdf>.

trained workforce policies to local development permits to address transportation issues. As Cervero and Duncan note:

In nearly built-out Berkeley, CA, the approach to balancing jobs and housing is to create local jobs rather than to develop new housing.” The city’s First Source program encourages businesses to hire local residents, especially for entry- and intermediate-level jobs, and sponsors vocational training to ensure residents are employment-ready. While the program is voluntary, some 300 businesses have used it to date, placing more than 3,000 city residents in local jobs since it was launched in 1986. When needed, these carrots are matched by sticks, since the city is not shy about negotiating corporate participation in First Source as a condition of approval for development permits.

The City should consider utilizing skilled and trained workforce policies and requirements to benefit the local area economically and mitigate greenhouse gas, air quality and transportation impacts.

Sincerely,



Mitchell M. Tsai

Attorneys for Southwest Regional
Council of Carpenters

Attached:

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling (Exhibit A);

Air Quality and GHG Expert Paul Rosenfeld CV (Exhibit B); and

Air Quality and GHG Expert Matt Hagemann CV (Exhibit C).

EXHIBIT A

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March 8, 2021

Mitchell M. Tsai
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Subject: Local Hire Requirements and Considerations for Greenhouse Gas Modeling

Dear Mr. Tsai,

Soil Water Air Protection Enterprise (“SWAPE”) is pleased to provide the following draft technical report explaining the significance of worker trips required for construction of land use development projects with respect to the estimation of greenhouse gas (“GHG”) emissions. The report will also discuss the potential for local hire requirements to reduce the length of worker trips, and consequently, reduced or mitigate the potential GHG impacts.

Worker Trips and Greenhouse Gas Calculations

The California Emissions Estimator Model (“CalEEMod”) is a “statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and greenhouse gas (GHG) emissions associated with both construction and operations from a variety of land use projects.”¹ CalEEMod quantifies construction-related emissions associated with land use projects resulting from off-road construction equipment; on-road mobile equipment associated with workers, vendors, and hauling; fugitive dust associated with grading, demolition, truck loading, and on-road vehicles traveling along paved and unpaved roads; and architectural coating activities; and paving.²

The number, length, and vehicle class of worker trips are utilized by CalEEMod to calculate emissions associated with the on-road vehicle trips required to transport workers to and from the Project site during construction.³

¹ “California Emissions Estimator Model.” CAPCOA, 2017, available at: <http://www.aqmd.gov/caleemod/home>.

² “California Emissions Estimator Model.” CAPCOA, 2017, available at: <http://www.aqmd.gov/caleemod/home>.

³ “CalEEMod User’s Guide.” CAPCOA, November 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.

Specifically, the number and length of vehicle trips is utilized to estimate the vehicle miles travelled (“VMT”) associated with construction. Then, utilizing vehicle-class specific EMFAC 2014 emission factors, CalEEMod calculates the vehicle exhaust, evaporative, and dust emissions resulting from construction-related VMT, including personal vehicles for worker commuting.⁴

Specifically, in order to calculate VMT, CalEEMod multiplies the average daily trip rate by the average overall trip length (see excerpt below):

$$\text{“VMT}_d = \Sigma(\text{Average Daily Trip Rate}_i * \text{Average Overall Trip Length}_i) _n$$

Where:

$$n = \text{Number of land uses being modeled.”}^5$$

Furthermore, to calculate the on-road emissions associated with worker trips, CalEEMod utilizes the following equation (see excerpt below):

$$\text{“Emissions}_{\text{pollutant}} = \text{VMT} * \text{EF}_{\text{running,pollutant}}$$

Where:

$$\text{Emissions}_{\text{pollutant}} = \text{emissions from vehicle running for each pollutant}$$

$$\text{VMT} = \text{vehicle miles traveled}$$

$$\text{EF}_{\text{running,pollutant}} = \text{emission factor for running emissions.”}^6$$

Thus, there is a direct relationship between trip length and VMT, as well as a direct relationship between VMT and vehicle running emissions. In other words, when the trip length is increased, the VMT and vehicle running emissions increase as a result. Thus, vehicle running emissions can be reduced by decreasing the average overall trip length, by way of a local hire requirement or otherwise.

Default Worker Trip Parameters and Potential Local Hire Requirements

As previously discussed, the number, length, and vehicle class of worker trips are utilized by CalEEMod to calculate emissions associated with the on-road vehicle trips required to transport workers to and from the Project site during construction.⁷ In order to understand how local hire requirements and associated worker trip length reductions impact GHG emissions calculations, it is important to consider the CalEEMod default worker trip parameters. CalEEMod provides recommended default values based on site-specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user can change the default values and input project-specific values, but the California Environmental Quality Act (“CEQA”) requires that such changes be justified by substantial evidence.⁸ The default number of construction-related worker trips is calculated by multiplying the

⁴ “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 14-15.

⁵ “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 23.

⁶ “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 15.

⁷ “CalEEMod User’s Guide.” CAPCOA, November 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.

⁸ CalEEMod User Guide, available at: <http://www.caleemod.com/>, p. 1, 9.

number of pieces of equipment for all phases by 1.25, with the exception of worker trips required for the building construction and architectural coating phases.⁹ Furthermore, the worker trip vehicle class is a 50/25/25 percent mix of light duty autos, light duty truck class 1 and light duty truck class 2, respectively.¹⁰ Finally, the default worker trip length is consistent with the length of the operational home-to-work vehicle trips.¹¹ The operational home-to-work vehicle trip lengths are:

“[B]ased on the *location* and *urbanization* selected on the project characteristic screen. These values were *supplied by the air districts or use a default average for the state*. Each district (or county) also assigns trip lengths for urban and rural settings” (emphasis added).¹²

Thus, the default worker trip length is based on the location and urbanization level selected by the User when modeling emissions. The below table shows the CalEEMod default rural and urban worker trip lengths by air basin (see excerpt below and Attachment A).¹³

Worker Trip Length by Air Basin		
Air Basin	Rural (miles)	Urban (miles)
Great Basin Valleys	16.8	10.8
Lake County	16.8	10.8
Lake Tahoe	16.8	10.8
Mojave Desert	16.8	10.8
Mountain Counties	16.8	10.8
North Central Coast	17.1	12.3
North Coast	16.8	10.8
Northeast Plateau	16.8	10.8
Sacramento Valley	16.8	10.8
Salton Sea	14.6	11
San Diego	16.8	10.8
San Francisco Bay Area	10.8	10.8
San Joaquin Valley	16.8	10.8
South Central Coast	16.8	10.8
South Coast	19.8	14.7
Average	16.47	11.17
Minimum	10.80	10.80
Maximum	19.80	14.70
Range	9.00	3.90

⁹ “CalEEMod User’s Guide.” CAPCOA, November 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.

¹⁰ “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 15.

¹¹ “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 14.

¹² “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 21.

¹³ “Appendix D Default Data Tables.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/05_appendix-d2016-3-2.pdf?sfvrsn=4, p. D-84 – D-86.

As demonstrated above, default rural worker trip lengths for air basins in California vary from 10.8- to 19.8- miles, with an average of 16.47 miles. Furthermore, default urban worker trip lengths vary from 10.8- to 14.7- miles, with an average of 11.17 miles. Thus, while default worker trip lengths vary by location, default urban worker trip lengths tend to be shorter in length. Based on these trends evident in the CalEEMod default worker trip lengths, we can reasonably assume that the efficacy of a local hire requirement is especially dependent upon the urbanization of the project site, as well as the project location.

Practical Application of a Local Hire Requirement and Associated Impact

To provide an example of the potential impact of a local hire provision on construction-related GHG emissions, we estimated the significance of a local hire provision for the Village South Specific Plan (“Project”) located in the City of Claremont (“City”). The Project proposed to construct 1,000 residential units, 100,000-SF of retail space, 45,000-SF of office space, as well as a 50-room hotel, on the 24-acre site. The Project location is classified as Urban and lies within the Los Angeles-South Coast County. As a result, the Project has a default worker trip length of 14.7 miles.¹⁴ In an effort to evaluate the potential for a local hire provision to reduce the Project’s construction-related GHG emissions, we prepared an updated model, reducing all worker trip lengths to 10 miles (see Attachment B). Our analysis estimates that if a local hire provision with a 10-mile radius were to be implemented, the GHG emissions associated with Project construction would decrease by approximately 17% (see table below and Attachment C).

Local Hire Provision Net Change	
Without Local Hire Provision	
Total Construction GHG Emissions (MT CO ₂ e)	3,623
Amortized Construction GHG Emissions (MT CO ₂ e/year)	120.77
With Local Hire Provision	
Total Construction GHG Emissions (MT CO ₂ e)	3,024
Amortized Construction GHG Emissions (MT CO ₂ e/year)	100.80
% Decrease in Construction-related GHG Emissions	17%

As demonstrated above, by implementing a local hire provision requiring 10 mile worker trip lengths, the Project could reduce potential GHG emissions associated with construction worker trips. More broadly, any local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

This serves as an example of the potential impacts of local hire requirements on estimated project-level GHG emissions, though it does not indicate that local hire requirements would result in reduced construction-related GHG emission for all projects. As previously described, the significance of a local hire requirement depends on the worker trip length enforced and the default worker trip length for the project’s urbanization level and location.

¹⁴ “Appendix D Default Data Tables.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/05_appendix-d2016-3-2.pdf?sfvrsn=4, p. D-85.

Disclaimer

SWAPE has received limited discovery. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

Sincerely,



Matt Hagemann, P.G., C.Hg.



Paul E. Rosenfeld, Ph.D.

EXHIBIT B

Paul Rosenfeld, Ph.D.

Principal Environmental Chemist

Chemical Fate and Transport & Air Dispersion Modeling

Risk Assessment & Remediation Specialist

Education

Ph.D. Soil Chemistry, University of Washington, 1999. Dissertation on volatile organic compound filtration.

M.S. Environmental Science, U.C. Berkeley, 1995. Thesis on organic waste economics.

B.A. Environmental Studies, U.C. Santa Barbara, 1991. Thesis on wastewater treatment.

Professional Experience

Dr. Rosenfeld has over 25 years' experience conducting environmental investigations and risk assessments for evaluating impacts to human health, property, and ecological receptors. His expertise focuses on the fate and transport of environmental contaminants, human health risk, exposure assessment, and ecological restoration. Dr. Rosenfeld has evaluated and modeled emissions from unconventional oil drilling operations, oil spills, landfills, boilers and incinerators, process stacks, storage tanks, confined animal feeding operations, and many other industrial and agricultural sources. His project experience ranges from monitoring and modeling of pollution sources to evaluating impacts of pollution on workers at industrial facilities and residents in surrounding communities.

Dr. Rosenfeld has investigated and designed remediation programs and risk assessments for contaminated sites containing lead, heavy metals, mold, bacteria, particulate matter, petroleum hydrocarbons, chlorinated solvents, pesticides, radioactive waste, dioxins and furans, semi- and volatile organic compounds, PCBs, PAHs, perchlorate, asbestos, per- and poly-fluoroalkyl substances (PFOA/PFOS), unusual polymers, fuel oxygenates (MTBE), among other pollutants. Dr. Rosenfeld also has experience evaluating greenhouse gas emissions from various projects and is an expert on the assessment of odors from industrial and agricultural sites, as well as the evaluation of odor nuisance impacts and technologies for abatement of odorous emissions. As a principal scientist at SWAPE, Dr. Rosenfeld directs air dispersion modeling and exposure assessments. He has served as an expert witness and testified about pollution sources causing nuisance and/or personal injury at dozens of sites and has testified as an expert witness on more than ten cases involving exposure to air contaminants from industrial sources.

Professional History:

Soil Water Air Protection Enterprise (SWAPE); 2003 to present; Principal and Founding Partner
UCLA School of Public Health; 2007 to 2011; Lecturer (Assistant Researcher)
UCLA School of Public Health; 2003 to 2006; Adjunct Professor
UCLA Environmental Science and Engineering Program; 2002-2004; Doctoral Intern Coordinator
UCLA Institute of the Environment, 2001-2002; Research Associate
Komex H₂O Science, 2001 to 2003; Senior Remediation Scientist
National Groundwater Association, 2002-2004; Lecturer
San Diego State University, 1999-2001; Adjunct Professor
Anteon Corp., San Diego, 2000-2001; Remediation Project Manager
Ogden (now Amec), San Diego, 2000-2000; Remediation Project Manager
Bechtel, San Diego, California, 1999 – 2000; Risk Assessor
King County, Seattle, 1996 – 1999; Scientist
James River Corp., Washington, 1995-96; Scientist
Big Creek Lumber, Davenport, California, 1995; Scientist
Plumas Corp., California and USFS, Tahoe 1993-1995; Scientist
Peace Corps and World Wildlife Fund, St. Kitts, West Indies, 1991-1993; Scientist

Publications:

- Remy, L.L., Clay T., Byers, V., **Rosenfeld P. E.** (2019) Hospital, Health, and Community Burden After Oil Refinery Fires, Richmond, California 2007 and 2012. *Environmental Health*. 18:48
- Simons, R.A., Seo, Y. **Rosenfeld, P.**, (2015) Modeling the Effect of Refinery Emission On Residential Property Value. *Journal of Real Estate Research*. 27(3):321-342
- Chen, J. A, Zapata A. R., Sutherland A. J., Molmen, D.R., Chow, B. S., Wu, L. E., **Rosenfeld, P. E.**, Hesse, R. C., (2012) Sulfur Dioxide and Volatile Organic Compound Exposure To A Community In Texas City Texas Evaluated Using Aermid and Empirical Data. *American Journal of Environmental Science*, 8(6), 622-632.
- Rosenfeld, P.E.** & Feng, L. (2011). *The Risks of Hazardous Waste*. Amsterdam: Elsevier Publishing.
- Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2011). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Agrochemical Industry*, Amsterdam: Elsevier Publishing.
- Gonzalez, J., Feng, L., Sutherland, A., Waller, C., Sok, H., Hesse, R., **Rosenfeld, P.** (2010). PCBs and Dioxins/Furans in Attic Dust Collected Near Former PCB Production and Secondary Copper Facilities in Sauget, IL. *Procedia Environmental Sciences*. 113–125.
- Feng, L., Wu, C., Tam, L., Sutherland, A.J., Clark, J.J., **Rosenfeld, P.E.** (2010). Dioxin and Furan Blood Lipid and Attic Dust Concentrations in Populations Living Near Four Wood Treatment Facilities in the United States. *Journal of Environmental Health*. 73(6), 34-46.
- Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2010). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Wood and Paper Industries*. Amsterdam: Elsevier Publishing.
- Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2009). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Petroleum Industry*. Amsterdam: Elsevier Publishing.
- Wu, C., Tam, L., Clark, J., **Rosenfeld, P.** (2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. *WIT Transactions on Ecology and the Environment, Air Pollution*, 123 (17), 319-327.

Tam L. K., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). A Statistical Analysis Of Attic Dust And Blood Lipid Concentrations Of Tetrachloro-p-Dibenzodioxin (TCDD) Toxicity Equivalency Quotients (TEQ) In Two Populations Near Wood Treatment Facilities. *Organohalogen Compounds*, 70, 002252-002255.

Tam L. K., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). Methods For Collect Samples For Assessing Dioxins And Other Environmental Contaminants In Attic Dust: A Review. *Organohalogen Compounds*, 70, 000527-000530.

Hensley, A.R. A. Scott, J. J. J. Clark, **Rosenfeld, P.E.** (2007). Attic Dust and Human Blood Samples Collected near a Former Wood Treatment Facility. *Environmental Research*. 105, 194-197.

Rosenfeld, P.E., J. J. J. Clark, A. R. Hensley, M. Suffet. (2007). The Use of an Odor Wheel Classification for Evaluation of Human Health Risk Criteria for Compost Facilities. *Water Science & Technology* 55(5), 345-357.

Rosenfeld, P. E., M. Suffet. (2007). The Anatomy Of Odour Wheels For Odours Of Drinking Water, Wastewater, Compost And The Urban Environment. *Water Science & Technology* 55(5), 335-344.

Sullivan, P. J. Clark, J.J.J., Agardy, F. J., **Rosenfeld, P.E.** (2007). *Toxic Legacy, Synthetic Toxins in the Food, Water, and Air in American Cities*. Boston Massachusetts: Elsevier Publishing

Rosenfeld, P.E., and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash. *Water Science and Technology*. 49(9),171-178.

Rosenfeld P. E., J.J. Clark, I.H. (Mel) Suffet (2004). The Value of An Odor-Quality-Wheel Classification Scheme For The Urban Environment. *Water Environment Federation's Technical Exhibition and Conference (WEFTEC) 2004*. New Orleans, October 2-6, 2004.

Rosenfeld, P.E., and Suffet, I.H. (2004). Understanding Odorants Associated With Compost, Biomass Facilities, and the Land Application of Biosolids. *Water Science and Technology*. 49(9), 193-199.

Rosenfeld, P.E., and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash, *Water Science and Technology*, 49(9), 171-178.

Rosenfeld, P. E., Grey, M. A., Sellew, P. (2004). Measurement of Biosolids Odor and Odorant Emissions from Windrows, Static Pile and Biofilter. *Water Environment Research*. 76(4), 310-315.

Rosenfeld, P.E., Grey, M and Suffet, M. (2002). Compost Demonstration Project, Sacramento California Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Integrated Waste Management Board Public Affairs Office*, Publications Clearinghouse (MS-6), Sacramento, CA Publication #442-02-008.

Rosenfeld, P.E., and C.L. Henry. (2001). Characterization of odor emissions from three different biosolids. *Water Soil and Air Pollution*. 127(1-4), 173-191.

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Rosenfeld, P.E., C.L. Henry and D. Bennett. (2001). Wastewater dewatering polymer affect on biosolids odor emissions and microbial activity. *Water Environment Research*. 73(4), 363-367.

Rosenfeld, P.E., and C.L. Henry. (2001). Activated Carbon and Wood Ash Sorption of Wastewater, Compost, and Biosolids Odorants. *Water Environment Research*, 73, 388-393.

Rosenfeld, P.E., and Henry C. L., (2001). High carbon wood ash effect on biosolids microbial activity and odor. *Water Environment Research*. 131(1-4), 247-262.

Chollack, T. and **P. Rosenfeld**. (1998). Compost Amendment Handbook For Landscaping. Prepared for and distributed by the City of Redmond, Washington State.

Rosenfeld, P. E. (1992). The Mount Liamuiga Crater Trail. *Heritage Magazine of St. Kitts*, 3(2).

Rosenfeld, P. E. (1993). High School Biogas Project to Prevent Deforestation On St. Kitts. *Biomass Users Network*, 7(1).

Rosenfeld, P. E. (1998). Characterization, Quantification, and Control of Odor Emissions From Biosolids Application To Forest Soil. Doctoral Thesis. University of Washington College of Forest Resources.

Rosenfeld, P. E. (1994). Potential Utilization of Small Diameter Trees on Sierra County Public Land. Masters thesis reprinted by the Sierra County Economic Council. Sierra County, California.

Rosenfeld, P. E. (1991). How to Build a Small Rural Anaerobic Digester & Uses Of Biogas In The First And Third World. Bachelors Thesis. University of California.

Presentations:

Rosenfeld, P.E., Sutherland, A; Hesse, R.; Zapata, A. (October 3-6, 2013). Air dispersion modeling of volatile organic emissions from multiple natural gas wells in Decatur, TX. *44th Western Regional Meeting, American Chemical Society*. Lecture conducted from Santa Clara, CA.

Sok, H.L.; Waller, C.C.; Feng, L.; Gonzalez, J.; Sutherland, A.J.; Wisdom-Stack, T.; Sahai, R.K.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Atrazine: A Persistent Pesticide in Urban Drinking Water. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

Feng, L.; Gonzalez, J.; Sok, H.L.; Sutherland, A.J.; Waller, C.C.; Wisdom-Stack, T.; Sahai, R.K.; La, M.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Bringing Environmental Justice to East St. Louis, Illinois. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

Rosenfeld, P.E. (April 19-23, 2009). Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonate (PFOS) Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*, Lecture conducted from Tuscon, AZ.

Rosenfeld, P.E. (April 19-23, 2009). Cost to Filter Atrazine Contamination from Drinking Water in the United States” Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*. Lecture conducted from Tuscon, AZ.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P.** (20-22 July, 2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. Brebbia, C.A. and Popov, V., eds., *Air Pollution XVII: Proceedings of the Seventeenth International Conference on Modeling, Monitoring and Management of Air Pollution*. Lecture conducted from Tallinn, Estonia.

Rosenfeld, P. E. (October 15-18, 2007). Moss Point Community Exposure To Contaminants From A Releasing Facility. *The 23rd Annual International Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). The Repeated Trespass of Tritium-Contaminated Water Into A Surrounding Community Form Repeated Waste Spills From A Nuclear Power Plant. *The 23rd Annual International Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld, P. E. (October 15-18, 2007). Somerville Community Exposure To Contaminants From Wood Treatment Facility Emissions. The *23rd Annual International Conferences on Soils Sediment and Water*. Lecture conducted from University of Massachusetts, Amherst MA.

Rosenfeld P. E. (March 2007). Production, Chemical Properties, Toxicology, & Treatment Case Studies of 1,2,3-Trichloropropane (TCP). *The Association for Environmental Health and Sciences (AEHS) Annual Meeting*. Lecture conducted from San Diego, CA.

Rosenfeld P. E. (March 2007). Blood and Attic Sampling for Dioxin/Furan, PAH, and Metal Exposure in Florida, Alabama. *The AEHS Annual Meeting*. Lecture conducted from San Diego, CA.

Hensley A.R., Scott, A., **Rosenfeld P.E.**, Clark, J.J.J. (August 21 – 25, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *The 26th International Symposium on Halogenated Persistent Organic Pollutants – DIOXIN2006*. Lecture conducted from Radisson SAS Scandinavia Hotel in Oslo Norway.

Hensley A.R., Scott, A., **Rosenfeld P.E.**, Clark, J.J.J. (November 4-8, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *APHA 134 Annual Meeting & Exposition*. Lecture conducted from Boston Massachusetts.

Paul Rosenfeld Ph.D. (October 24-25, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. Mealey's C8/PFOA. *Science, Risk & Litigation Conference*. Lecture conducted from The Rittenhouse Hotel, Philadelphia, PA.

Paul Rosenfeld Ph.D. (September 19, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, *Toxicology and Remediation PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel, Irvine California.

Paul Rosenfeld Ph.D. (September 19, 2005). Fate, Transport, Toxicity, And Persistence of 1,2,3-TCP. *PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel in Irvine, California.

Paul Rosenfeld Ph.D. (September 26-27, 2005). Fate, Transport and Persistence of PDBEs. *Mealey's Groundwater Conference*. Lecture conducted from Ritz Carlton Hotel, Marina Del Ray, California.

Paul Rosenfeld Ph.D. (June 7-8, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. *International Society of Environmental Forensics: Focus On Emerging Contaminants*. Lecture conducted from Sheraton Oceanfront Hotel, Virginia Beach, Virginia.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Fate Transport, Persistence and Toxicology of PFOA and Related Perfluorochemicals. *2005 National Groundwater Association Ground Water And Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld Ph.D. (July 21-22, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, Toxicology and Remediation. *2005 National Groundwater Association Ground Water and Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. and Rob Hesse R.G. (May 5-6, 2004). Tert-butyl Alcohol Liability and Toxicology, A National Problem and Unquantified Liability. *National Groundwater Association. Environmental Law Conference*. Lecture conducted from Congress Plaza Hotel, Chicago Illinois.

Paul Rosenfeld, Ph.D. (March 2004). Perchlorate Toxicology. *Meeting of the American Groundwater Trust*. Lecture conducted from Phoenix Arizona.

Hagemann, M.F., **Paul Rosenfeld, Ph.D.** and Rob Hesse (2004). Perchlorate Contamination of the Colorado River. *Meeting of tribal representatives*. Lecture conducted from Parker, AZ.

Paul Rosenfeld, Ph.D. (April 7, 2004). A National Damage Assessment Model For PCE and Dry Cleaners. *Drycleaner Symposium. California Ground Water Association*. Lecture conducted from Radison Hotel, Sacramento, California.

Rosenfeld, P. E., Grey, M., (June 2003) Two stage biofilter for biosolids composting odor control. *Seventh International In Situ And On Site Bioremediation Symposium Battelle Conference* Orlando, FL.

Paul Rosenfeld, Ph.D. and James Clark Ph.D. (February 20-21, 2003) Understanding Historical Use, Chemical Properties, Toxicity and Regulatory Guidance of 1,4 Dioxane. *National Groundwater Association. Southwest Focus Conference. Water Supply and Emerging Contaminants.* Lecture conducted from Hyatt Regency Phoenix Arizona.

Paul Rosenfeld, Ph.D. (February 6-7, 2003). Underground Storage Tank Litigation and Remediation. *California CUPA Forum*. Lecture conducted from Marriott Hotel, Anaheim California.

Paul Rosenfeld, Ph.D. (October 23, 2002) Underground Storage Tank Litigation and Remediation. *EPA Underground Storage Tank Roundtable*. Lecture conducted from Sacramento California.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Understanding Odor from Compost, *Wastewater and Industrial Processes. Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Suffet, M. (October 7- 10, 2002). Using High Carbon Wood Ash to Control Compost Odor. *Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

Rosenfeld, P.E. and Grey, M. A. (September 22-24, 2002). Biocycle Composting For Coastal Sage Restoration. *Northwest Biosolids Management Association*. Lecture conducted from Vancouver Washington..

Rosenfeld, P.E. and Grey, M. A. (November 11-14, 2002). Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Soil Science Society Annual Conference*. Lecture conducted from Indianapolis, Maryland.

Rosenfeld, P.E. (September 16, 2000). Two stage biofilter for biosolids composting odor control. *Water Environment Federation*. Lecture conducted from Anaheim California.

Rosenfeld, P.E. (October 16, 2000). Wood ash and biofilter control of compost odor. *Biofest*. Lecture conducted from Ocean Shores, California.

Rosenfeld, P.E. (2000). Bioremediation Using Organic Soil Amendments. *California Resource Recovery Association*. Lecture conducted from Sacramento California.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. *Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings*. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., and C.L. Henry. (1999). An evaluation of ash incorporation with biosolids for odor reduction. *Soil Science Society of America*. Lecture conducted from Salt Lake City Utah.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Comparison of Microbial Activity and Odor Emissions from Three Different Biosolids Applied to Forest Soil. *Brown and Caldwell*. Lecture conducted from Seattle Washington.

Rosenfeld, P.E., C.L. Henry. (1998). Characterization, Quantification, and Control of Odor Emissions from Biosolids Application To Forest Soil. *Biofest*. Lecture conducted from Lake Chelan, Washington.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., C.L. Henry, R. B. Harrison, and R. Dills. (1997). Comparison of Odor Emissions From Three Different Biosolids Applied to Forest Soil. *Soil Science Society of America*. Lecture conducted from Anaheim California.

Teaching Experience:

UCLA Department of Environmental Health (Summer 2003 through 2010) Taught Environmental Health Science 100 to students, including undergrad, medical doctors, public health professionals and nurses. Course focused on the health effects of environmental contaminants.

National Ground Water Association, Successful Remediation Technologies. Custom Course in Sante Fe, New Mexico. May 21, 2002. Focused on fate and transport of fuel contaminants associated with underground storage tanks.

National Ground Water Association; Successful Remediation Technologies Course in Chicago Illinois. April 1, 2002. Focused on fate and transport of contaminants associated with Superfund and RCRA sites.

California Integrated Waste Management Board, April and May, 2001. Alternative Landfill Caps Seminar in San Diego, Ventura, and San Francisco. Focused on both prescriptive and innovative landfill cover design.

UCLA Department of Environmental Engineering, February 5, 2002. Seminar on Successful Remediation Technologies focusing on Groundwater Remediation.

University Of Washington, Soil Science Program, Teaching Assistant for several courses including: Soil Chemistry, Organic Soil Amendments, and Soil Stability.

U.C. Berkeley, Environmental Science Program Teaching Assistant for Environmental Science 10.

Academic Grants Awarded:

California Integrated Waste Management Board. \$41,000 grant awarded to UCLA Institute of the Environment. Goal: To investigate effect of high carbon wood ash on volatile organic emissions from compost. 2001.

Synagro Technologies, Corona California: \$10,000 grant awarded to San Diego State University. Goal: investigate effect of biosolids for restoration and remediation of degraded coastal sage soils. 2000.

King County, Department of Research and Technology, Washington State. \$100,000 grant awarded to University of Washington: Goal: To investigate odor emissions from biosolids application and the effect of polymers and ash on VOC emissions. 1998.

Northwest Biosolids Management Association, Washington State. \$20,000 grant awarded to investigate effect of polymers and ash on VOC emissions from biosolids. 1997.

James River Corporation, Oregon: \$10,000 grant was awarded to investigate the success of genetically engineered Poplar trees with resistance to round-up. 1996.

United State Forest Service, Tahoe National Forest: \$15,000 grant was awarded to investigating fire ecology of the Tahoe National Forest. 1995.

Kellogg Foundation, Washington D.C. \$500 grant was awarded to construct a large anaerobic digester on St. Kitts in West Indies. 1993

Deposition and/or Trial Testimony:

- In the United States District Court For The District of New Jersey
Duarte et al, *Plaintiffs*, vs. United States Metals Refining Company et. al. *Defendant*.
Case No.: 2:17-cv-01624-ES-SCM
Rosenfeld Deposition. 6-7-2019
- In the United States District Court of Southern District of Texas Galveston Division
M/T Carla Maersk, *Plaintiffs*, vs. Conti 168., Schiffahrts-GMBH & Co. Bulker KG MS “Conti Perdido”
Defendant.
Case No.: 3:15-CV-00106 consolidated with 3:15-CV-00237
Rosenfeld Deposition. 5-9-2019
- In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
Carole-Taddeo-Bates et al., vs. Ifran Khan et al., Defendants
Case No.: No. BC615636
Rosenfeld Deposition, 1-26-2019
- In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
The San Gabriel Valley Council of Governments et al. vs El Adobe Apts. Inc. et al., Defendants
Case No.: No. BC646857
Rosenfeld Deposition, 10-6-2018; Trial 3-7-19
- In United States District Court For The District of Colorado
Bells et al. Plaintiff vs. The 3M Company et al., Defendants
Case: No 1:16-cv-02531-RBJ
Rosenfeld Deposition, 3-15-2018 and 4-3-2018
- In The District Court Of Regan County, Texas, 112th Judicial District
Phillip Bales et al., Plaintiff vs. Dow Agrosiences, LLC, et al., Defendants
Cause No 1923
Rosenfeld Deposition, 11-17-2017
- In The Superior Court of the State of California In And For The County Of Contra Costa
Simons et al., Plaintiffs vs. Chevron Corporation, et al., Defendants
Cause No C12-01481
Rosenfeld Deposition, 11-20-2017
- In The Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois
Martha Custer et al., Plaintiff vs. Cerro Flow Products, Inc., Defendants
Case No.: No. 0i9-L-2295
Rosenfeld Deposition, 8-23-2017
- In The Superior Court of the State of California, For The County of Los Angeles
Warrn Gilbert and Penny Gilber, Plaintiff vs. BMW of North America LLC
Case No.: LC102019 (c/w BC582154)
Rosenfeld Deposition, 8-16-2017, Trail 8-28-2018
- In the Northern District Court of Mississippi, Greenville Division
Brenda J. Cooper, et al., *Plaintiffs*, vs. Meritor Inc., et al., *Defendants*
Case Number: 4:16-cv-52-DMB-JVM
Rosenfeld Deposition: July 2017

In The Superior Court of the State of Washington, County of Snohomish
Michael Davis and Julie Davis et al., Plaintiff vs. Cedar Grove Composting Inc., Defendants
Case No.: No. 13-2-03987-5
Rosenfeld Deposition, February 2017
Trial, March 2017

In The Superior Court of the State of California, County of Alameda
Charles Spain., Plaintiff vs. Thermo Fisher Scientific, et al., Defendants
Case No.: RG14711115
Rosenfeld Deposition, September 2015

In The Iowa District Court In And For Poweshiek County
Russell D. Winburn, et al., Plaintiffs vs. Doug Hoksbergen, et al., Defendants
Case No.: LALA002187
Rosenfeld Deposition, August 2015

In The Iowa District Court For Wapello County
Jerry Dovico, et al., Plaintiffs vs. Valley View Sine LLC, et al., Defendants
Law No.: LALA105144 - Division A
Rosenfeld Deposition, August 2015

In The Iowa District Court For Wapello County
Doug Pauls, et al., et al., Plaintiffs vs. Richard Warren, et al., Defendants
Law No.: LALA105144 - Division A
Rosenfeld Deposition, August 2015

In The Circuit Court of Ohio County, West Virginia
Robert Andrews, et al. v. Antero, et al.
Civil Action N0. 14-C-30000
Rosenfeld Deposition, June 2015

In The Third Judicial District County of Dona Ana, New Mexico
Betty Gonzalez, et al. Plaintiffs vs. Del Oro Dairy, Del Oro Real Estate LLC, Jerry Settles and Deward
DeRuyter, Defendants
Rosenfeld Deposition: July 2015

In The Iowa District Court For Muscatine County
Laurie Freeman et. al. Plaintiffs vs. Grain Processing Corporation, Defendant
Case No 4980
Rosenfeld Deposition: May 2015

In the Circuit Court of the 17th Judicial Circuit, in and For Broward County, Florida
Walter Hinton, et. al. Plaintiff, vs. City of Fort Lauderdale, Florida, a Municipality, Defendant.
Case Number CACE07030358 (26)
Rosenfeld Deposition: December 2014

In the United States District Court Western District of Oklahoma
Tommy McCarty, et al., Plaintiffs, v. Oklahoma City Landfill, LLC d/b/a Southeast Oklahoma City
Landfill, et al. Defendants.
Case No. 5:12-cv-01152-C
Rosenfeld Deposition: July 2014

In the County Court of Dallas County Texas
Lisa Parr et al, *Plaintiff*, vs. Aruba et al, *Defendant*.
Case Number cc-11-01650-E
Rosenfeld Deposition: March and September 2013
Rosenfeld Trial: April 2014

In the Court of Common Pleas of Tuscarawas County Ohio
John Michael Abicht, et al., *Plaintiffs*, vs. Republic Services, Inc., et al., *Defendants*
Case Number: 2008 CT 10 0741 (Cons. w/ 2009 CV 10 0987)
Rosenfeld Deposition: October 2012

In the United States District Court of Southern District of Texas Galveston Division
Kyle Cannon, Eugene Donovan, Genaro Ramirez, Carol Sassler, and Harvey Walton, each Individually and
on behalf of those similarly situated, *Plaintiffs*, vs. BP Products North America, Inc., *Defendant*.
Case 3:10-cv-00622
Rosenfeld Deposition: February 2012
Rosenfeld Trial: April 2013

In the Circuit Court of Baltimore County Maryland
Philip E. Cvach, II et al., *Plaintiffs* vs. Two Farms, Inc. d/b/a Royal Farms, Defendants
Case Number: 03-C-12-012487 OT
Rosenfeld Deposition: September 2013

EXHIBIT C



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Matthew F. Hagemann, P.G., C.Hg., QSD, QSP

**Geologic and Hydrogeologic Characterization
Industrial Stormwater Compliance
Investigation and Remediation Strategies
Litigation Support and Testifying Expert
CEQA Review**

Education:

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.

B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

Professional Certifications:

California Professional Geologist

California Certified Hydrogeologist

Qualified SWPPP Developer and Practitioner

Professional Experience:

Matt has 25 years of experience in environmental policy, assessment and remediation. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) while also working with permit holders to improve hydrogeologic characterization and water quality monitoring.

Matt has worked closely with U.S. EPA legal counsel and the technical staff of several states in the application and enforcement of RCRA, Safe Drinking Water Act and Clean Water Act regulations. Matt has trained the technical staff in the States of California, Hawaii, Nevada, Arizona and the Territory of Guam in the conduct of investigations, groundwater fundamentals, and sampling techniques.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – 2014;
- Senior Environmental Analyst, Komex H2O Science, Inc. (2000 -- 2003);

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

Senior Regulatory and Litigation Support Analyst:

With SWAPE, Matt’s responsibilities have included:

- Lead analyst and testifying expert in the review of over 100 environmental impact reports since 2003 under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, Valley Fever, greenhouse gas emissions, and geologic hazards. Make recommendations for additional mitigation measures to lead agencies at the local and county level to include additional characterization of health risks and implementation of protective measures to reduce worker exposure to hazards from toxins and Valley Fever.
- Stormwater analysis, sampling and best management practice evaluation at industrial facilities.
- Manager of a project to provide technical assistance to a community adjacent to a former Naval shipyard under a grant from the U.S. EPA.
- Technical assistance and litigation support for vapor intrusion concerns.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.
- Expert witness on two cases involving MTBE litigation.
- Expert witness and litigation support on the impact of air toxins and hazards at a school.
- Expert witness in litigation at a former plywood plant.

With Komex H2O Science Inc., Matt’s duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.

- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.

- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

Executive Director:

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including SurfRider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

Hydrogeology:

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nationwide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

Policy:

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9. Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, *Oxygenates in Water: Critical Information and Research Needs*.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific principles into the policy-making process.
- Established national protocol for the peer review of scientific documents.

Geology:

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

Teaching:

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt taught physical geology (lecture and lab and introductory geology at Golden West College in Huntington Beach, California from 2010 to 2014.

Invited Testimony, Reports, Papers and Presentations:

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

Hagemann, M.F., 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Colorado.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

Hagemann, M.F., 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and **Hagemann, M.**, 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal representatives, Parker, AZ.

Hagemann, M.F., 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

Hagemann, M.F., 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

Hagemann, M.F., 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

Hagemann, M.F., 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

Hagemann, M.F., 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

Hagemann, M.F., 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

Hagemann, M.F., 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

Hagemann, M.F., 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

Hagemann, M.F., and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and **Hagemann, M.F.** 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

Hagemann, M.F., 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

Hagemann, M.F., 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

Hagemann, M.F., and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

Hagemann, M.F., Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

Hagemann, M. F., Fukanaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

Hagemann, M.F., 1994. Groundwater Characterization and Cleanup at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

Hagemann, M.F. and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

Hagemann, M.F., 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

Hagemann, M.F., 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

Other Experience:

Selected as subject matter expert for the California Professional Geologist licensing examination, 2009-2011.



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August 30, 2021

Mashal Ayobi, Housing Policy Analyst
California Department of Housing & Community Development
2020 West El Camino Avenue
Sacramento, CA 95833

RE: Initial Comments to City of Garden Grove Housing Element Draft dated July 2021

Dear Ms. Mashal Ayobi:

The Kennedy Commission (the Commission) have reviewed the City of Garden Grove's 2021-2029 Housing Element draft and are submitting this letter to provide public comments.

The Kennedy Commission (the Commission) is a broad-based coalition of residents and community organizations that advocates for the production of homes affordable for families earning less than \$27,000 annually in Orange County. Formed in 2001, the Commission has been successful in partnering and working with Orange County jurisdictions to create effective housing and land-use policies that have led to the construction of homes affordable to lower-income working families.

Public Engagement

Public engagement is a necessary component of the Housing Element process. As California Housing Element law states: "The local government shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element..."¹ Broad participation and true engagement of the public increase the likelihood that the community members involved in the discussion and planning processes will support new housing strategies and housing developments. Public engagement should include participation from residents of diverse communities, housing consumers, service providers, and advocates.

The City conducted two community workshops, and three surveys, but did not provide alternatives options or outreach for lower income residents to participate in the Housing Element process. Together, the community workshops had a total of approximately 40 participants.² It is unclear how many were residents and specifically low-income residents. The City's three surveys, the City only provides information for one of the surveys which had only 622 respondents. The summary does not provide the number of respondents for the second or third surveys. The City needs to engage community stakeholders and residents in the evaluation and creation of policies, goals, programs and sites for affordable housing development, especially low income and special needs residents who are the most vulnerable to the housing crisis and document these efforts.

In addition, the availability of the document to the public and opportunity for public comment prior to submission to HCD is essential to the public process. However, the City did not provide

¹ Gov. Code, § 65583, sub. (c)(9)

² City of Garden Grove 2021-2029 Draft Housing Element, p.12-8, July 2021.

sufficient opportunity for the public to review the Housing Element draft. The draft was released to the public on July 6, 2021, only one week before it was submitted to HCD for review on July 14, 2021. The city should proactively make future revisions available to the public, including any commenters, prior to submitting any revisions to HCD and diligently consider and address comments, including making revisions to the document where appropriate.

Community Needs

According to Table 12-6 of the Housing Element draft, there are a total of 21,940 renter households in Garden Grove, with 6,115 or 27.9% of those households spending thirty percent or more of gross income on housing costs. Additionally, 6,710 or 30.6% renter households are extremely rent burdened, paying fifty percent or more of gross income on housing costs.³ The median income for renters in Garden Grove is \$52,271, lower than the City's median income of \$69,278.33% of residents make less than \$50,000.⁴ Furthermore, 15.1% of residents live in poverty.⁵ In light of these figures it is not surprising that such a large number of renters in the City cannot afford 1- and 2-bedroom apartments. The Housing Element draft states a resident needs to earn an annual income of \$76,599 and \$ 94,572, respectively, to afford this housing.⁶

Employment:

At least three of the four primary employment sectors in the City provide a median salary that is below the City's median income and that HCD defines as very low income: Manufacturing, Retail, and Arts, Entertainment and Recreation. According to Table 12-5, these sectors account for approximately 39.1% of jobs in the City. The City should take into account its local economy and offer healthy and affordable housing options that the current market-rate housing development is not offering. The City could improve its analysis by describing employment trends by industry and how changes either recent or anticipated can affect the housing market and discuss opportunities for improving work-housing balance, such as mixed-use to facilitate housing near jobs.⁷

5th Cycle RHNA Performance

During the 5th Cycle Housing Element (5th Cycle), the City had a total Regional Housing Needs Assessment (RHNA) of 747 units: 164 very low-income units, 120 low-income, 135 moderate, and 328 above moderate. To date, the City has approved 79 moderate units and 787 above moderate.⁸ The City has approved 13 units at very-low income and 47 at low-income. The City has exceeded its 5th Cycle target for the above moderate income level, but has a deficit of very low and low housing units. The number of above moderate units approved in the last seven years was 13 times more than those at very low and low income. This imbalance in housing production indicates that the City's housing policies have not been effective in incentivizing and producing housing for lower income households. In a later section, the Kennedy Commission provides recommendations of policies the City can implement to increase its production of housing at the very low- and low-income levels.

³ City of Garden Grove 2021-2029 Draft Housing Element, p.12-17, July 2021.

⁴ City of Garden Grove 2021-2029 Draft Housing Element, p.12-8, July 2021.

⁵ City of Garden Grove 2021-2029 Draft Housing Element, p.12-15, July 2021.

⁶ City of Garden Grove 2021-2029 Draft Housing Element, p.12-23, July 2021.

⁷ HCD Housing Element Building Blocks, Population, Employment, and Household Characteristics

⁸ City of Garden Grove 2020 Housing Element Annual Progress Report, Table B.

5th Cycle Identified Opportunity Sites:

In the 5th Cycle, the City identified housing opportunity sites for very low and low income exclusively in the R-3, PUD, and GGMU-1 zones. The sites were identified based primarily on the minimum density requirement for affordable housing of 30 units to the acre. No affordable housing policy accompanied these higher density allowances, as is evident in the deficit of lower income housing in the City's 5th Cycle. The higher density zoning has provided significant incentives for market rate multi-family development at the expense of curtailing affordable housing options on these higher density sites. As analyzed, higher density incentives and sites (30+du/acre) identified are not producing affordable housing units and circumvents the efforts of the State density bonus law to include affordable housing in exchange for development incentives and increases in density that are being given away. Since developers receive all the incentives and density increases by-right, they do not need to include affordable housing in their projects. This clearly shows the need for strong affordable housing policies, such as an inclusionary policy that can ensure that at least a 15% affordable housing requirement for lower-income households is set on sites identified for the 6th Cycle Housing Element (6th Cycle).

Housing Policies to Increase Affordable Housing

Past Performance:

The City must "review the previous element to evaluate the appropriateness, effectiveness, and progress in implementation, and reflect the results of this review in the revised element."⁹ While the element includes a program-by-program review of implementation in the prior planning period, the review of past programs should also analyze the cumulative effectiveness of programs on addressing special housing needs over the previous planning period. As the 5th Cycle progress indicates, the City's housing policies have developed housing in an unbalanced way and prioritized market-rate housing over housing for low-income families. For the upcoming 6th Cycle, we recommend that the City include policies with stronger affordability requirements, instead of continuing to hope that the market will deliver affordable housing by identifying higher density sites for lower-income RHNA needs. This strategy has proven to be ineffective and has only produced luxury, market-rate housing that is unaffordable to most Garden Grove residents.

Incentivizing Affordable Housing in the 6th Cycle Housing Element:

To ensure that affordable housing is incentivized on the sites identified in the 6th Cycle, the City needs to include policies and programs that will create affordable housing. The following policies and programs proposed in the 6th Cycle can be improved in the following ways:

- **Program 4:** Affordable Housing Construction - The City pays particular attention to senior housing in this program. However, given the City's lack of production at the lower income levels in the 5th Cycle, it is important the City also prioritize housing for all low-income families, especially large family housing. There are 2,543 renter-occupied large households (5.3%) and 14.9% of those families live in poverty.
- **Program 11:** Inclusionary Housing Ordinance - The City needs a more specific timeline than 2021 to 2029 to assess the viability of an Inclusionary Housing Ordinance. Given the urgent need of residents for low-income housing, we propose the study be completed within one year of the adoption of the 6th Cycle Housing Element. The Commission strongly

⁹ Gov. Code § 65588 (a) and (b)

recommends the City adopt an Inclusionary Housing Ordinance within the next year to ensure that identified sites are truly feasible and effectively provide affordable housing in a balanced manner. We recommend that the ordinance include a 15% requirement of affordable housing production at extremely low, very low- and low-income categories and that it apply to all residential projects. The Inclusionary Housing Ordinance should be implemented no later than one year from the adoption of the Housing Element.

- **Program 12:** Mixed Use Development - Since lower income housing sites are primarily located in mixed use zoning and the City has not committed to an Inclusionary Housing Ordinance, the City should set aside 15% of housing to be affordable at the extremely low, very low-, and low-income level in mixed use zoning.
- **Program 17:** Zoning Code Update- In regard to single-room occupancy and motel conversions, the City must ensure existing long-term tenants have just relocation benefits and right of first refusal. The City could conduct a study of how many lower income residents are living in these units and do one-to-one replacement of units lost as a result of a conversion.
- **Program 22:** Affordable Housing Overlay - Like with Program 11, the City needs a more specific timeline than 2021-2029 to assess the viability of an Affordable Housing Overlay. We propose the study be completed within one year of the adoption of the 6th Cycle Housing Element. The Commission strongly recommends that the City adopt an Affordable Housing Overlay that requires 15% of units be set aside for housing at the very low- and low-income level. This will ensure that identified sites are truly feasible and effectively provide affordable housing in a balanced manner. The Affordable Housing Overlay should be implemented no later than two years after the adoption of the 6th Cycle Housing Element.

The Kennedy Commission provides additional policy recommendations in the recommendations section below that will help the City increase its production of affordable housing in the 6th Cycle.

Housing Element Opportunity Sites Inventory

As part of the analysis of adequate sites, the City has identified opportunity sites for lower-income households in the following zonings: International West Mixed Use; Commercial Housing Overlay, Civic Center Mixed Use; Civic Center Core (CC-3), Industrial/Residential Mixed Use 1; Industrial Housing Overlay, Residential/Commercial Mixed Use 1; Garden Grove Boulevard Mixed Use 1 (GGMU-1), Residential/Commercial Mixed Use 1; Garden Grove Boulevard Mixed Use 1 (GGMU-3), and Industrial/Residential Mixed Use 2; Industrial Housing Overlay.

Identified Low Income Sites:

The sites identified for lower-income categories are identified based on default densities for lower income units. In fact, the City states that in order to meet its RHNA requirement all of the mixed-use designations received density increases that averaged 25%.¹⁰ As evident from the City's lack of affordable housing production in the 5th Cycle, relying solely on default densities without implementing specific affordable housing policies will not produce affordable housing. Instead, it gives market-rate projects increased densities and land use incentives without incentivizing the inclusion of affordable units.

¹⁰ City of Garden Grove 2021-2029 Draft Housing Element, p.12-78, July 2021.

Suitability of Non-vacant Sites:

The Housing Element must include an analysis demonstrating the potential for redevelopment of non-vacant sites. To address this requirement, the Housing Element should describe and support the potential for additional development in the planning period and consider additional factors such as the age of structure, presence of expiring leases, condition of the structure, and expressed interest in development. If the Housing Element relies on non-vacant sites for more than 50% of the lower-income RHNA, it must make findings of substantial evidence that the existing use does not constitute an impediment to development, and that the existing use is likely to discontinue. Table 12-36 shows that the vast majority of sites the City identified to meet the lower income RHNA are non-vacant sites and, thus, require a more thorough analysis.

The City states that the owners of non-vacant sites were asked if they were interested in selling their properties for residential development and 56% responded they were interested.¹¹ However, the City does not define what expressing interest means and, thus, it is difficult for the public to assess if these sites are likely to be developed into lower income housing in the 6th Cycle. It is also unclear if the City included the in the site inventory of the Housing Element draft the properties of the 44% of owners that did not state they were interested in developing their properties. If the City did include properties for which owners did not express interest in development, what actions is the City taking to increase the likelihood of their development into affordable housing? Are their environmental constraints on these sites? What regulatory or contractual agreements exist that could impede development?

Additionally, there are a series of sites that require further evidence from the City of their potential for development:

- Site #33, currently a wholesale warehouse, identified has a capacity of 499 units. This site has the largest unit capacity. Is the owner interested in developing this site and by when? What environmental constraints exist on this site?
- Sites #2 and #3 are hospital parking lots. Are these sites truly underutilized? Did the hospital show interest in developing these properties and, if so, by when?
- Do sites #5 (industrial business park), #14 (commercial center), #37 (commercial center), and #49 (commercial center), each have multiple owners? If so, did all the owners of each site show interest in developing the land for affordable housing and by when?
- Sites #24 and #25 are currently a senior center and an adult daycare center. Are these sites truly underutilized? According to Appendix B-1 these are civic facilities. Are these sites owned by the City? If so, does the City plan on redeveloping them and by when? If the City is the owner and plans on developing these sites, as City resources, these sites should be fully prioritized for lower income housing. The City states that there are no serious constraints to the development of the sites identified for lower income housing.

However, there are at least 5 sites that stand out as having constraints worth further analyzing:

- Site #7's current use is metal recycling. Did the City analyze any potential environmental constraints the current use of the site poses?

¹¹ City of Garden Grove 2021-2029 Draft Housing Element, p.12-86, July 2021.

- Sites #41-43 and #45 are currently hotels or motels. Has the City conducted a study of how many long-term low-income residents might be living on these properties that would need relocation assistance or a one-to-one unit replacement?

Furthermore, the City needs to clearly identify what sites are being reused from the 5th Cycle. While the City states that it complies with AB 1397 and, thus, is able to identify these sites as new because the zoning and development potential was significantly increased, all the City seems to have done is increase the density of these sites without implementing any other type of incentive or policy to develop lower income housing. As the 5th Cycle shows, solely relying on default densities does not produce affordable housing.

Traditional Funding for Affordable Housing:

In addition, identified affordable housing sites should also be evaluated for their viability to compete for traditional funding to create affordable housing. These funding sources prioritize development sites that promote access to community resources and services, such as schools, public transportation, medical services and access to parks.

No Net Loss:

The City will also have to consider No Net Loss when it identifies sites. It is crucial that affordable housing moves along with market-rate housing given the limited sites that are available. Due to the State's No Net Loss requirements, if the sites identified for affordable housing are developed for market-rate housing, the City will have to rezone new sites for the appropriate density.¹²

It is important that the City address the concerns we raised with the 6th Cycle Housing Element site inventory and further evaluate constraints to and the likelihood of the development of affordable housing on these sites. Moreover, the City needs to identify affordable housing policies and programs that will equitably facilitate and incorporate affordable housing at the extremely low, very low and low-income categories on these sites.

Accessory Dwelling Units (ADUs)

Looking at the City's calculation for lower income ADUs, we believe that affordable housing opportunities assumed in the City's ADU calculations seem to be high and not supported by local housing costs for rentals and annual production. The City calculates an anticipated issuance of permits for 3,618 ADUs in the upcoming 6th Cycle, or 436 ADUS per year. The 436 ADUs per year is drastically higher than the number of ADUs issued permits in 2018 (217 units) and 2019 (297 units). The City did not provide information on how many ADUs were issued permits in 2020. To analyze potential ADU production in the 6th Cycle, the City needs to provide the public with complete past ADU production data. The Commission believes the City should either reduce the number of ADUs or include additional analysis and programs to support the City's assumption of ADU production in the next eight years.

The City states that implementation of Program 9: Accessory Dwelling Units (ADUs) will help increase the number of ADUs permitted per year thus far. However, this program does not provide strong enough incentives or data to support the City's projection of 3,618 ADUs. Furthermore,

¹² Government Code § 65863

Program 9 does not include any mechanisms that will ensure ADUs are affordable at the lower income levels. In addition to providing a more realistic calculation for anticipated ADUs in the upcoming Housing Element Planning period, the City needs to propose a better plan to ensure the affordability of ADUs.

Affirmatively Furthering Fair Housing (AFFH)

Based on the City's AFFH analysis it is clear there are segregation patterns in the City. The lowest resource areas in the City and areas with lower median incomes coincide with the predominantly Hispanic areas to the southeast of the City and with the predominantly Asian areas to the south. Meanwhile, the highest resource areas with the highest median incomes in the City are to the west and have a predominantly White population.

While the City provided an AFFH analysis, it has not provided an adequate plan for how it will address contributing factors to fair housing issues in the City and to overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity. Exhibit H-6 maps out site locations and shows that all opportunities for lower income housing sites in low and moderate resource areas. On the other hand, no sites are proposed in the area to the west that is predominantly higher resourced and that has higher median incomes.

Additionally, the City does not provide anti-displacement policies that adequately protect current residents. As Exhibit H-5 shows, a substantial portion of the City is considered low-income and susceptible to displacement, experiencing advanced gentrification, or at-risk of becoming exclusive. Providing housing that is affordable to low income residents also helps address concentration of poverty by helping rent-burdened residents. As established, the City has not provided policies that will effectively produce housing at the lower income levels.

As a reminder, AFFH requires the following:

- Identified sites serve the purpose of replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity
- Identification and prioritization of fair housing contributing factors
- Investment in low resource areas that will improve quality of living in those areas
- Programs with a schedule of actions with timelines and specific commitment to have a "beneficial impact" within the planning period to achieve the goals and objectives of addressing contributing factors to fair housing issues¹³

We ask that the City prioritize the housing needs of low, very low and extremely low-income residents, who encounter difficulties in finding decent, affordable housing.

Recommendations

As the City moves forward with the Housing Element update, the Commission urges the City to support the development of affordable homes. The City needs to ensure opportunity sites are not

¹³ Gov. Code, § 65583, sub. (c)(10)(A)

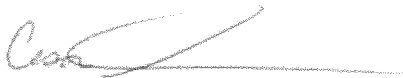
City of Garden Grove's Housing Element Draft
The Kennedy Commission Comments
August 30, 2021

simply up zoned or rezoned without including affordable housing policies that will capture the financial and land use incentives being given to property owners and market rate developers. This approach did not create affordable housing in the 5th Cycle and nor will it have a different outcome in the 6th Cycle. The Commission would like to provide the City with following recommendations:

1. Adopt an Inclusionary Housing Ordinance that sets a 15% requirement of affordable housing production at extremely low, very low, and low-income categories of all residential projects. In Program 11, the City only commits to studying the possibility of an Inclusionary Housing Ordinance at some point from 2021-2029. This is not enough. The City must identify a timeframe to study the policy and a timeframe for adoption and implementation. We recommend that this be done in the first year of the 6th Cycle.
2. Implement an Affordable Housing Overlay, especially over mixed-use zoning and areas that are proposed to be up zoned, which sets aside 15% of all units at the extremely low, very low-, and low-income levels. In Program 22, the City only commits to studying the possibility of an Affordable Housing Overlay at some point from 2021-2029. This is not enough. The City must identify a timeframe to study the policy and a timeframe for adoption and implementation. We recommend that this happens in the first year of the 6th Cycle.
3. Identify City-owned sites and prioritize these sites for the development of housing exclusively at the extremely low, very low- and low-income level.
4. Prioritize affordable housing funding and programs to increase affordable housing options for families of lower incomes, especially at very low and extremely low-income.
5. Ensure that development sites being identified and discussed in the Housing Element draft are realistic and available during the planning period.
6. The City of Garden Grove should provide an adequate analysis and recommendations on how the City will Affirmatively Further Fair Housing. For example, the City should include anti-displacement policies that protect low-income residents from rising rents and commit to reinvesting in low resource areas to improve the quality of living of residents in those areas.
7. The City needs prioritize and expand affordable housing in new opportunity sites identified in the Housing Element inventory, where density and incentives will only promote market rate housing.

Thank you for taking the time to review the Commission's comments. If you have any questions, please feel free to contact me at (949) 250-0909 or cesarc@kennedycommission.org.

Sincerely,



Cesar Covarrubias
Executive Director



September 10, 2021

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RE: City of Garden Grove Draft 6th Cycle Housing Element

Dear Ms. Ayobi,

Public Law Center (“PLC”) is a 501(c)(3) legal services organization that provides free civil legal services to low-income individuals and families across Orange County. Our services are provided across a range of substantive areas of law, including consumer, family, immigration, housing, and health law. Additionally, PLC provides legal assistance to community organizations. Further, the mission of our Housing and Homelessness Prevention Unit includes preserving and expanding affordable housing. Thus, I write on behalf of individuals in need of affordable housing in Orange County to comment on the City of Garden Grove (“the City”) Draft 6th Cycle Housing Element.

Government Code Section 65583 requires that a housing element consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing.¹ Additionally, the housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community.² Here, the City’s Draft 6th Cycle Housing Element fails to include all of the necessary information and fails to include adequate programs to address the housing needs of Garden Grove residents. We encourage HCD to find the Draft inadequate until additional updates are made to satisfy the requirements of State Housing Element law and HCD guidance.

Emergency Shelters

The City has identified the M-1 and AR zone to accommodate emergency shelters without a conditional use permit or other discretionary permit.³ However, the City states that the term “emergency shelter” “excludes Group Shelter and Homeless Person’s Center” but does not

¹ Cal. Gov. Code Section 65583.

² Cal. Gov. Code Section 65583.

³ Cal. Gov. Code Section 65583(a)(4)(A); City of Garden Grove, 2021-2029 Draft Housing Element, 12-38 to 39 (July 2021).

explain what this means or whether this limits the space available for emergency shelters in the M-1 zone.⁴ Further, the City notes that emergency shelters are “permitted only in the Emergency Shelter Overlay Zone located on the block bounded by Westminster Boulevard to the south, Newhope Street to the west, Harbor Boulevard to the east, and the Garden Grove Freeway to the north.”⁵ However, the City does not specify whether these zones can accommodate at least one year-round emergency shelter or whether these zones are sufficient to accommodate the City’s need for emergency shelter.⁶ To meet the statutory requirements, the City must further describe its zones for emergency shelters and whether it has sufficient capacity to accommodate its need for emergency shelters.

Assessing Emergency Shelter Need

The City identifies a total 225 unhoused individuals with 163 unsheltered and 62 sheltered.⁷ However, the City does not describe how it reached this number, whether it be utilizing the most recent homeless point-in-time count conducted before the start of the planning period, the need for emergency shelter based on number of beds available on a year-round and seasonal basis, the number of shelter beds that go unused on an average monthly basis within a one-year period, or the percentage of those in emergency shelters that move to permanent housing solutions.⁸ The City must describe how it considered all of the factors listed above to reach its emergency shelter need.

Multijurisdictional Agreements

The City states that it “supports several homeless service providers that provide . . . emergency and transitional shelters,” including, in pertinent part, the Women’s Transitional Living Center and Interval House.⁹ The City also lists Mercy House as an emergency shelter that assists its homeless population.¹⁰ However, it appears that the Women’s Transitional Living Center is located in Fullerton,¹¹ Interval House is in Long Beach¹² and Mercy House has no locations located in Garden Grove.¹³ The City may only use these shelters to satisfy all or part of its requirement to identify a zone or zones suitable for the development of emergency shelter if it has a multijurisdictional agreement with those cities.¹⁴ However, the City cannot have a valid multijurisdictional agreement with Fullerton or Long Beach because these cities are not adjacent to each other.¹⁵

⁴ City of Garden Grove, 2021-2029 Draft Housing Element, 12-38 (July 2021).

⁵ City of Garden Grove, 2021-2029 Draft Housing Element, 12-38 (July 2021).

⁶ Cal. Gov. Code Section 65583(a)(4)(A).

⁷ City of Garden Grove, 2021-2029 Draft Housing Element, 12-28 (July 2021).

⁸ Cal. Gov. Code Section 65583(a)(7).

⁹ City of Garden Grove, 2021-2029 Draft Housing Element, 12-115 (July 2021).

¹⁰ City of Garden Grove, 2021-2029 Draft Housing Element, 12-28 (July 2021).

¹¹ domesticshelters.org, *Women’s Transitional Living Center in Fullerton, CA*, <https://www.domesticshelters.org/help/ca/fullerton/92832/women-s-transitional-living-center> (last visited Aug. 12, 2021).

¹² domesticshelters.org, *Interval House in Long Beach, CA*, <https://www.domesticshelters.org/help/ca/long-beach/90803/interval-house> (last visited Aug. 12, 2021).

¹³ Mercy House, *Orange County*, <https://www.mercyhouse.net/regions/orange-county> (last visited Aug. 12, 2021).

¹⁴ Cal. Gov. Code Section 65583(d)(1).

¹⁵ Cal. Gov. Code Section 65583(d)(1).

The City may use a Mercy House shelter in an adjacent community if it can describe a multijurisdictional agreement between the City and the jurisdiction with the following elements:

- Only be between a maximum of two other adjacent communities;¹⁶
- Require the participating jurisdictions to develop at least one year-round emergency shelter within two years of the beginning of the planning period;¹⁷
- Allocate a portion of the new shelter capacity to each jurisdiction as credit toward its emergency shelter need;¹⁸
- Require that each jurisdiction describe how the capacity was allocated as part of its housing element;¹⁹
- Describe how the joint facility will meet the jurisdiction's emergency shelter need;²⁰
- Describe the jurisdiction's contribution to the facility for both the development and ongoing operation and management of the facility;²¹ and
- Describe the amount and source of the funding that the jurisdiction contributes to the facility.²²

Emergency Shelter Standards

The City notes that Section 9.16.020.050(W) identifies emergency shelter standards, "including a minimum distance of 300 feet from any other emergency shelter and a maximum of 60 beds or persons" and parking for shelter participants and staff.²³ However, the City does not detail any of the other standards applicable to emergency shelters. Without this information, it is impossible to determine whether the City can demonstrate that existing or proposed permit processing, development, and management standards are objective and encourage and facilitate the development of, or conversion to, emergency shelters.²⁴

One of the objectives of Program 13: Special Needs Housing is to "periodically evaluate emergency shelter development and siting standards based on existing needs and development interest and as warranted, re-evaluate and make appropriate changes to facilitate the development of emergency shelters."²⁵ The City indicates that the timeframe for this Program is the entire planning period, but the City should identify specific intervals at which it will perform this evaluation and identify benchmarks that, if not met, will trigger the re-evaluation and adjustment of its emergency shelter standards.

¹⁶ Cal. Gov. Code Section 65583(d)(1).

¹⁷ Cal. Gov. Code Section 65583(d)(1).

¹⁸ Cal. Gov. Code Section 65583(d)(2).

¹⁹ Cal. Gov. Code Section 65583(d)(2).

²⁰ Cal. Gov. Code Section 65583(d)(3)(A).

²¹ Cal. Gov. Code Section 65583(d)(3)(B).

²² Cal. Gov. Code Section 65583(d)(3)(C).

²³ City of Garden Grove, 2021-2029 Draft Housing Element, 12-54 (July 2021).

²⁴ Cal. Gov. Code Section 65583(a)(4)(A).

²⁵ City of Garden Grove, 2021-2029 Draft Housing Element, 12-111 (July 2021).

Inability to Accommodate the Need for Emergency Shelter

As stated above, the City's "Emergency Shelter Overlay Zone [is] located on the block bounded by Westminster Boulevard to the south, Newhope Street to the west, Harbor Boulevard to the east, and the Garden Grove Freeway to the north."²⁶ To meet the needs of its unsheltered homeless population of 163 individuals, this limited area must be able to accommodate three shelters because the City's emergency shelter standards limit shelters to 60 beds.²⁷

The City must describe whether the overlay zone can actually accommodate all three shelters. If it cannot, the City must include a program to amend its zoning ordinance to meet the requirements of Section 65583(a)(4)(A) within one year of the adoption of the housing element.²⁸

Special Housing Needs

The City addressed the special housing needs of persons with disabilities, including a developmental disability;²⁹ the elderly; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter.³⁰ However, the City failed to provide a thorough analysis of the housing needs of these groups, including failing to address how the City will help address these needs.

First, the City states that people with disabilities often have limited income, such as Social Security income, and have "difficulty finding accessible housing (housing that is made accessible to people with disabilities through the positioning of appliances and fixtures, the heights of installations and cabinets, layout of unit to facilitate wheelchair movement, etc.) because of the limited number of such units."³¹ Although 10.4% of the City's residents live with disabilities, the City only notes that the State Department of Developmental Services and the Orange County Regional Center serve these residents, but does not explain how the City assists them.³² The City must explain how it will assist these residents in navigating their special housing needs in its next draft, not merely pass the responsibility on to the State and County.

Second, the City acknowledges that elderly residents often have low, fixed incomes; disabilities or physical limitations; dependency needs; are living alone and have difficulty maintaining a home; have high healthcare costs; and need access to public transportation.³³

²⁶ City of Garden Grove, 2021-2029 Draft Housing Element, 12-38 (July 2021).

²⁷ City of Garden Grove, 2021-2029 Draft Housing Element, 12-28, 54 (July 2021).

²⁸ Cal. Gov. Code Section 65583(a)(4)(A).

²⁹ "'Developmental disability' means a disability that originates before an individual attains 18 years of age, continues, or can be expected to continue, indefinitely, and constitutes a substantial disability for that individual. As defined by the Director of Developmental Services, in consultation with the Superintendent of Public Instruction, this term shall include intellectual disability, cerebral palsy, epilepsy, and autism. This term shall also include disabling conditions found to be closely related to intellectual disability or to require treatment similar to that required for individuals with an intellectual disability, but shall not include other handicapping conditions that are solely physical in nature." Cal. Welfare and Institutions Code Section 4512.

³⁰ Cal. Gov. Code Section 65583(a)(7).

³¹ City of Garden Grove, 2021-2029 Draft Housing Element, 12-25 (July 2021).

³² City of Garden Grove, 2021-2029 Draft Housing Element, 12-25 (July 2021).

³³ City of Garden Grove, 2021-2029 Draft Housing Element, 12-26 (July 2021).

Despite these many concerns, the City does not directly address how it currently helps these residents with these issues or how it will do so in the future. Although Program 4: Affordable Housing Construction states that the City will “[leverage] City funds to construct affordable housing,” the City generally states that “affordable senior housing is a key need in the community as evidenced by the rapid leasing of units in new senior development” and that “the growing need for affordable senior housing will continue as the population ages.”³⁴ This program does not describe how the City will fund and facilitate the development of sufficient affordable senior housing for its elderly residents or how it will address the other issues elderly residents face. In its next draft, the City must explain how it will do so.

Third, the City briefly discusses the challenges larger households, farmworkers, and female-headed households face. Large households often face overcrowding in smaller, less expensive units or in large units shared with other households because adequately sized units are usually very expensive.³⁵ Farmworkers have “difficulty finding affordable, safe, and sanitary housing” due to high housing costs and very low wages.³⁶ However, the City states that because only 408 of its residents are farmworkers, “no targeted programs are needed; the housing needs of migrant and/or farm worker housing need can be met through general affordable housing programs.”³⁷ Female-headed households tend to have lower incomes and greater need for affordable housing, daycare, healthcare, and other supportive services.³⁸ The City also acknowledges that 22.5% of female-headed households live in poverty.³⁹ Despite all of these special housing needs, the City does not explain how it will assist these three groups with their housing concerns generally or with specific programs. The City must create programs that will address these needs for all special housing needs groups, even if there are only 408 residents in the specific special housing needs category.

Preserving Assisted Housing Developments

The housing element must include an analysis of existing assisted housing developments that are eligible to change from low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use.⁴⁰ While the City identifies some of the units at risk of conversion to market rate, the City fails to identify some additional units that, according to the National Housing Preservation Database, are at risk of conversion during the upcoming planning cycle.⁴¹ These developments include:

- Malabar Apartments, 9777 Bixby Ave, 125 assisted units, at risk of expiration in 2027; and
- Stuart Drive Apartments & Rose Garden Apartments, 11802 Stuart Dr, 239 assisted units, at risk of conversion in 2027.

³⁴ City of Garden Grove, 2021-2029 Draft Housing Element, 12-105 (July 2021).

³⁵ City of Garden Grove, 2021-2029 Draft Housing Element, 12-26 (July 2021).

³⁶ City of Garden Grove, 2021-2029 Draft Housing Element, 12-27 (July 2021).

³⁷ City of Garden Grove, 2021-2029 Draft Housing Element, 12-27 (July 2021).

³⁸ City of Garden Grove, 2021-2029 Draft Housing Element, 12-27 (July 2021).

³⁹ City of Garden Grove, 2021-2029 Draft Housing Element, 12-27 (July 2021).

⁴⁰ Cal. Gov. Code Section 65583(a)(9).

⁴¹ National Housing Preservation Database, <https://preservationdatabase.org/>, last accessed September 9, 2021 and filtered for developments in Garden Grove.

The City should include these two developments at risk of conversion to market rate in its analysis.

Additionally, the jurisdiction must identify public and private nonprofit corporations known to the local government that have legal and managerial capacity to acquire and manage these housing developments.⁴² The City only specifically mentions one such entity, Jamboree Housing Corporation, but does not mention whether the City has done any outreach to Jamboree Housing and whether it has determined if Jamboree has the capacity to acquire any of the identified properties.⁴³ The City should provide information regarding Jamboree Housing's capacity and identify additional entities that may be able to acquire properties at risk of conversion.

The jurisdiction must also identify and consider the use of all federal, state, and local financing and subsidy programs that can be used to preserve, for lower income households, the assisted housing developments at risk of conversion, including, but not limited to, federal Community Development Block Grant Program funds, tax increment funds received by a redevelopment agency of the community, and administrative fees received by a housing authority operating within the community.⁴⁴ In considering the use of these financing and subsidy programs, the analysis shall identify the amounts of funds under each available program that have not been legally obligated for other purposes and that could be available for use in preserving assisted housing developments.⁴⁵ While the City does analyze the costs of providing rental assistance, transferring ownership, and constructing replacement housing,⁴⁶ the City does not identify funds available to assist with preservation of these units or explain why these funds are not available for this purpose due to already existing legal obligations or other urgent needs for the use of this funding.

The housing element shall include a program to preserve for lower income households the assisted housing developments at risk of conversion.⁴⁷ The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in Section 65583(a)(9), except where a community has other urgent needs for which alternative funding sources are not available.⁴⁸ The program may include strategies that involve local regulation and technical assistance.⁴⁹ The City has not analyzed the availability of funding for the preservation of assisted housing developments or identified more urgent needs and explained why the funding is not available. Additionally, the City's Program 7: Preservation of Affordable Rental Housing⁵⁰ does not contain strong commitments by the City to actually preserve assisted housing developments.

⁴² Cal. Gov. Code Section 65583(a)(9)(C).

⁴³ City of Garden Grove, 2021-2029 Draft Housing Element, 12-65 (July 2021).

⁴⁴ Cal. Gov. Code Section 65583(a)(9)(D).

⁴⁵ Cal. Gov. Code Section 65583(a)(9)(D).

⁴⁶ City of Garden Grove, 2021-2029 Draft Housing Element, 12-64 (July 2021).

⁴⁷ Cal. Gov. Code Section 65583(c)(6).

⁴⁸ Cal. Gov. Code Section 65583(c)(6).

⁴⁹ Cal. Gov. Code Section 65583(c)(6).

⁵⁰ City of Garden Grove, 2021-2029 Draft Housing Element, 12-107 (July 2021).

Instead the City just commits to “periodically monitor,” with no indication of the frequency at which it will monitor these developments, and then provide information to property owners and residents. Additionally the timeframe for the Program identifies the entire planning period. Considering the City is aware when some of these developments could potentially convert to market-rate, the City should commit to more definitive timeframes to reach out to these property owners and entities that could potentially acquire the properties to preserve as affordable. Finally, considering the potential for over 850 units of affordable housing converting to market-rate during the planning period, the City should commit to more definitive actions that will actually result in the preservation of these units. Program 7 is substantially the same as in the previous Housing Element and the City recognizes that in 2020, affordability covenants for 56 multifamily rental units expired.⁵¹ If this Program was unsuccessful at preserving those 56 units in 2020, the City should assess why the Program was not successful and what should be changed to ensure that even more units are not lost during the 6th Cycle.

Reducing RHNA By Units Built

To reduce its share of the regional housing need, the City has listed four projects as under construction or permits issued/applied and two projects with entitlements approved.⁵² However, the City does not describe whether any of these units will be built between the start of the projection period and the deadline for adoption of the housing element.⁵³ Additionally, the City has not provided a description of the methodology for assigning those housing units to an income category based on actual or projected sale prices, rent levels, or other mechanisms establishing affordability and has not explained how it determined that 41 very low-income and 359 low-income units will be available.⁵⁴ To reduce the City’s need by these units, the projects must be built within the requisite timeframe and the City must provide the description of its methodology.

No Net Loss Requirements

The City’s very-low- and low-income RHNA is 6,967 units and it has identified enough sites to create a buffer of 756 units, or approximately 10% more lower income units than required. However, to maintain adequate sites to accommodate its remaining unmet RHNA in each income category throughout the entire planning period, HCD recommends that jurisdictions include a buffer in the housing element inventory of at least 15 to 30 percent more capacity than required, especially for lower incomes.⁵⁵ The City should seriously consider adding more lower-income units to increase its buffer to at least 15% to avoid having to rezone during the planning period and avoid violating the No Net Loss and Housing Element laws.⁵⁶

⁵¹ City of Garden Grove, 2021-2029 Draft Housing Element, 12-124 (July 2021).

⁵² Cal. Gov. Code Section 65583.1(d); City of Garden Grove, 2021-2029 Draft Housing Element, 12-75 (July 2021).

⁵³ Cal. Gov. Code Section 65583.1(d).

⁵⁴ Cal. Gov. Code Section 65583.1(d).

⁵⁵ Cal. Gov. Code Section 65863; HCD, Memorandum regarding No Net Loss Law, 5 (Oct. 2, 2019).

⁵⁶ HCD, Memorandum regarding No Net Loss Law, 4 (Oct. 2, 2019).

Constraints

Governmental Constraints

In its analysis of governmental constraints upon the maintenance, improvement, or development of housing, the City addressed the following: land use controls, building codes and enforcement, site improvements, fees and exactions, development standards, and local processing and permit procedures.⁵⁷ The City has also discussed how it will remove some of these constraints.⁵⁸

Land Use Controls

In addressing land use controls, the City first describes its general plan land use designations and the corresponding zoning districts.⁵⁹ However, the City does not specifically state whether any of these designations or zoning districts constrain housing. The City merely states that it “does not restrict development activities and permits via growth and urban boundary limits, preservation ordinances such as historic or trees, supermajority requirements, voter approvals of any residential projects, or adequate public facilities ordinances” and moves on to permitted uses and development review.⁶⁰

Program 17: Zoning Code Update states that the City will pursue “those measures not required to create zoning capacity to achieve the RHNA.”⁶¹ However, only one objective specifically addresses possible constraints on housing: “modify Multi-Family Residential Development Standards specifically revising or removing Development Density R-3 Zone table that limits residential density based on lot size.”⁶² This program is extremely vague and does not address any other possible constraints generated by the City’s zoning code. Rather than simply listing out its land use designations and zoning code, the City must analyze whether these land use controls negatively impact housing and address how to mitigate those constraints.

Second, the City discusses density and states that “in some cases, reducing the number of units based on the lot size could create a constraint to housing production.”⁶³ To mitigate this constraint, the City intends to “[align] zoning density regulations in the R-3 zone with those allowed by the Medium Density Residential Generals Plan land use category.”⁶⁴ As referenced above, Program 17 addresses this issue but is noncommittal as the City states it will either revise or remove the limit on residential density in R-3.⁶⁵ Further, the City does not explain how it would revise this requirement to mitigate this constraint. The City must provide more detail in Program 17 to adequately address this issue.

⁵⁷ Cal. Gov. Code Section 65583(a)(5).

⁵⁸ Cal. Gov. Code Section 65583(a)(5).

⁵⁹ City of Garden Grove, 2021-2029 Draft Housing Element, 12-37 (July 2021).

⁶⁰ City of Garden Grove, 2021-2029 Draft Housing Element, 12-37 (July 2021).

⁶¹ City of Garden Grove, 2021-2029 Draft Housing Element, 12-113 to 114 (July 2021).

⁶² City of Garden Grove, 2021-2029 Draft Housing Element, 12-113 (July 2021).

⁶³ City of Garden Grove, 2021-2029 Draft Housing Element, 12-43 (July 2021).

⁶⁴ City of Garden Grove, 2021-2029 Draft Housing Element, 12-43 (July 2021).

⁶⁵ City of Garden Grove, 2021-2029 Draft Housing Element, 12-113 to 114 (July 2021).

Third, the City identifies parking standards that are disproportionate to actual parking demand as something that “can pose a significant constraint to housing development” by increasing costs and reducing the land available.⁶⁶ Moreover, details such as the number of required parking spaces, minimum stall sizes, and garage/carport requirements all contribute to development costs.⁶⁷ The City says that housing developers have the option to seek waivers to reduce parking standards if they are found to be excessive.⁶⁸ However, the City does not elaborate on the extent to which parking standards constrain housing development in Garden Grove. The City’s brief description of the waiver does not explain how waivers work, what requirements a developer must meet to qualify for a waiver, and does not evaluate if this is actually effective at removing this constraint. Although Program 14: Parking Standards acknowledges parking as a constraint, the City merely commits to “[continuing] to evaluate parking standards and [employing] creative parking solutions to balance residents’ parking needs without constraining development of affordable housing.”⁶⁹ This program does not actually commit the City to addressing this issue and is extremely vague about how it might do so. Additionally, without clear standards for obtaining a waiver to parking requirements, the program is discretionary and there is no guarantee that the City will actually alleviate this constraint for any developer. The City must provide further analysis consider specific methods of reducing excessive parking standards.

Fourth, the City discusses height limits, setback requirements, and non-objective design considerations that limit the allowable height and floor of developments.⁷⁰ However, the City does not specifically name these standards as constraints. Even so, Program 16: Objective Design Standards states that the City will adopt “objective design standards [to] facilitate high-quality residential developments and compliance with State objectives” and that these standards “will ensure provision of adequate private open space, parking, and related features, as well as architectural design, consistent with State law (SB 35).”⁷¹ This program does not specifically address how it will address the discussed standards or how these actions will remove these standards as constraints. The City must provide such a description.

Finally, the City notes the following possible constraints: varying standards between zones that allow the same densities;⁷² internal inconsistencies in zoning regulations;⁷³ minimum site size requirements in Planned Unit Developments (PUD);⁷⁴ and complex specific plans and the resulting review process.⁷⁵ However, the City does not attempt to address these constraints in its description of the issues or in its programs. The City must provide more detail about these constraints and create programs to address them. For example, the City should commit to

⁶⁶ City of Garden Grove, 2021-2029 Draft Housing Element, 12-50 (July 2021).

⁶⁷ City of Garden Grove, 2021-2029 Draft Housing Element, 12-50 (July 2021).

⁶⁸ City of Garden Grove, 2021-2029 Draft Housing Element, 12-50 (July 2021).

⁶⁹ City of Garden Grove, 2021-2029 Draft Housing Element, 12-112 (July 2021).

⁷⁰ City of Garden Grove, 2021-2029 Draft Housing Element, 12-43 (July 2021).

⁷¹ City of Garden Grove, 2021-2029 Draft Housing Element, 12-113 (July 2021).

⁷² City of Garden Grove, 2021-2029 Draft Housing Element, 12-46 (July 2021).

⁷³ City of Garden Grove, 2021-2029 Draft Housing Element, 12-46 (July 2021).

⁷⁴ City of Garden Grove, 2021-2029 Draft Housing Element, 12-48 (July 2021).

⁷⁵ City of Garden Grove, 2021-2029 Draft Housing Element, 12-49 (July 2021).

evaluating and simplifying its specific plans within a specific timeframe to reduce processing times and provide clear, understandable requirements for potential housing developers and providers.

Building Codes and Enforcement

The City briefly touches on building codes and their enforcement and explains that “these standards and the time required for inspections increase housing production costs and may impact the viability of rehabilitation of older properties.”⁷⁶ The City then attempts to justify the codes by noting that they are mandated by State law.⁷⁷ However, the City has not provided any analysis about how these codes specifically affected housing production within its City. Even if the codes are standard across California, the City must provide the requisite analysis.

Site Improvements

In its brief description of site improvements, the City explains that “developers are generally responsible for covering the full cost of water, sewer, road, and drainage improvements within their projects” but that the requirements in Chapter 9.40 are identified to “protect the health, welfare, and public safety of residents and established adequate infrastructure to serve new housing.”⁷⁸ Although the City notes that “some of the improvements listed, such as ornamental street signs and intersection widening, may be outdated,” the City does not describe how it will update its requirements to reflect current requirements or lower the cost of these improvements to promote housing production.⁷⁹ The City must provide a detailed analysis of the improvements required by Chapter 9.40 and make specific commitments to mitigating this constraint.

Fees and Exactions

The City discusses multiple types of fees that can be imposed on a development. First, “development fees and taxes charged by local governments contribute to the cost of housing.”⁸⁰ Second, “building, zoning, and site improvement fees can significantly add to the cost of construction and sometimes have a negative effect on the production of affordable housing.”⁸¹ The City compared some of these fees against those listed by the Building Industry Association of Orange County and states that the City’s fees are either comparable or lower. Third, the City explains that “Government Code Section 6620 requires that planning and permit processing fees not exceed the reasonable cost of providing the service or impact, unless approved by the voters” and that “agencies collecting fees must provide project applicants with a statement of amounts and purposes of all fees at the time of fee imposition or project approval.”⁸² Fourth, Chapter 9.44 (Mitigation Fees) identifies six development impact fees, but the list is not exhaustive of all

⁷⁶ City of Garden Grove, 2021-2029 Draft Housing Element, 12-55 to 56 (July 2021).

⁷⁷ City of Garden Grove, 2021-2029 Draft Housing Element, 12-56 (July 2021).

⁷⁸ City of Garden Grove, 2021-2029 Draft Housing Element, 12-58 (July 2021).

⁷⁹ City of Garden Grove, 2021-2029 Draft Housing Element, 12-58 (July 2021).

⁸⁰ City of Garden Grove, 2021-2029 Draft Housing Element, 12-57 (July 2021).

⁸¹ City of Garden Grove, 2021-2029 Draft Housing Element, 12-57 (July 2021).

⁸² City of Garden Grove, 2021-2029 Draft Housing Element, 12-59 (July 2021).

capital facilities fees imposed on developments as more fees can be imposed on mixed-use developments.⁸³

However, the City did not explain how any of these fees, despite some being comparable or lower to regional rates, affect housing development within the jurisdiction, and specifically the development of affordable housing. Further, the City made no attempt to mitigate the negative impact of these fees on development. The City must explain further and explain how it will mitigate fees as a constraint on housing and specifically on affordable housing.

Local Processing and Permit Procedures

The City notes that “the Land Use Code contains provisions that have the potential to affect housing supply” such as timelines for permit processing.⁸⁴ To address this constraint, the City states that it “has worked to improve the permit process through its one-stop counter and streamlined processing” and that a “reduction in processing time results in a shorter holding time for the developer, which translates to cost savings that should be reflected in the prices or rents for the end products.”⁸⁵ However, the City has not stated whether this has actually resulted in lower costs that are passed on to its residents. Without this analysis, it is impossible to tell whether these actions actually mitigate this constraint. The City should provide more information about these mitigation efforts and their effectiveness.

Nongovernmental Constraints

In addressing nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, the City discusses development costs, construction costs, and land costs. But the City does not discuss requests to develop housing at densities below those anticipated in the analysis required by Section 65583.2(c) or the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development, both of which could hinder the construction of a locality’s share of the RHNA.⁸⁶ The City’s analysis of these constraints also fails to demonstrate local efforts to remove nongovernmental constraints that create a gap between the locality’s planning for the development of housing for all income levels and the construction of that housing.⁸⁷

First, the City explains that the availability of financing “is a significant factor that can impact both the cost and supply of housing” and that interest rates have a significant impact on home construction, purchase, and improvement costs.⁸⁸ Additionally, the City explains that, despite interest rates remaining relatively low, lenders look upon applicants with increased scrutiny since the 2008 housing finance crisis. The City’s general response to this issue is that interest rates are set at the federal level, and that its Housing Authority and Neighborhood Improvement Division exists to coordinate loan assistance and grants, as well as attracting recent

⁸³ City of Garden Grove, 2021-2029 Draft Housing Element, 12-60 (July 2021).

⁸⁴ City of Garden Grove, 2021-2029 Draft Housing Element, 12-52 (July 2021).

⁸⁵ City of Garden Grove, 2021-2029 Draft Housing Element, 12-52 (July 2021).

⁸⁶ Cal. Gov. Code Section 65583(a)(6).

⁸⁷ Cal. Gov. Code Section 65583(a)(6).

⁸⁸ City of Garden Grove, 2021-2029 Draft Housing Element, 12-31 (July 2021).

interest from affordable housing developers.⁸⁹ This response is inadequate because it lacks any concrete steps that are likely to remove this constraint; rather, it relies on an optimistic, but hypothetical outcome in which the State and federal governments and affordable housing developers may provide funding. The City must provide concrete steps to remove this constraint, such as sourcing additional and more specific areas of funding.⁹⁰

Second, the City states that “construction costs are the most significant contributor to development costs.”⁹¹ The City explains that “construction costs are determined primarily by the cost of labor and materials such as concrete, timber, and mechanical systems-and steel costs for higher-rise buildings” and that cause of cost increases “were the price of wood, plastics, and composites and higher labor costs due to prevailing wage requirements and shortage of available construction workers.”⁹² However, the City does not explain how it is attempting to mitigate this constraint and must do so.

Third, the City explains that land costs are affected by several factors such as “the economic potential of the proposed or planned uses, lot size, proximity of public services, and the financing arrangement between the buyer and seller.”⁹³ Although the City does not specifically name land costs as a constraint, the City notes that “land costs for single-family zoned parcels of Garden Grove range from \$1,200,000 to \$2,229,000 per acre and \$3,050,000 to \$3,727,000 per acre on properties zoned for multi-family use.”⁹⁴ Again, the City does not explain how it will address this constraint and must explain how it can assist developers in developing housing, especially affordable housing, in the face of these high land costs.

Finally, the City must also analyze the additional nongovernmental constraints that include requests to develop housing at densities below those anticipated in the analysis required by Section 65583.2(c) and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development, both of which may hinder the construction of a locality’s share of the RHNA. The City should then discuss how it will address these constraints.⁹⁵

Site Inventory

The housing element must include an inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality’s housing need for a designated income level.⁹⁶

⁸⁹ City of Garden Grove, 2021-2029 Draft Housing Element, 12-34 (July 2021).

⁹⁰ Cal. Gov. Code Section 65583(a)(6).

⁹¹ City of Garden Grove, 2021-2029 Draft Housing Element, 12-32 (July 2021).

⁹² City of Garden Grove, 2021-2029 Draft Housing Element, 12-32 (July 2021).

⁹³ City of Garden Grove, 2021-2029 Draft Housing Element, 12-32 to 33 (July 2021).

⁹⁴ City of Garden Grove, 2021-2029 Draft Housing Element, 12-32 to 33 (July 2021).

⁹⁵ Cal. Gov. Code Section 65583(a)(6).

⁹⁶ Cal. Gov. Code Section 65583(a)(3); Cal. Gov. Code Section 65583.2(a).

Sites Suitable for Residential Development

It is unclear whether the non-residentially zoned sites the City included in its inventory permit residential use.⁹⁷ In one table, the City states that housing is permitted within the following zones: R-1, R-2, R-3, and OS.⁹⁸ However, in another table, the City lists the following zoning districts that can accommodate dwelling units at various densities: R-1, R-2, R-3, Harbor Corridor Specific Plan: Transition Zone North and Transition Zone West, CCSP: Peripheral Residential Districts, PUD, CCSP: Core Residential District, CCSP: Community Center Residential District, Civic Center Mixed Use (CC), Garden Grove Boulevard Mixed Use (GGMU), and Neighborhood Mixed Use (NMU).⁹⁹ However, the City lists numerous sites with zoning districts that do not appear to permit housing development such as M-1, M-P, C-1, C-2, C-3, C1-(T), A-R, HCSP-OP, HCSP-TCB, HCSP-SDS, HCSP-DC, HCSP-TS, HCSP-TCB, and BCSP-BCC.¹⁰⁰ The City must clarify whether these sites allow for residential uses. If they do not, it must include a program to rezone these sites to permit residential uses.¹⁰¹

If such a program is required, Program 8: Residential Sites Inventory and Monitoring of No Net Loss is not sufficient as it states that, in pertinent part, the City will “provide adequate sites to accommodate the City’s entire RHNA allocation of 19,168 units (4,166 very low income, 2,801 low income, 3,211 moderate income, and 8,990 above moderate income).”¹⁰² It is unclear whether this program will rezone nonresidential sites by rezoning them to permit residential use.¹⁰³

Site Inventory

The City provides a map that shows the location of the sites included in the inventory, but this map shows the sites without identifying each site by its APN.¹⁰⁴ To better demonstrate that these sites do not perpetuate patterns of segregation, the City should include multiple maps with more detailed information such as the site’s APN and income designation. Additionally, although the City states whether each site is adequate to accommodate lower-income housing, moderate-income housing, or above-moderate-income housing, the City should identify whether each lower-income site can accommodate very-low- and low-income units for the same reasons.¹⁰⁵

Lower Income Sites

The City has listed the following sites that are smaller than half an acre for lower income housing:

- **Site 10134366:** .36 acres

⁹⁷ Cal. Gov. Code Section 65583.2(a)(4).

⁹⁸ City of Garden Grove, 2021-2029 Draft Housing Element, 12-38 (July 2021).

⁹⁹ City of Garden Grove, 2021-2029 Draft Housing Element, 12-37 (July 2021).

¹⁰⁰ City of Garden Grove, 2021-2029 Draft Housing Element, Appendix B (July 2021).

¹⁰¹ Cal. Gov. Code Section 65583.2(a)(4).

¹⁰² City of Garden Grove, 2021-2029 Draft Housing Element, 12-108 (July 2021); Cal. Gov. Code Section 65583.2(a)(4).

¹⁰³ City of Garden Grove, 2021-2029 Draft Housing Element, 12-108 (July 2021); Cal. Gov. Code Section 65583.2(a)(4).

¹⁰⁴ Cal. Gov. Code Section 65583.2(b)(7).

¹⁰⁵ Cal. Gov. Code Section 65583.2(c).

- **Site 10101106:** .17 acres
- **Site 23139229:** .45 acres

However, these sites cannot be deemed adequate to accommodate lower-income housing unless the City can demonstrate that sites of an equivalent size were successfully developed during the prior planning period for an equivalent number of lower-income housing units as projected for the site or provide other evidence that the site is adequate to accommodate lower-income housing.¹⁰⁶ The City must provide this information or remove these sites from its inventory.

Nonvacant Sites

First, the City has identified three sites that appear to be owned by the city or county:

- **Site 09017128:** Garden Grove Weed Abatement
- **Site 08907268:** Garden Grove Regional Center; Garden Grove Social Services
- **Site 13242319:** OCFA Fire Station 82

However, the City has not described whether there are any plans to dispose of the property during the planning period or how the city or county will comply with the Surplus Lands Act and must do so when it updates its draft.¹⁰⁷

Second, the City has not explained the methodology it used to determine the development potential of its nonvacant sites.¹⁰⁸ Although the City addresses development trends and regulator or other incentives or standards that encourage additional residential development on these sites, the City has not considered (1) the extent to which existing uses may constitute an impediment to additional residential development; (2) the jurisdiction's past experience with converting existing uses to higher density residential development; (3) the current market demand for the existing use; (4) an analysis of any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development; or (5) market conditions.¹⁰⁹

Third, because the City relies on nonvacant sites to accommodate 50% or more of its housing need for lower-income households, the methodology used to determine additional development potential shall demonstrate that the existing use identified does not constitute an impediment to additional residential development during the planning period.¹¹⁰ The City must provide a more thorough analysis of the development potential of nonvacant sites by considering these factors and describe that analysis in its next draft.

¹⁰⁶ Cal. Gov. Code Section 65583.2(c)(2).

¹⁰⁷ Cal. Gov. Code Section 65583.2(b)(3).

¹⁰⁸ Cal. Gov. Code Section 65583.2(g)(1).

¹⁰⁹ Cal. Gov. Code Section 65583.2(g)(1).

¹¹⁰ Cal. Gov. Code Section 65583.2(g)(2).

Presumption of Impeding Additional Residential Development

The City states that it mailed a letter survey to owners of over 100 properties and that “of those that responded, 56 percent expressed interest” in residential development.¹¹¹ However, the City does not provide the actual number of property owners that expressed this interest and does not indicate which nonvacant parcels this applies to. Many of the sites listed have existing uses that appear to be unlikely to cease such as chain restaurants, retail, and parking lots. Without specific information about these owners, the City has not provided substantial evidence that the existing uses are likely to be discontinued during the planning period.¹¹² Therefore, the City cannot overcome the presumption that existing uses impede additional residential development for any of its nonvacant sites.¹¹³

Accessory Dwelling Units

The City has “conservatively” estimated that 3,618 ADUs will be constructed over the 6th Cycle based on an average of 436 ADUs per year.¹¹⁴ This estimate appears to be solely based on previous ADU production:

- **2017:** “a few dozen”
- **2018:** 217
- **2019:** 297
- **2021 (as of April 1, 2021):** 108¹¹⁵

With only “a few dozen” ADUs produced in 2017, without 2020 information, and without considering other factors such as the need for these units in the community¹¹⁶ or the availability of ADUs and JADUs that will be part of the rental stock rather than used as offices or guest houses,¹¹⁷ the City cannot accurately estimate its ADU production for the upcoming cycle. Additionally, the City cannot utilize either of the following approaches HCD Staff would accept without further analysis or incentives: (1) average ADU applications from the beginning of the 5th Cycle to 2017, multiplied by five; or (2) average ADU applications from 2018, multiplied by eight. In its next draft, the City must provide firm numbers for 2017 and 2020, describe how it considered the other factors listed above, then revise its ADU estimate.

Additionally, Program 9: Accessory Dwelling Units states that the City will prepare pre-approved ADU plans, provide educational materials, monitor ADU permit applications, and consider establishing an amnesty program.¹¹⁸ First, the City generally states that it will “promote development of ADUs by providing written information at the City’s planning counter and on

¹¹¹ City of Garden Grove, 2021-2029 Draft Housing Element, 12-86 (July 2021).

¹¹² Cal. Gov. Code Section 65583.2(g)(2).

¹¹³ Cal. Gov. Code Section 65583.2(g)(2).

¹¹⁴ City of Garden Grove, 2021-2029 Draft Housing Element, 12-81 (July 2021).

¹¹⁵ City of Garden Grove, 2021-2029 Draft Housing Element, 12-81 (July 2021).

¹¹⁶ Cal. Gov. Code § 65583.1(a).

¹¹⁷ HCD, Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADUs), *Requisite Analysis*, <https://hcd.ca.gov/community-development/building-blocks/site-inventory-analysis/accessory-dwelling-units.shtml> (last visited Mar. 21, 2021).

¹¹⁸ City of Garden Grove, 2021-2029 Draft Housing Element, 12-109 (July 2021).

the City’s website.”¹¹⁹ However, the City does not explain what written information it will provide, how this differs from the information it currently provides, or how it expects this information to boost ADU production. The City must provide more details about this aspect of the program in its next draft.

Second, the City states it will “monitor ADU permit applications and approvals through the Housing Element Annual Progress Report process; [and] identify and implement additional incentives or other strategies, as appropriate, to ensure adequate sites during the planning period.”¹²⁰ The City does not explain what other incentives or strategies it will implement if ADU production is lower than expected and it does not specify that this program will also monitor the affordability of these ADUs. To ensure the developed ADUs are actually being used as residences at the stated affordability levels, the City must revise this monitoring program in its next draft.

Third, the City will only “[consider] establishing an ADU ‘amnesty’ program to allow existing unpermitted units to come up to code standards without penalty, helping to preserve accessory units.”¹²¹ The City must revise this program to make a firm commitment to creating this program or remove it from its draft.

Finally, due to the City’s extremely high production estimate, the City should strongly consider adding more resources and incentives to encourage the creation of affordable ADUs,¹²² such as reducing or eliminating building permit/development fees;¹²³ expediting procedures;¹²⁴ offering incentives for affordability;¹²⁵ and offering financial assistance or incentives for affordable ADU construction and preservation.¹²⁶

Affirmatively Furthering Fair Housing

California law requires that public agencies administer all “programs and activities relating to housing and community development in a manner to affirmatively further fair housing, and take no action that is materially inconsistent with its obligation to affirmatively further fair housing.”¹²⁷ To affirmatively further fair housing, a public agency must do the following:

[Take] meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that

¹¹⁹ City of Garden Grove, 2021-2029 Draft Housing Element, 12-109 (July 2021).

¹²⁰ City of Garden Grove, 2021-2029 Draft Housing Element, 12-109 (July 2021).

¹²¹ City of Garden Grove, 2021-2029 Draft Housing Element, 12-109 (July 2021).

¹²² HCD, ADU Handbook, 19 (December 2020); Cal. Gov. Code § 65583.1(a); Cal. Health and Safety Code § 50504.5.

¹²³ SCAG, Accessory Dwelling Units (ADUs), SCAG Housing Element Digital Workshop, 6 (August 27, 2020).

¹²⁴ HCD, ADU Handbook, 19 (December 2020).

¹²⁵ SCAG, Accessory Dwelling Units (ADUs), SCAG Housing Element Digital Workshop, 6 (August 27, 2020).

¹²⁶ SCAG, Accessory Dwelling Units (ADUs), SCAG Housing Element Digital Workshop, 6 (August 27, 2020).

¹²⁷ Cal. Gov. Code Section 8899.50(b).

restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.¹²⁸

Meaningful action means taking significant action that is designed and reasonably expected to achieve a material positive change that affirmatively furthers fair housing.¹²⁹

Housing elements must incorporate the obligation to affirmatively further fair housing in the following sections: (1) outreach, (2) assessment of fair housing, (3) site inventory, (4) identification and prioritization of contributing factors, and (5) goals, policies, and actions. Each section is addressed below.¹³⁰

Outreach

Beyond preexisting outreach requirements, jurisdictions must include a summary of their fair housing outreach capacity.¹³¹ Jurisdictions “must describe meaningful, frequent, and ongoing public participation with key stakeholders.”¹³² Moreover, jurisdictions must summarize “issues that contributed to lack of participation in the housing element process by all economic segments, particularly people with protected characteristics, if that proves to be the case.”¹³³

The City must further describe its outreach efforts. Over just two days in early September 2020, the City held stakeholder meetings.¹³⁴ However, after these meetings, the City ceased interacting with stakeholders. Because stakeholder engagement lasted just two days and happened ten months before the City published a draft housing element, the City has established neither “frequent” nor “ongoing” public participation with key stakeholders. Additionally, the

¹²⁸ Cal. Gov. Code Section 8899.50(a)(1).

¹²⁹ HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 66 (April 2021); Affirmatively Furthering Fair Housing, 80 Fed. Reg. at 42354. Although the Department of Housing and Urban Development does not enforce this federal AFFH rule, California law has adopted the federal rule. This means that the federal AFFH rule can inform how to interpret the obligation to affirmatively further fair housing in California law.

¹³⁰ HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 21 (April 2021).

¹³¹ Cal. Gov. Code Section 65583(c)(10)(A)(i).

¹³² HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 21 (April 2021).

¹³³ HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 22 (April 2021).

¹³⁴ City of Garden Grove, 2021-2029 Housing Element Draft, 12-7 (July 2021).

City fails to summarize issues that contributed to lack of participation. For these reasons, the City's outreach section falls below HCD's standards. To comply with State law, the City should describe, or encourage, additional key stakeholder participation and address lack of participation.

Assessment of Fair Housing

A fair housing assessment needs to have a summary of fair housing enforcement and capacity.¹³⁵ In addition, the assessment must analyze these five areas: (1) fair housing enforcement and outreach capacity; (2) integration and segregation patterns and trends related to people with protected characteristics; (3) racially or ethnically concentrated areas of poverty (R/ECAPs) or racially concentrated areas of affluence (RCAAs); (4) disparities in access to opportunity for people with protected characteristics, including persons with disabilities; and (5) disproportionate housing needs within the jurisdiction, including displacement risk.¹³⁶ Furthermore, each of these analyses must include local and regional patterns and trends, local data and knowledge, and other relevant factors.¹³⁷ The analyses should each arrive at conclusions and have a summary of fair housing issues.¹³⁸

Fair Housing Enforcement and Outreach Capacity. The City does not have a section for fair housing enforcement and outreach capacity. Until the City includes such a section, the City's assessment of fair housing is inadequate.

Segregation and Integration. "At minimum, the analysis must discuss levels of segregation and integration for race and ethnicity, income, familial status, persons with disabilities, and identify the groups that experience the highest levels of segregation."¹³⁹

The City must bolster its discussion of segregation and integration. The City only analyzes data regarding race and ethnicity and fails to consider income, familial status, and persons with disabilities.¹⁴⁰ The City also does not account for regional segregation and integration trends. Moreover, relying on State and federal data,¹⁴¹ the City does not look at other relevant factors, or local data or knowledge. For these reasons, the City's section on integration and segregation wilts under State law. To strengthen its analysis, the City should analyze

¹³⁵ HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 62 (April 2021).

¹³⁶ HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 27–28, 62 (April 2021).

¹³⁷ HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 62 (April 2021).

¹³⁸ HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 62 (April 2021).

¹³⁹ HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 31 (April 2021).

¹⁴⁰ City of Garden Grove, 2021-2029 Housing Element Draft, 12-67 to 69 (July 2021).

¹⁴¹ City of Garden Grove, 2021-2029 Housing Element Draft, 12-67 to 69 (July 2021).

integration and segregation patterns and trends based on income, familial status, and disability status over time. This analysis should be at a local and regional level. Furthermore, the City should utilize local data and knowledge and other relevant factors “beyond data that identifies and compares concentrations of groups with protected characteristics.”¹⁴²

R/ECAPs and RCAAs. Jurisdictions must identify R/ECAPs and RCAAs.¹⁴³ “The analysis must be conducted at a regional and a local level where the incidence of concentrated areas of poverty is discussed relative to the region and within the locality. Importantly, this regional comparison should discuss the incidence of racial concentrations in areas of affluence.”¹⁴⁴

The City neglects required information in its R/ECAPs and RCAAs section. Although HUD’s 2017 data indicate that no R/ECAPs exist in the City, the California Tax Credit Allocation Committee’s (TCAC) 2021 data reveal one area of high segregation and poverty in the City and many more in Orange County and SCAG.¹⁴⁵ This data is shown in Exhibit 1. The City would have discovered these R/ECAPs if it had properly updated its regional and local data. Additionally, the City does not even mention RCAAs, local data, local knowledge, or other relevant factors. Hence, without utilizing adequate data sources, at both a regional and local level, for both R/ECAPs and RCAAs, the City cannot satisfy HCD’s requirements. We recommend that the City present and analyze all relevant regional and local data about R/ECAPs and RCAAs. The City should also employ local data and knowledge, and other relevant factors.

Disparities in Access to Opportunity. The City’s discussion of disparities in access to opportunity is inadequate. HCD’s Guidance Memo presents questions that the City “should, at minimum” answer.¹⁴⁶ These questions cover disparities in educational, transportation, economic, and environmental opportunities, and disparities in other factors.¹⁴⁷ The City should answer each one of these questions in HCD’s Guidance utilizing all necessary data sources.

Disproportionate Housing Needs, Including Displacement. Jurisdictions must analyze both disproportionate housing needs and displacement.¹⁴⁸ “[C]ategories of housing need are

¹⁴² HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 25 (April 2021).

¹⁴³ HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 32–34 (April 2021).

¹⁴⁴ HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 32 (April 2021).

¹⁴⁵ City of Garden Grove, 2021-2029 Housing Element Draft, 12-70 (July 2021).

¹⁴⁶ HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 35 (April 2021).

¹⁴⁷ HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 35–36 (April 2021).

¹⁴⁸ Cal. Gov. Code Section 65583(c)(10)(ii).

based on such factors as cost burden and severe cost burden, overcrowding, homelessness, and substandard housing conditions.”¹⁴⁹

The City cursorily talks about displacement, without touching on cost burden, severe cost burden, overcrowding, substandard housing, or homelessness, each of which the City must consider.¹⁵⁰ We recommend following HCD’s Guidance Memo and analyzing the aforementioned disproportionate housing needs.

Conclusion and Summary of Fair Housing Issues. None of the City’s sections conclude and summarize fair housing issues. To equal HCD’s standard’s, the City must do so.

Site Inventory

A jurisdiction’s site inventory must be consistent with the jurisdiction’s obligation to affirmatively further fair housing.¹⁵¹ “Sites must be identified and evaluated relative to the full scope of the assessment of fair housing.”¹⁵² The jurisdiction should consider the following during its site inventory analysis:

- how identified sites better integrate the community;
- how identified sites exacerbate segregation;
- whether the jurisdiction concentrated the RHNA by income group in certain areas of the community;
- whether local data and knowledge uncover patterns of segregation and integration; and
- how other relevant factors can contribute to the analysis.¹⁵³

The identified sites must attempt to improve conditions related to integration and segregation patterns and trends related to people with protected characteristics; racially or ethnically concentrated areas of poverty or affluence; disparities in access to opportunity for people with protected characteristics, including persons with disabilities; and disproportionate housing needs within the jurisdiction, including displacement risk.¹⁵⁴ Moreover, the jurisdiction

¹⁴⁹ HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 39 (April 2021).

¹⁵⁰ City of Garden Grove, 2021-2029 Housing Element Draft, 12-71 (July 2021).

¹⁵¹ Cal. Gov. Code § 65583.2(a); HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 45 (April 2021).

¹⁵² HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 3, 45 (April 2021).

¹⁵³ HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 45–46 (April 2021).

¹⁵⁴ HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 46, 63 (April 2021); Cal. Gov. Code Section 65583(c)(10)(A)(ii).

must map the number of units at identified sites and include the sites' assumed affordability.¹⁵⁵ The jurisdiction should also address whether it groups sites near areas of concentrated affluence or areas of concentrated poverty.¹⁵⁶

The City needs additional discussion about its site inventory. While the City dabbled with TCAC's opportunity areas in its housing resources section, which covered the City's site selection, the City does not separately tackle each area provided above.¹⁵⁷ Also, the City does not map sites according to their assumed affordability but only according to site type.¹⁵⁸ For these reasons, the City has not met California law. To do so, the City should map sites with their assumed affordability. Furthermore, the City should handle each area of analysis while considering its site inventory.

Identification and Prioritization of Contributing Factors

As a result of a jurisdiction's assessment of fair housing, the jurisdiction must identify and prioritize significant contributing factors to fair housing issues.¹⁵⁹ The jurisdiction must explain how it prioritized contributing factors.¹⁶⁰ "A fair housing contributing factor means a factor that creates, contributes to, perpetuates, or increases the severity of one or more fair housing issues."¹⁶¹ The jurisdiction must follow these steps:

- (1) identify fair housing issues and significant contributing factors;
- (2) prioritize contributing factors, giving highest priority to those factors that
 - (a) deny fair housing choice or access to opportunity or
 - (b) negatively impact fair housing or civil rights compliance; and
- (3) discuss strategic approaches to inform and strongly connect these contributing factors to goals and actions.¹⁶²

The City does not identify or prioritize contributing factors. The City must do so to comply with State law. We suggest the City consult HCD's Guidance Memo for further details.

¹⁵⁵ HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 46, 63 (April 2021).

¹⁵⁶ HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 48 (April 2021).

¹⁵⁷ City of Garden Grove, 2021-2029 Housing Element Draft, 12-91 (July 2021).

¹⁵⁸ City of Garden Grove, 2021-2029 Housing Element Draft, Exhibit H-6 (July 2021).

¹⁵⁹ HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 49 (April 2021); Cal. Gov. Code Section 65583(c)(10)(A)(iii).

¹⁶⁰ HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 51 (April 2021).

¹⁶¹ HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 49 (April 2021).

¹⁶² HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 49 (April 2021).

Goals, Policies, and Actions

Jurisdictions must provide goals, policies, and a schedule of actions during the planning period to affirmatively further fair housing.¹⁶³ These goals, policies and actions must be based on the jurisdiction’s identification and prioritization of contributing factors.¹⁶⁴ The jurisdiction’s actions may address, but are not limited to, the following areas:

- mobility enhancement,
- new housing choices and affordability in high opportunity areas,
- place-based strategies for preservation and revitalization,
- displacement protection, and
- other program areas.¹⁶⁵

The jurisdiction’s actions must be meaningful and sufficient to overcome identified patterns of segregation and to affirmatively further fair housing.¹⁶⁶ Accordingly, actions must commit to specific deliverables, measurable metrics, or specific objectives.¹⁶⁷ Actions must also have definitive deadlines, dates, or benchmarks for implementation.¹⁶⁸ In contrast, “programs that ‘explore’ or ‘consider’ on an ‘ongoing’ basis are inadequate”¹⁶⁹ Moreover, adequate actions must be “in addition to combatting discrimination” and “well beyond a continuation of past actions.”¹⁷⁰

The City’s goals, policies, and actions fall below California law’s standard. Many of the City’s goals, policies, and actions do not surpass combatting discrimination. For example, the City promises to “prohibit discrimination in the sale, rental, or financing of housing.”¹⁷¹ Nonetheless, the City must already do this under State and federal law. Hence, this goal, along with others that just commit the City to comply with existing legal obligations, are not sufficient to affirmatively further fair housing. Also, the City has other goals, policies, and actions that only commit the City to continuing current programs. For instance, the City will “continue to

¹⁶³ HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 51 (April 2021); Cal. Gov. Section 65583(c)(10)(A)(iv)–(v).

¹⁶⁴ Cal. Gov. Section 65583(c)(10)(A)(iv)–(v); AFFH Guidance Memo 63 (April 2021).

¹⁶⁵ Cal. Gov. Section 65583(c)(10)(A)(iv)–(v); AFFH Guidance Memo 63 (April 2021).

¹⁶⁶ Cal. Gov. Section 8899.50(a)(1), (b); AFFH Guidance Memo 51–53 (April 2021).

¹⁶⁷ HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 52 (April 2021).

¹⁶⁸ HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 52 (April 2021).

¹⁶⁹ HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 52 (April 2021).

¹⁷⁰ Cal. Gov. Code Section 8899.50(a); HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 52 (April 2021).

¹⁷¹ City of Garden Grove, 2021-2029 Housing Element Draft, 12-102 (July 2021).

invest in landlord and tenant counseling and mediation services, unlawful detainer assistance, housing discrimination services, homebuyer education and outreach, and local eviction prevention strategies.”¹⁷² But the City already provided these services, which means that they cannot count as satisfactory affirmatively furthering fair housing goals. Additionally, this goal is vague and it is unclear how the City actually provides these services and programs. Finally, many of the City’s goals, policies, and actions lack measurable objectives and specific timelines for implementation. The objectives to “[p]ursue funding” and “[e]nsure economic development” exemplify the City’s failure to include measurable objectives, since the City does not indicate how much funding or development would suffice to fulfill this goal.¹⁷³ Moreover, the City designates the entire planning period as its timeframe for all objectives, which does not differ from an “ongoing” timeframe—a feature that renders goals inadequate.¹⁷⁴ Because many of the City’s goals, policies, and actions lack measurable objectives and timelines for implementation, this section cannot withstand HCD’s scrutiny. We suggest picking actions that go beyond prohibiting discrimination and beyond continuing past actions. We also recommend that the City add specific metrics and milestones to its goals. We again refer the City to HCD’s Guidance Memo.

Public Participation

In an effort to demonstrate a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, the City has described its housing element website, who was invited to participate in its outreach efforts, general comments that were received, and meetings it held with the public.¹⁷⁵ Only two community workshops were held on November 18, 2020 and April 21, 2021 and the four stakeholder interviews and focus group meetings were only held on September 2, 2020 and September 3, 2020.¹⁷⁶ Aside from several study sessions with City officials, the City has not provided any other community workshops or stakeholder and focus group meetings. The City should strongly consider specifically reaching out to these participants before it submits its next draft to HCD and on an ongoing basis in the future.¹⁷⁷ These meetings should also involve residents across the jurisdiction to ensure outreach is accessible to different communities and be held at different times of the day and different days of the week.¹⁷⁸ Additionally, although the City noted general

¹⁷² City of Garden Grove, 2021-2029 Housing Element Draft, 12-114 (July 2021).

¹⁷³ City of Garden Grove, 2021-2029 Housing Element Draft, 12-115 (July 2021).

¹⁷⁴ City of Garden Grove, 2021-2029 Housing Element Draft, 12-115 (July 2021).

¹⁷⁵ Cal. Gov. Code Section 65583(c)(9); HCD, Building Blocks: A Comprehensive Housing-Element Guide, *Public Participation*, <https://hcd.ca.gov/community-development/building-blocks/getting-started/public-participation.shtml> (last visited Mar. 17, 2021).

¹⁷⁶ City of Garden Grove, 2021-2029 Housing Element Draft 12-8, Appendix C (July 2021).

¹⁷⁷ HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 10 (April 2021).

¹⁷⁸ HCD, Affirmatively Furthering Fair Housing: Guidance for All Public Entities and for Housing Elements, 10 (April 2021).

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comments received, the City must also describe how these comments were incorporated into the housing element.¹⁷⁹

Conclusion

The housing element process is an opportunity for jurisdictions to meet the needs of California's residents, including needs for housing that is accessible to seniors, families, and workers and the needs of extremely-low-, very low-, and low-income families for affordable housing. We encourage HCD to require the City to make further updates to its Draft 6th Cycle Housing Element and we look forward to working with Garden Grove and HCD in this process. We encourage the City to make the most of this opportunity to thoroughly analyze the housing needs of its residents and identify adequate sites and programs to meet those housing needs during the upcoming planning cycle.

Sincerely,

THE PUBLIC LAW CENTER, BY:



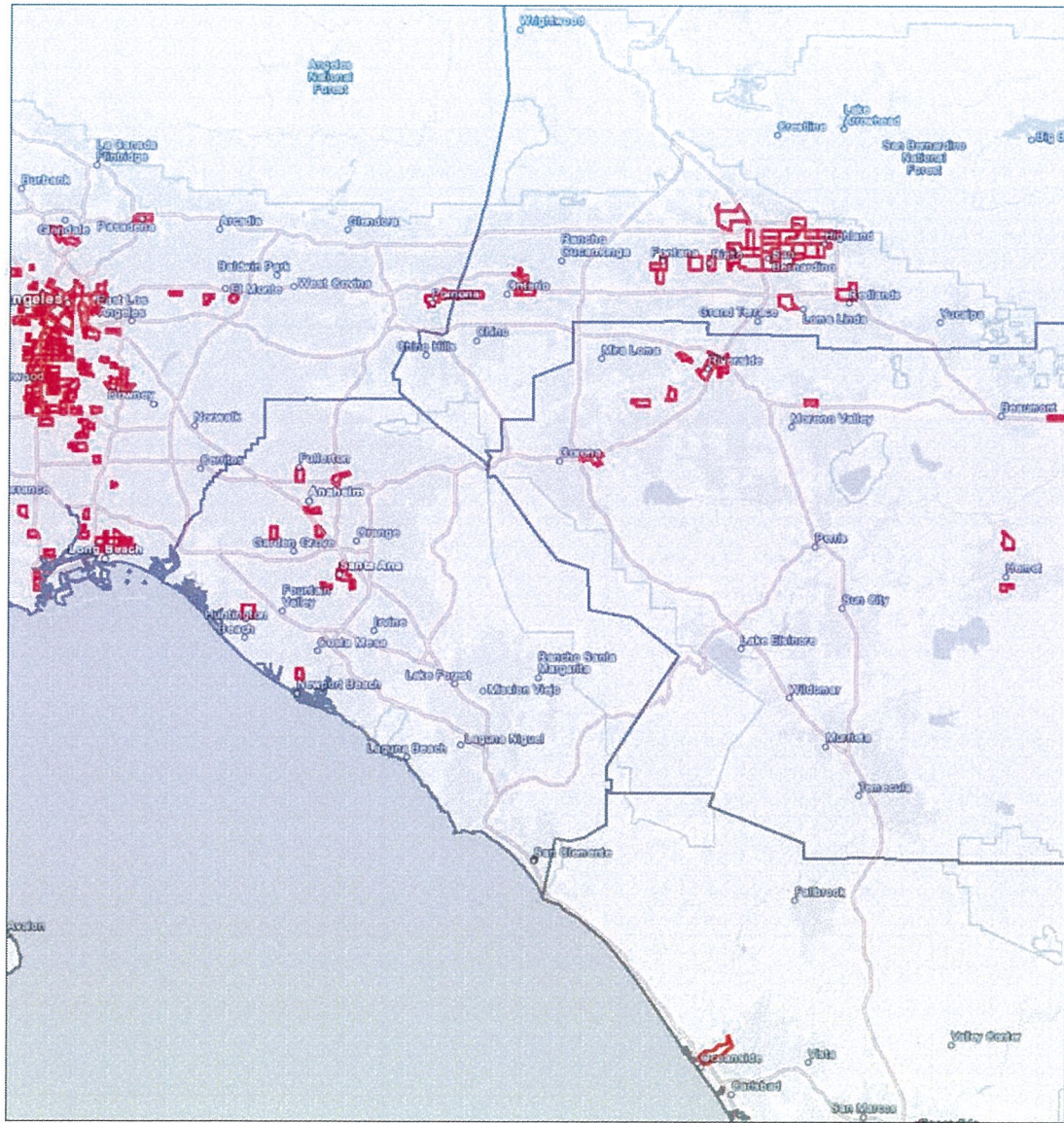
Richard Walker, Housing and Homelessness Prevention Unit, Senior Staff Attorney
Alexis Mondares, Housing and Homelessness Prevention Unit, Legal Fellow

CC: Chris Chung, Urban Planner, City of Garden Grove, Community and Economic
Development Department, chrisc@ggcity.org

¹⁷⁹ HCD, Building Blocks: A Comprehensive Housing-Element Guide, *Public Participation*, <https://hcd.ca.gov/community-development/building-blocks/getting-started/public-participation.shtml> (last visited Mar. 17, 2021).

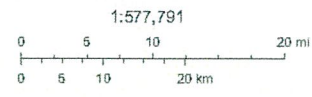
Exhibits

Exhibit 1



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- County Boundaries
- (R) TCAC Area of High Segregation and Poverty (2021) - Tract



RESOLUTION NO. 6031-21

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING THE CITY COUNCIL: (I) ADOPT A MITIGATION MONITORING AND REPORTING PROGRAM, ADOPT A STATEMENT OF OVERRIDING CONSIDERATIONS, AND CERTIFY THE ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED FOCUSED GENERAL PLAN UPDATE AND ZONING AMENDMENTS AND (II) APPROVE GENERAL PLAN AMENDMENT NO. GPA-003-2021 TO UPDATE THE HOUSING ELEMENT, THE LAND USE ELEMENT, AND THE SAFETY ELEMENT, AND TO ADOPT AN ENVIRONMENTAL JUSTICE ELEMENT.

WHEREAS, Government Code Section 65584 requires local jurisdictions to encourage, promote, and facilitate the development of housing to accommodate its regional housing need; and

WHEREAS, the State-mandated 6th Cycle of the Regional Housing Needs Assessment (RHNA) requires the City of Garden Grove to plan for 19,168 dwelling units for all income levels during the 2021-2029 planning period; and

WHEREAS, the City of Garden Grove has initiated a Focused General Plan Update and Zoning Amendments (collectively, the "FGPUZA" or "Project"). The FGPUZA includes (1) General Plan Amendment No. GPA-003-2021, consisting of updates to the General Plan Housing Element, Land Use Element, and the Safety Element, and adoption of a new Environmental Justice Element to comply with State law provisions, including complying with the 6th Cycle (2021-2029) of the Regional Housing Needs Assessment (RHNA) that requires the City to plan for 19,168 residential dwelling units for all income levels during the 2021-2029 planning period; and (2) Zoning Amendment No. A-031-2021, consisting of text/map amendments to Title 9 of the Garden Grove Municipal Code and to the Zoning Map to implement the Housing Element and Land Use Element Updates; and

WHEREAS, in compliance with 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.* (CEQA Guidelines), a Program Environmental Impact Report (Program EIR) has been prepared for the FGPUZA that analyzes its potential environmental impacts and recommends mitigation measures to reduce impacts to a less than significant level, where feasible; and

WHEREAS, to solicit guidance on the scope and content of the Program EIR, the City of Garden Grove distributed a Notice of Preparation (NOP) to local, county, state, and federal agencies along with interested private organizations and individuals. The NOP was delivered to the State Clearinghouse and the CEQA-required 30-day review period began on June 30, 2021 and ended on July 30, 2021. On July 14, 2021, the City conducted a public scoping meeting to provide an opportunity to receive feedback from the community on potential environmental

issues in the City and to present the FGPUZA, the EIR process, and environmental topics to be analyzed in the Program EIR; and

WHEREAS, in accordance CEQA and the CEQA Guidelines, a Notice of Availability, along with the Draft Program EIR, was circulated to the public, responsible agencies, and other interested persons for review and comment during the CEQA-required 45-day public review period from August 23, 2021 to October 6, 2021; and

WHEREAS, the FGPUZA's potential impacts related to Air Quality, Greenhouse Gas Emissions, and Transportation have been identified in the EIR as significant and unavoidable. All other environmental issue areas were found be less than significant or reduced to less than significant levels with the inclusion of mitigation measures. The City must therefore adopt a Mitigation Monitoring and Reporting Program per CEQA Guidelines 15097. Further, the City must adopt a "Statement of Overriding Considerations" per CEQA Guidelines Section 15093 describing why the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of the FGPUZA outweigh its significant unavoidable impacts; and

WHEREAS, the Program EIR reflects the City's independent judgment and analysis; and

WHEREAS, the draft Housing Element Update was circulated to the public, responsible agencies, and other interested persons, as required, for review and comment starting July 6, 2021; and

WHEREAS, the draft Safety Element Update, the draft Land Use Element Update, and the draft Environmental Justice Element were circulated to the public, responsible agencies, and other interested persons, as required, for review and comment starting August 19, 2021; and

WHEREAS, the Planning Commission of the City of Garden Grove held a duly noticed public hearing on October 21, 2021, and considered all oral and written testimony presented regarding the Project and the Draft Program EIR.

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

1. The Planning Commission reviewed the draft updates to the Housing Element, Land Use Element, and Safety Element, the Draft Environmental Justice Element, the proposed changes to the General Plan Land Use Diagram (Exhibit LU-3 – also referred to as "land use map" in the Municipal Code), and the Draft Program EIR submitted by City Staff at the October 21, 2021 meeting.

2. The Planning Commission hereby recommends that the City Council adopt a Mitigation Monitoring and Reporting Program, adopt a Statement of Overriding Considerations, and certify the Program EIR to facilitate the adoption of the FGPUZA, ensuring the City meets its State-mandated Regional House Needs Allocation (RHNA) goal of 19,168 dwelling units for the 2021-2029 planning period (6th cycle).
3. The Planning Commission hereby recommends that the City Council approve General Plan Amendment No. GPA-003-2021, including (a) approval of the proposed updates to the Housing Element, Land Use Element, and Safety Element, (b) approval of the proposed new Environmental Justice Element, and (c) approval of the proposed changes to the General Plan Land Use Diagram (Exhibit LU-3 – also referred to as “land use map” in the Municipal Code) to change the land use designation of specified parcels as depicted and described on Exhibit “A” and Exhibit “B” attached to this Resolution, as presented to the Planning Commission at its meeting of October 21, 2021, with any changes directed by the Planning Commission.

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 City of Garden Grove has prepared a Draft Focused General Plan Update with revisions to the Housing Element, Land Use Element, and Safety Element, and preparation of a new Environmental Justice Element in compliance Government Code Section 65302. The proposed Housing Element Update establishes programs, policies, and actions to generally further the goal of meeting the existing and projected housing needs in the community. The proposed Land Use Element incorporates the housing growth identified in the Housing Element. The proposed Safety Element Update addresses climate change vulnerability and resiliency and incorporates the City’s Local Hazard Mitigation Plan. The new Environmental Justice Element focuses on addressing community needs and pollution burden challenges citywide and within disadvantaged communities.

The Safety Element is a required element of the General Plan by the State of California. The goal of the Safety Element is to reduce the potential short and long-term risk of death, injuries, property damage, and economic and social dislocation resulting from fires, floods, droughts, earthquakes, landslides, climate change, and other hazards. State law requires jurisdictions to update the Safety Element upon the next revision of the Housing Element.

The City’s consultant (MIG), along with Staff, has prepared a draft update to the Safety Element concurrently with the Housing Element. The Safety Element update

meets the requirements of California Government Code Section 65302(g), and addresses potential and existing hazards in the city relating to flood hazards, fire hazards, and climate adaptation and resilience strategies.

In September 2016, Senate Bill 1000 (SB 1000) was adopted requiring jurisdictions with disadvantaged communities to incorporate environmental justice policies into their general plans. State law requires environmental justice policies to be incorporated into the General Plan upon the adoption or the next revision of two or more general plan elements. The City of Garden Grove is in the process of updating both the Housing Element and the Safety Element, which also requires the City to prepare and incorporate environmental justice policies in the General Plan.

The City's Consultant (MIG), along with Staff, has prepared the Draft Housing Element for the 2021-2029 planning period, to identify goals and strategies to meet the housing needs of existing and future residents for the production of safe, decent, and affordable housing for all persons in the community. This plan is required by State Housing Law and must be updated every eight years and certified by the Department of Housing and Community Development (HCD).

The Regional Housing Needs Assessment (RHNA) is mandated by State Housing Law as part of the periodic process of updating local Housing Elements of General Plans. The RHNA quantifies the housing need, for all income levels, within each jurisdiction. Garden Grove's RHNA allocation for the 2021-2029 planning period is 19,168 units. The State of California requires the City of Garden Grove to plan for 19,168 future homes to accommodate growth in the region. The City officially submitted two (2) applications to SCAG (Southern California Association of Governments) to appeal its RHNA allocation. Both appeals were subsequently denied by SCAG. The Land Use Element and Zoning Code and Map are also proposed to be updated, to accommodate the City's RHNA allocation, and to maintain consistency with the goals, policies, and programs of the Housing Element Update.

As part of the Housing Element Update, existing programs were evaluated and updated, as necessary, based on progress and continued appropriateness. Furthermore, new programs were added to the Housing Element to address new State required provisions and to provide for additional ways to support program goals.

State law requires that the Housing Element include an inventory of land suitable and available for residential development. The Sites Inventory must identify adequate sites, with appropriate zoning (that allows residential development), to accommodate the housing needs for groups of all household income levels. As part of their inclusion in the Sites Inventory, particular sites may require rezoning and/or amendments to the Municipal Code (e.g., increase the maximum residential density) to accommodate the identified number of housing units per income level, in

order to meet the City of Garden Grove's State-mandated Regional Housing Needs Allocation (RHNA). State law requires any necessary rezoning or amendments (i.e., amendments to the text of the Municipal Code and the Zoning Map) to be completed no later than three (3) years and 120 days from the statutory deadline for the adoption of the Housing Element, which is October 15, 2021.

In order to achieve the State's required RHNA allocation for the City of 19,168 future residential units, associated focused amendments to the Land Use Element and focused zoning amendments are necessary to accommodate the increase in residential densities in the city, and to maintain consistency with the goals, policies, and programs of the Housing Element Update. The City is proposing to increase the maximum permitted residential density in all existing mixed-use land use designations to accommodate the RHNA units. No additional changes to residential densities for all other non-mixed use land use designations is proposed. The City is also proposing to change the land use designations of certain properties that are part of the Sites Inventory, to allow residential uses and development where the existing land use designation does not allow residential.

FINDINGS AND REASONS:

General Plan Amendment

1. The General Plan Amendment is internally consistent with the goals, policies, and elements of the General Plan. The proposed General Plan Update includes updates to the Housing Element, the Land Use Element, and the Safety Element, and the adoption of a new Environmental Justice Element. These new and updated Elements were drafted to be consistent with one another and other existing General Plan Elements. The focus of the General Plan Update is to comply with State law provisions, including complying with the 6th Cycle (2021-2029) of the Regional Housing Needs Assessment (RHNA) that requires the City to plan for 19,168 residential dwelling units for all income levels during the 2021-2029 planning period. In conjunction with the update to the Housing Element, and to ensure internal consistency between the General Plan Elements, the proposal also includes a concurrent update to the Land Use Element and Land Use Diagram (Exhibit LU-3 - also referred to as "land use map" in the Municipal Code) to accommodate the increase in densities and to accommodate the required RHNA units. As a result of the required update to the Housing Element, an update to the Safety Element and preparation of a new Environmental Justice Element have also been completed to comply with applicable State law (Government Code Section 65302 and Senate Bill 1000).
2. The General Plan Amendment will promote the public interest, health, safety, and welfare of the surrounding community. The Housing Element Update and Land Use Element Update will promote housing production for all income

levels in conformance with the State's 6th Cycle (2021-2029) of the Regional Housing Needs Assessment (RHNA) that requires the City to plan for 19,168 residential dwelling units during the 2021-2029 planning period. These updates will facilitate housing production to meet the housing needs of existing and future residents for the production of safe, decent, and affordable housing for all persons in the community. The Safety Element Update addresses potential and existing hazards in the city relating to flood hazards, fire hazards, and climate adaptation and resilience strategies and will help the City to reduce the potential short and long-term risk of death, injuries, property damage, and economic and social dislocation resulting from fires, floods, droughts, earthquakes, landslides, climate change, and other hazards. The new Environmental Justice Element establishes goals, policies, and objectives for the reduction of pollution exposure and improving air quality, promoting access to public facilities, promoting access to healthy foods, promoting safe and sanitary homes, promoting physical activity, and promoting civic engagement in disadvantaged communities and City-wide.

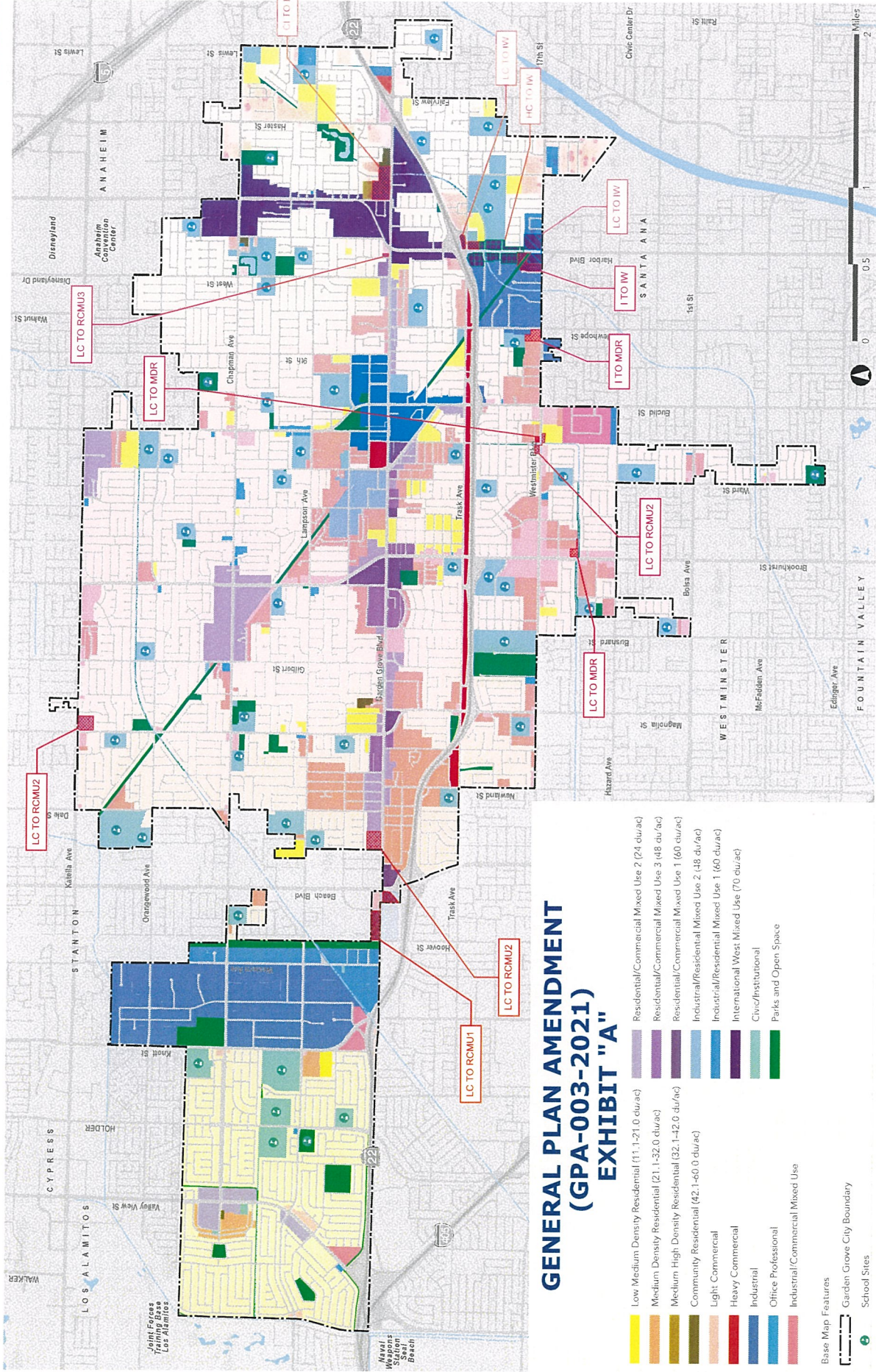
3. In conjunction with the update to the Housing Element, and to ensure internal consistency between the General Plan Elements, the proposal also includes a concurrent update to the Land Use Element and Land Use Diagram to accommodate the increase in densities and to accommodate the required RHNA units. This will also include changes to the current General Plan land use designations of certain properties that are part of the Sites Inventory, to allow residential uses and development where the existing land use designation does not allow residential. The subject parcels that will undergo changes to their respective General Plan land use designation are physically suitable for the requested land use designation, compatible with surrounding land uses, and consistent with the General Plan.

INCORPORATION OF FACTS AND REASONS SET FORTH IN STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. General Plan Amendment No. GPA-003-2021 possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030.D.1 (General Plan Amendment).



GENERAL PLAN AMENDMENT (GPA-003-2021) EXHIBIT "A"

- Low Medium Density Residential (11.1-21.0 du/ac)
- Medium Density Residential (21.1-32.0 du/ac)
- Medium High Density Residential (32.1-42.0 du/ac)
- Community Residential (42.1-60.0 du/ac)
- Light Commercial
- Heavy Commercial
- Industrial
- Office Professional
- Industrial/Commercial Mixed Use
- Residential/Commercial Mixed Use 2 (24 du/ac)
- Residential/Commercial Mixed Use 3 (48 du/ac)
- Residential/Commercial Mixed Use 1 (60 du/ac)
- Industrial/Residential Mixed Use 2 (48 du/ac)
- Industrial/Residential Mixed Use 1 (60 du/ac)
- International West Mixed Use (70 du/ac)
- Civic/Institutional
- Parks and Open Space

Base Map Features
 Garden Grove City Boundary
 School Sites

EXHIBIT B

GENERAL PLAN AMENDMENT

GENERAL PLAN LAND USE DESIGNATION CHANGING FROM LIGHT COMMERCIAL TO RESIDENTIAL/COMMERCIAL MIXED USE 1:

7861 GARDEN GROVE BLVD APN# 131-682-62 7942 GARDEN GROVE BLVD APN# 096-281-14
 7761 GARDEN GROVE BLVD APN# 131-682-61 7701 GARDEN GROVE BLVD APN# 131-682-05
 7942 GARDEN GROVE BLVD APN# 096-281-14 7900 GARDEN GROVE BLVD APN# 096-281-09
 7912 GARDEN GROVE BLVD APN# 096-281-11, APN# 096-281-13

GENERAL PLAN LAND USE DESIGNATION CHANGING FROM LIGHT COMMERCIAL TO RESIDENTIAL/COMMERCIAL MIXED USE 2:

11092 MAGNOLIA ST APN# 132-061-32 8301 GARDEN GROVE BLVD APN# 131-541-20
 11072 MAGNOLIA ST APN# 132-061-31 10721 WESTMINSTER AVE APN# 099-504-47
 11052 MAGNOLIA ST APN# 132-061-28 10711 WESTMINSTER AVE APN# 099-504-45
 11012 MAGNOLIA ST APN# 132-061-29 10691 WESTMINSTER AVE APN# 099-504-44
 11002 MAGNOLIA ST APN# 132-061-18 10742 WESTMINSTER AVE APN# 099-181-12

GENERAL PLAN LAND USE DESIGNATION CHANGING FROM LIGHT COMMERCIAL TO RESIDENTIAL/COMMERCIAL MIXED USE 3:

12141 GARDEN GROVE BLVD APN# 231-404-13

GENERAL PLAN LAND USE DESIGNATION CHANGING FROM LIGHT COMMERCIAL TO INTERNATIONAL WEST MIXED USE:

13971 HARBOR BLVD APN# 100-130-74 13945 HARBOR BLVD APN# 100-130-73
 13933 HARBOR BLVD APN# 100-130-71 13911 HARBOR BLVD APN# 100-130-72
 13970 HARBOR BLVD APN# 101-681-22 13552 HARBOR BLVD APN# 101-080-75
 13950 HARBOR BLVD APN# 101-681-18 13512 HARBOR BLVD APN# 101-080-76
 13462 HARBOR BLVD APN# 101-642-01 12091 TRASK AVE APN# 101-642-02
 APN# 101-681-17

GENERAL PLAN LAND USE DESIGNATION CHANGING FROM LIGHT COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL:

10081 13TH ST APN# 099-173-20 11001 WESTMINSTER AVE APN# 100-151-33
 14202 BROOKHURST ST APN# 099-173-08 11025 WESTMINSTER AVE APN# 100-151-34
 14212 BROOKHURST ST APN# 099-173-10, APN# 099-173-45

GENERAL PLAN LAND USE DESIGNATION CHANGING FROM INDUSTRIAL TO INTERNATIONAL WEST MIXED USE:

13962 SEABOARD CIR APN# 100-130-68 13932 SEABOARD CIR APN# 100-130-67
 11901 WESTMINSTER AVE APN# 100-130-69 13902 SEABOARD CIR APN# 100-130-66
 13821 HARBOR BLVD APN# 100-130-79 13862 SEABOARD CIR APN# 100-130-58
 13821 HARBOR BLVD APN# 100-130-79

GENERAL PLAN LAND USE DESIGNATION CHANGING FROM INDUSTRIAL TO MEDIUM DENSITY RESIDENTIAL:

11461 WESTMINSTER AVE APN# 100-141-10 13931 NEWHOPE ST APN# 100-141-09
 11431 WESTMINSTER AVE APN# 100-141-11

GENERAL PLAN LAND USE DESIGNATION CHANGING FROM HEAVY COMMERCIAL TO INTERNATIONAL WEST MIXED USE:

13831 HARBOR BLVD APN# 100-130-56	13731 HARBOR BLVD APN# 100-130-52
13691 HARBOR BLVD APN# 100-123-09	13631 HARBOR BLVD APN# 100-123-02
13571 HARBOR BLVD APN# 100-122-33	13551 HARBOR BLVD APN# 100-122-11
13501 HARBOR BLVD APN# 100-122-40	13531 HARBOR BLVD APN# 100-122-12
13501 HARBOR BLVD APN# 100-122-39	13592 HARBOR BLVD APN# 101-080-73
13571 HARBOR BLVD APN# 100-122-32	13852 HARBOR BLVD APN# 101-315-33
13822 HARBOR BLVD APN# 101-311-17	13812 HARBOR BLVD APN# 101-311-19
13802 HARBOR BLVD APN# 101-311-24	13792 HARBOR BLVD APN# 101-311-21
13772 HARBOR BLVD APN# 101-311-20	13752 HARBOR BLVD APN# 101-311-25
13732 HARBOR BLVD APN# 101-080-71	13700 HARBOR BLVD APN# 101-080-63
13692 HARBOR BLVD APN# 101-080-64	13666 HARBOR BLVD APN# 101-080-68
13650 HARBOR BLVD APN# 101-080-66	13592 HARBOR BLVD APN# 101-080-74
11942 TRASK AVE APN# 100-122-22,	APN# 100-122-23

GENERAL PLAN LAND USE DESIGNATION CHANGING FROM CIVIC INSTITUTION TO INTERNATIONAL WEST MIXED USE:

12501 GARDEN GROVE BLVD APN# 231-561-16	12609 GARDEN GROVE BLVD APN# 231-561-24
12555 GARDEN GROVE BLVD APN# 231-561-25	12601 GARDEN GROVE BLVD APN# 231-561-22
12601 GARDEN GROVE BLVD APN# 231-561-23	12665 GARDEN GROVE BLVD APN# 231-323-21
12892 PALM ST APN# 231-561-15	12601 GARDEN GROVE BLVD APN# 231-561-14
12665 GARDEN GROVE BLVD APN# 231-323-22,	APN# 231-323-20

RESOLUTION NO. 6032-21

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING THE CITY COUNCIL APPROVE ZONING AMENDMENT NO. A-031-2021 MAKING FOCUSED AMENDMENTS TO TITLE 9 OF THE GARDEN GROVE MUNICIPAL CODE AND THE ZONING MAP TO IMPLEMENT THE HOUSING ELEMENT AND LAND USE ELEMENT UPDATES BY INCREASING THE MAXIMUM PERMITTED RESIDENTIAL DENSITY IN MIXED USE ZONES, IMPLEMENTING A MIXED-USE OVERLAY ZONE ALLOWING RESIDENTIAL AND MIXED-USE DEVELOPMENT ON SPECIFIED PARCELS, AND REZONING SPECIFIED PARCELS TO ALLOW MULTIPLE-FAMILY RESIDENTIAL USES.

WHEREAS, Government Code 65584 requires local jurisdictions to encourage, promote, and facilitate the development of housing to accommodate its regional housing need; and,

WHEREAS, the State-mandated 6th Cycle of the Regional Housing Needs Assessment (RHNA) requires the City of Garden Grove to plan for 19,168 dwelling units for all income levels during the 2021-2029 planning period; and

WHEREAS, the City of Garden Grove has initiated a Focused General Plan Update and Zoning Amendments project (collectively, the "FGPUZA" or "Project"). The FGPUZA includes (1) General Plan Amendment No. GPA-003-2021, consisting of updates to the General Plan Housing Element, Land Use Element, and the Safety Element, and adoption of a new Environmental Justice Element to comply with State law provisions, including complying with the 6th Cycle (2021-2029) of the Regional Housing Needs Assessment (RHNA) that requires the City to plan for 19,168 residential dwelling units for all income levels during the 2021-2029 planning period; and (2) Zoning Amendment No. A-031-2021, consisting of text/map amendments to Title 9 of the Municipal Code and to the Zoning Map to implement the Housing Element and Land Use Element Updates; and

WHEREAS, Zoning Amendment No. A-031-2021 would (1) revise the Development Standards tables in Sections 9.18.090.020, 9.18.090.030, 9.18.090.070, and 9.18.090.080 of the Land Use Code to increase the maximum permitted residential densities in the Garden Grove Boulevard Mixed Use Zones, the Civic Center Mixed Use Zones, the Neighborhood Mixed Use Zone, and the Adaptive Reuse Zone by an average of 25 percent; (2) amend the Zoning Map to change the zoning designation of specified parcels identified in the General Plan Housing Element Sites Inventory to allow for multiple-family uses on these parcels; and (3) add new Section 9.18.190 to the Land Use Code to establish a Mixed Use Overlay Zone allowing the development of residential and mixed-use projects on identified properties within the International West Mixed Use, the Industrial/Residential Mixed Use 1, and the Residential/Commercial Mixed Use 2 Land Use designations of the General Plan Land Use Element; and (4) amend the Zoning Map to apply the Mixed

Use Overlay Zone to specified parcels identified in the General Plan Housing Element Sites Inventory; and

WHEREAS, in compliance with 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.* (CEQA Guidelines), a Program Environmental Impact Report (Program EIR) has been prepared for the FGPUZA that analyzes its potential environmental impacts and recommends mitigation measures to reduce impacts to a less than significant level, where feasible; and

WHEREAS, concurrent with its adoption of this Resolution, the Planning Commission adopted Resolution No. 6031-21 recommending that the City Council (1) adopt a Mitigation Monitoring and Reporting Program, adopt a Statement of Overriding Considerations, and certify the Program EIR for the FGPUZA; and (2) approve General Plan Amendment No. GPA-003-2021; and

WHEREAS, the Planning Commission of the City of Garden Grove held a duly noticed public hearing on October 21, 2021, and considered all oral and written testimony presented regarding Zoning Code Amendment No. A-031-2021 and the Project.

BE IT RESOLVED, FOUND, AND DETERMINED that the Planning Commission of the City of Garden Grove, in regular session assembled on October 21, 2021, does hereby recommend that the City Council approve Amendment No. A-031-2021.

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 City of Garden Grove has prepared a Draft Focused General Plan Update with revisions to the Housing Element, Land Use Element, and Safety Element, and preparation of a new Environmental Justice Element in compliance with Government Code Section 65302. The proposed Housing Element establishes programs, policies, and actions to generally further the goal of meeting the existing and projected housing needs in the community. The proposed Land Use Element incorporates the housing growth identified in the Housing Element.

The Regional Housing Needs Assessment (RHNA) is mandated by State Housing Law as part of the periodic process of updating local Housing Elements of General Plans. The RHNA quantifies the housing need, for all income levels, within each jurisdiction. Garden Grove's RHNA allocation for the 2021-2029 planning period is

19,168 units. The State of California requires the City of Garden Grove to plan for 19,168 future homes to accommodate growth in the region.

In order to achieve the State's required RHNA allocation for the City, of 19,168 future residential units, associated focused amendments to the Land Use Element and focused zoning amendments are necessary to accommodate the increase in residential densities in the city, and to maintain consistency with the goals, policies, and programs of the Housing Element Update. Pursuant to General Plan Amendment No. GPA-003-2021, the Land Use Element of the General Plan will be updated to increase the maximum permitted residential density in all existing mixed-use land use designation and to change the land use designations of certain properties that are part of the Housing Element Sites Inventory, to allow residential uses and development where the existing land use designation does not allow residential.

Zoning Amendment No. A-031-2021 consists of text/map amendments to Title 9 of the Municipal Code and to the Zoning Map to implement the Housing Element and Land Use Element Updates. Zoning Amendment No. A-031-2021 would (1) revise the Development Standards tables in Sections 9.18.090.020, 9.18.090.030, 9.18.090.070, and 9.18.090.080 of the Land Use Code to increase the maximum permitted residential densities in the Garden Grove Boulevard Mixed Use Zones, the Civic Center Mixed Use Zones, the Neighborhood Mixed Use Zone, and the Adaptive Reuse Zone by an average of 25 percent; (2) amend the Zoning Map to change the zoning designation of specified parcels identified in the General Plan Housing Element Sites Inventory to allow for multiple-family uses on these parcels; and (3) add new Section 9.18.190 to the Land Use Code to establish a Mixed Use Overlay Zone allowing the development of residential and mixed-use projects on identified properties within the International West Mixed Use, the Industrial/Residential Mixed Use 1, and the Residential/Commercial Mixed Use-2 Land Use designations of the General Plan Land Use Element; and (4) amend the Zoning Map to apply the Mixed Use Overlay Zone to specified parcels identified in the General Plan Housing Element Sites Inventory.

FINDINGS AND REASONS:

1. The proposed zoning text and map amendments are internally consistent with the goals, policies, and elements of the General Plan. Pursuant to General Plan Amendment No. GPA-003-2021, the City Council has adopted updates to the Housing Element and the Land Use Element to comply with the state law's 6th Cycle (2021-2029) of the Regional Housing Needs Assessment (RHNA) that requires the City to plan for 19,168 additional residential dwelling units for all incomes levels during the planning period. Zoning Amendment No. A-031-2021 implements the Housing Element and Land Use Element Updates by increasing the maximum permitted residential densities within the City's Mixed Use Zones to be consistent with the mixed-

use land use densities identified in the updated Land Use Element; creating a Mixed-Use Overlay Zone for properties located in the International West Mixed Use, the Industrial/Residential Mixed Use 1, and the Residential/Commercial Mixed Use 2 General Plan land use designations to promote housing production on selected parcels identified in the updated Housing Element Sites Inventory; and rezoning selected parcels identified in the updated Housing Element Sites Inventory to permit the development of multiple-family residential uses.

2. The proposed text and map amendments will promote the public interest, health, safety, and welfare of the surrounding community. Zoning Amendment No. A-031-2021 will implement the goals and policies of the Housing Element and Land Use Element Updates to promote housing production for all income levels in conformance with state law's 6th Cycle (2021-2029) of the Regional Housing Needs Assessment (RHNA) that requires the City to plan for 19,168 residential dwelling units during the 2021-2029 planning period.
3. The parcels subject to the proposed Zoning Map amendments are physically suitable for the requested land use designations, compatible with surrounding land uses, and consistent with the General Plan. The parcels proposed to be rezoned and the parcels to which the new Mixed Use Overlay Zone is proposed to be applied were evaluated in conjunction with the FGPUZA project and determined to be suitable for the development of housing and identified in the Housing Element Sites Inventory. In addition, the proposed zoning designation of each subject parcel is consistent with the land use designation of each parcel under the Land Use Element.
4. The change of zoning classification of the subject parcels identified in the proposed amendments to the Zoning Map is consistent with the City's General Plan and will ensure a degree of compatibility with surrounding properties and uses. The zone change amendments will rezone properties to be internally consistent with the goals and policies of the Land Use Element Update for promoting housing production for all income levels in conformance with State law and the 6th Cycle (2021-2029) Regional Housing Needs Assessment and will apply the new Mixed-Use Overlay Zone to specific properties located in the International West Mixed Use, the Industrial/Residential Mixed Use 1, and the Residential/Commercial Mixed Use 2 land use designations to promote housing production on selected parcels identified in the updated Housing Element Sites Inventory. The subject rezoned parcels will have a similar zoning designation as surrounding parcels, which will ensure that the parcels are developed to a similar density as the surrounding parcels with the same zoning designation.

INCORPORATION OF FACTS AND REASONS SET FORTH IN STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. Amendment No. A-031-2021 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-031-2021 and adopt the draft Ordinance attached hereto as Exhibit "A".

ORDINANCE NO.
(PROPOSED ORDINANCE)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING ZONING AMENDMENT NO. A-031-2021 MAKING FOCUSED AMENDMENTS TO TITLE 9 OF THE GARDEN GROVE MUNICIPAL CODE AND THE ZONING MAP TO IMPLEMENT THE GENERAL PLAN HOUSING ELEMENT AND LAND USE ELEMENT UPDATES BY INCREASING THE MAXIMUM PERMITTED RESIDENTIAL DENSITY IN MIXED USE ZONES, IMPLEMENTING A MIXED-USE OVERLAY ZONE ALLOWING RESIDENTIAL AND MIXED-USE DEVELOPMENT ON SPECIFIED PARCELS, AND REZONING SPECIFIED PARCELS TO ALLOW MULTIPLE-FAMILY RESIDENTIAL USES.

This Ordinance makes focused amendments to Title 9 of the Garden Grove Municipal Code (Land Use Code) and the Zoning Map consistent with the General Plan Housing Element and Land Use Element Updates to implement and comply with the 6th Cycle (2021-29) of the Regional Housing Needs Assessment (RHNA). Specifically, this Ordinance (1) revises the Development Standards tables in Sections 9.18.090.020, 9.18.090.030, 9.18.090.070, and 9.18.090.080 of the Land Use Code to increase the maximum permitted residential densities in the Garden Grove Boulevard Mixed Use Zones, the Civic Center Mixed Use Zones, the Neighborhood Mixed Use Zone, and the Adaptive Reuse Zone by an average of 25 percent; (2) amends the Zoning Map to change the zoning designation of specified parcels identified in the General Plan Housing Element Sites Inventory to allow for multiple-family uses on these parcels; and (3) adds new Section 9.18.190 to the Land Use Code to establish a Mixed Use Overlay Zone allowing the development of residential and mixed-use projects on identified properties within the International West Mixed Use, the Industrial/Residential Mixed Use 1, and the Residential/Commercial Mixed Use 2 Land Use designations of the General Plan Land Use Element; and (4) amends the Zoning Map to apply the Mixed Use Overlay Zone to specified parcels identified in the General Plan Housing Element Sites Inventory.

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE FINDS AND DETERMINES AS FOLLOWS:

WHEREAS, Government Code 65584 requires local jurisdictions to encourage, promote, and facilitate the development of housing to accommodate its regional housing need; and

WHEREAS, the State-mandated 6th Cycle of the Regional Housing Needs Assessment (RHNA) requires the City of Garden Grove to plan for 19,168 dwelling units for all income level during the 2021-2029 planning period; and

WHEREAS, the City of Garden Grove has initiated a Focused General Plan Update and Zoning Amendments project (collectively, the "FGPUZA" or "Project"). The FGPUZA includes (1) General Plan Amendment No. GPA-003-2021, consisting of updates to the General Plan Housing Element, Land Use Element, and the Safety

Element, and adoption of a new General Plan Environmental Justice Element to comply with State law provisions, including complying with the 6th Cycle (2021-2029) of the Regional Housing Needs Assessment (RHNA) that requires the City to plan for 19,168 residential dwelling units for all income levels during the 2021-2029 planning period; and (2) Zoning Amendment No. A-031-2021, consisting of text/map amendments to Title 9 of the Municipal Code and to the Zoning Map to implement the Housing Element and Land Use Element Updates; and

WHEREAS, in compliance with 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.* (CEQA Guidelines), a Program Environmental Impact Report (Program EIR) has been prepared for the FGPUZA that analyzes its potential environmental impacts and recommends mitigation measures to reduce impacts to a less than significant level, where feasible; and

WHEREAS, the Planning Commission of the City of Garden Grove held a duly noticed public hearing on October 21, 2021 and considered all oral and written testimony presented regarding the proposed Project; and,

WHEREAS, on October 21, 2021, following the public hearing, the Planning Commission adopted (i) Resolution No. 6031-21 recommending that the City Council certify the EIR for the FGPUZA and approve General Plan Amendment No. GPA-003-2021, and (ii) Resolution No. 6032-21 recommending that the City Council approve Zoning Amendment No. A-031-2021; and

WHEREAS, on _____, the City Council adopted Resolution No. _____ (i) adopting a Mitigation Monitoring and Reporting Program, (ii) adopting a Statement of Overriding Considerations, and (ii) certifying the Program EIR for the FGPUZA; and

WHEREAS, on _____, the City Council adopted Resolution No. _____, approving General Plan Amendment No. GPA-003-2021; and,

WHEREAS, a duly noticed public hearing regarding Amendment No. A-031-2021 was held by the City Council on _____, and all interested persons were given an opportunity to be heard; and,

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-031-2021:

A. The proposed zoning text and map amendments are internally consistent with the goals, policies, and elements of the General Plan. Pursuant to General Plan Amendment No. GPA-003-2021, the City Council has adopted updates to the Housing Element and the Land Use Element to comply with the state law's 6th Cycle (2021-2029) of the Regional Housing Needs Assessment (RHNA) that requires the City to plan for 19,168 additional residential dwelling units for all incomes levels

during the planning period. Zoning Amendment No. A-031-2021 implements the Housing Element and Land Use Element Updates by increasing the maximum permitted residential densities within the City's Mixed Use Zones to be consistent with the mixed-use land use densities identified in the updated Land Use Element; creating a Mixed-Use Overlay Zone for properties located in the International West Mixed Use, the Industrial/Residential Mixed Use 1, and the Residential/Commercial Mixed Use 2 General Plan land use designations to promote housing production on selected parcels identified in the updated Housing Element Sites Inventory; and rezoning selected parcels identified in the updated Housing Element Sites Inventory to permit the development of multiple-family residential uses.

B. The proposed text and map amendments will promote the public interest, health, safety, and welfare of the surrounding community. Zoning Amendment No. A-031-2021 will implement the goals and policies of the Housing Element and Land Use Element Updates to promote housing production for all income levels in conformance with state law's 6th Cycle (2021-2029) of the Regional Housing Needs Assessment (RHNA) that requires the City to plan for 19,168 residential dwelling units during the 2021-2029 planning period.

C. The parcels subject to the proposed Zoning Map amendments are physically suitable for the requested land use designations, compatible with surrounding land uses, and consistent with the General Plan. The parcels proposed to be rezoned and the parcels to which the new Mixed Use Overlay Zone is proposed to be applied were evaluated in conjunction with the FGPUZA project and determined to be suitable for the development of housing and identified in the Housing Element Sites Inventory. In addition, the proposed zoning designation of each subject parcel is consistent with the land use designation of each parcel under the Land Use Element.

D. The change of zoning classification of the subject parcels identified in the proposed amendments to the Zoning Map is consistent with the City's General Plan and will ensure a degree of compatibility with surrounding properties and uses. The zone change amendments will rezone properties to be internally consistent with the goals and policies of the Land Use Element Update for promoting housing production for all income levels in conformance with State law and the 6th Cycle (2021-2029) Regional Housing Needs Assessment and will apply the new Mixed-Use Overlay Zone to specific properties located in the International West Mixed Use, the Industrial/Residential Mixed Use 1, and the Residential/Commercial Mixed Use 2 land use designations to promote housing production on selected parcels identified in the updated Housing Element Sites Inventory. The subject rezoned parcels will have a similar zoning designation as surrounding parcels, which will ensure that the parcels are developed to a similar density as the surrounding parcels with the same zoning designation.

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. Zoning Amendment No. A-031-2021 is hereby approved pursuant to the findings set forth herein and the facts and reasons stated in Planning Commission Resolution No. 6032-21, 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 3. Table 9.18-2 (Development Standards for the Garden Grove Boulevard Mixed Use Zone) of Section 9.18.090.020 (Garden Grove Boulevard Mixed Use Zone (GGMU) Development Standards) of Section 9.18.090 (Development Standards Specific to Individual Mixed Use Zones) of Chapter 9.18 (Mixed Use Regulations and Development Standards) is hereby amended as follows to increase the maximum permitted residential density in the GGMU-1, GGMU-2, and GGMU-3 Zones (additions shown in ***bold/italics***; deletions shown in ~~strikethrough~~):

Development Standards	Garden Grove Boulevard Mixed Use Zones		
	GGMU-1	GGMU-2	GGMU-3
Maximum Residential Density (units/acre)	42 <i>60</i> units/acre	21 <i>24</i> units/acre	32 <i>48</i> units/acre

SECTION 4. Table 9.18-4 (Development Standards for the Civic Center Mixed Use Zones) of Section 9.18.090.030 (Civic Center Zone Development Standards) of Section 9.18.090 (Development Standards Specific to Individual Mixed Use Zones) of Chapter 9.18 (Mixed Use Regulations and Development Standards) is hereby amended as follows to increase the maximum permitted residential density in the CC-1, CC-2, and CC-3 Zones (additions shown in ***bold/italics***; deletions shown in ~~strikethrough~~):

Development Standards	Civic Center Mixed Use Zones			
	CC-1	CC-2	CC-3	CC-OS
Maximum Residential Density (units/acre)	21 <i>24</i> units/acre	32 <i>48</i> units/acre	42 <i>60</i> units/acre	Development standards per site plan review process.

SECTION 5. Table 9.18-5 (Development Standards for the Neighborhood Mixed Use Zone) of Section 9.18.090.070 (Neighborhood Mixed Use Zone (NMU) Development Standards) of Section 9.18.090 (Development Standards Specific to Individual Mixed Use Zones) of Chapter 9.18 (Mixed Use Regulations and Development Standards) is hereby amended as follows to increase the maximum permitted residential density in the Neighborhood Mixed Use Zone (additions shown in ***bold/italics***; deletions shown in ~~strikethrough~~):

Development Standards	Neighborhood Mixed Use Zone
Maximum Residential Density (units/acre)	21 24 units/acre

SECTION 6. Table 9.18-7 (Development Standards for the Adaptive Reuse Zone) of Section 9.18.090.080 (Adaptive Reuse Zone (AR) Development Standards) of Section 9.18.090 (Development Standards Specific to Individual Mixed Use Zones) of Chapter 9.18 (Mixed Use Regulations and Development Standards) is hereby amended as follows to increase the maximum permitted residential density in the Adaptive Reuse (AR) Zone (additions shown in ***bold/italics***; deletions shown in ~~strikethrough~~):

Development Standards	Adaptive Reuse Zone (AR)
Maximum Residential Density (units/acre)	32 48 units/acre

SECTION 7. Section 9.18.190 is added to Title 9 of the Municipal Code to read:

Section 9.18.190. Mixed Use Overlay Zone (MU)

9.18.190.010. Intent

The Mixed Use Overlay zone is established to implement the General Plan Land Use Element and the Community Design Element directives applicable to the International West Mixed Use, Industrial/Residential Mixed Use 1, and Residential/Commercial Mixed Use 2 General Plan land use designations, where the overlay zone has been applied on the Zoning Map. The purpose of the Mixed Use Overlay Zone is to allow for residential and mixed-use developments as set forth in this section in addition to those uses regulated by the underlying zone. The use regulations and development and design standards set forth in this section establish minimum standards for the use and development of land within the Mixed Use Overlay Zone. Where the standards may conflict with those of the underlying zone, the standards in this section shall prevail. Where this section is silent with regard to a particular development standard or standards, the standards of the underlying zone shall apply.

9.18.190.020. International West Mixed Use Overlay

- A. **Applicability.** This subsection shall apply to properties within the International West Mixed Use General Plan land use designation to which the Mixed Use Overlay zone has been applied as shown on the Zoning Map.
- B. **Intent.** The International West Mixed Use Overlay is intended to create a transit-oriented development district around the OC Transit line station at Harbor Boulevard and Westminster Avenue. It is intended that new developments will consist of a complementary mix of uses that benefit from

ready access to rail transit, anchored by multi-family residential with commercial services and retail uses along pedestrian-friendly street frontages.

- C. **Allowed Uses.** For projects utilizing the International West Mixed Use Overlay, allowed uses shall be the same as those allowed in the Garden Grove Boulevard Mixed Use 1 (GGMU-1) zone pursuant to Table 9.18-1 of Section 9.18.020.030, subject to the conditions and standards set forth in Section 9.18.030 (Specific Uses- Special Operating Conditions and Development Standards), with exception that Adult Entertainment uses shall not be permitted.
- D. **Development Standards.** For projects utilizing the International West Mixed Use Overlay, the development standards shall be the same as those applicable to the GGMU-1 zone as set forth in Chapter 9.18, except as otherwise expressly provided herein. The following exceptions shall apply:
1. **Residential Density.** A maximum of 70 dwelling units per acre is permitted.
 2. **Stand-alone Residential.** Stand-alone residential projects are permitted with no commercial component or minimum floor area ratio required.
 3. **Landscaping and Streetscape.**
 - a. For sites north of the SR-22 Freeway, and located along a major arterial, all landscape and hardscape treatments (i.e., street trees and sidewalk improvements) within the front and side street setback areas, including the public right-of-way, shall conform with the landscape treatment of the Harbor Boulevard Resort Area, with exception that sites not located along a major arterial shall comply with the landscape requirements of Chapter 9.18. For projects located on a major arterial, the landscape treatment shall include two rows of Date Palm Trees (minimum brown trunk height of 25 feet), canopy trees (minimum 24-inch box), shrubs, and ground cover. Landscape materials shall match the landscape materials used within the existing project located on the southwest corner of Harbor Boulevard and Chapman Avenue, as well as match the existing public right-of-way landscape improvements located along Harbor Boulevard between Chapman Avenue and Garden Grove Boulevard. The landscape area shall include up-lighting on the trees. The sidewalk pattern shall be consistent with the Harbor Boulevard Decorative Sidewalk Improvements standard of the Public Works Department.
 - b. For sites located south of the SR-22 Freeway, all landscaping shall comply with the landscape requirements of Chapter 9.18.
 4. **Signage.** Signage shall comply with Chapter 9.20 as applicable to the GGMU-1 zone, with exception that projects located north of the SR-22 Freeway shall comply with the sign requirements of Section 9.20.045 (Overlay Design Standards for the International West Report Area) if the project site is located within the boundary area of said sign overlay.

5. **Mixed Use Projects.** For mixed-use projects, the public plaza requirements of Section 9.18.090.020.F shall apply to projects abutting a major arterial, including Harbor Boulevard, Garden Grove Boulevard, Trask Avenue, and Westminster Avenue.

9.18.190.020. Industrial/Residential Mixed Use 1 Overlay

- A. **Purpose.** This subsection shall apply to properties within the Industrial/Residential Mixed Use 1 General Plan land use designation where the overlay zone has been applied as shown on the Zoning Map.
- B. **Intent.** The Industrial/Residential Mixed Use 1 Overlay is intended to accommodate residential development on properties located within the existing Industrial/Residential Mixed Use 1 land use designation..
- C. **Allowed Uses.** For projects utilizing the Industrial/Residential Mixed Use 1 Overlay, allowed uses shall be the same as those allowed in the Garden Grove Boulevard Mixed Use 1 (GGMU-1) zone pursuant to Table 9.18-1 of Section 9.18.020.030, subject to the conditions and standards set forth in Section 9.18.030 (Specific Uses - Special Operating Conditions and Development Standards), with exception that Adult Entertainment uses shall not be permitted. In addition, Live-Work and Work-Live uses are allowed subject to Conditional Use Permit approval.
- D. **Development Standards.** For projects utilizing the Industrial/Residential Mixed Use 1 Overlay, the development standards shall be the same as those applicable to the GGMU-1 zone set forth in Chapter 9.18, except as otherwise expressly provided herein. The following exceptions shall apply:
 1. **Residential Density.** A maximum of 60 dwelling units per acre is permitted.
 2. **Stand-alone Residential.** Stand-alone residential projects are permitted with no commercial component or minimum floor area ratio required.
 3. **Plaza Requirements.** There shall be no plaza requirement for mixed-use or stand-alone residential projects.
 4. **Signage.** Signage shall comply with Chapter 9.20 as applicable to the GGMU-1 zone.
 5. **Landscaping.** All landscaping shall comply with the landscape requirements of Chapter 9.18.

9.18.190.030. Residential/Commercial Mixed Use 2 Residential Overlay

- E. **Purpose.** This subsection shall apply to properties within the Residential/Commercial Mixed Use 2 General Plan land use designation

located along Westminster Avenue where the overlay zone has been applied as shown on the Zoning Map.

- F. **Intent.** The intent of the Residential/Commercial Mixed Use 2 Residential Overlay is to facilitate the development of stand-alone residential development along Westminster Avenue.
- G. **Allowed Uses.** For projects utilizing the Residential/Commercial Mixed Use 2 Residential Overlay, only residential uses shall be permitted, and shall be the same residential uses as those allowed in the Garden Grove Boulevard Mixed Use 2 (GGMU-2) zone pursuant to Table 9.18-1 of Section 9.18.020.030, subject to the conditions and standards set forth in Section 9.18.030 (Specific Uses - Special Operating Conditions and Development Standards). No commercial uses or Residential/Commercial Mixed Use Development shall be permitted with implementation of this residential overlay.
- H. **Development Standards.** For projects utilizing the Residential/Commercial Mixed Use 2 Residential Overlay, the R-3 (Multiple-Family Residential) zone development standards of Chapter 9.12 shall apply except as otherwise expressly provided herein. The following exceptions shall apply:
1. **Residential Density.** A maximum of 24 dwelling units per acre is permitted.
 2. **Signage.** Signage shall comply with Chapter 9.20 as applicable to the R-3 zone.
 3. **Landscaping.** All landscaping shall comply with the landscape requirements of Chapter 9.12.

SECTION 8. The properties shown on the attached Exhibit A, Exhibit B, Exhibit C, and Exhibit D maps, and accompanying Exhibit E with corresponding Assessor's Parcel Numbers, shall be included in the Mixed-Use Overlay Zone, as specified on Exhibits A, B, C, D, and E. The Zoning Map shall be amended accordingly.

SECTION 9. The properties shown on the attached Exhibit F map, and the accompanying Exhibit G with corresponding addresses and Assessor's Parcel Numbers are hereby rezoned to Multiple-Family Residential (R-3), Neighborhood Mixed Use (NMU), Garden Grove Boulevard Mixed Use 2 (GGMU-2), Garden Grove Mixed Use 3 (GGMU-3) and Civic Center Core (CC-3), as specified on Exhibits F and G. The Zoning Map shall be amended accordingly.

SECTION 10: 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 11: 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.



EXHIBIT A MIXED USE OVERLAY ZONE INTERNATIONAL WEST MIXED USE OVERLAY SITE AREA MAP 1



LEGEND

-  SUBJECT PROPERTIES – MIXED USE OVERLAY ZONE – INTERNATIONAL WEST MIXED USE OVERLAY

NOTES

1. LAND USE DESIGNATION – INTERNATIONAL WEST MIXED USE
2. ZONING: C-1, C-2, C-3, M-1, HCSP-TS, HCSP-SDS, HCSP-OP



EXHIBIT B
MIXED USE OVERLAY ZONE
INTERNATIONAL WEST MIXED USE OVERLAY
SITE AREA MAP 2



LEGEND

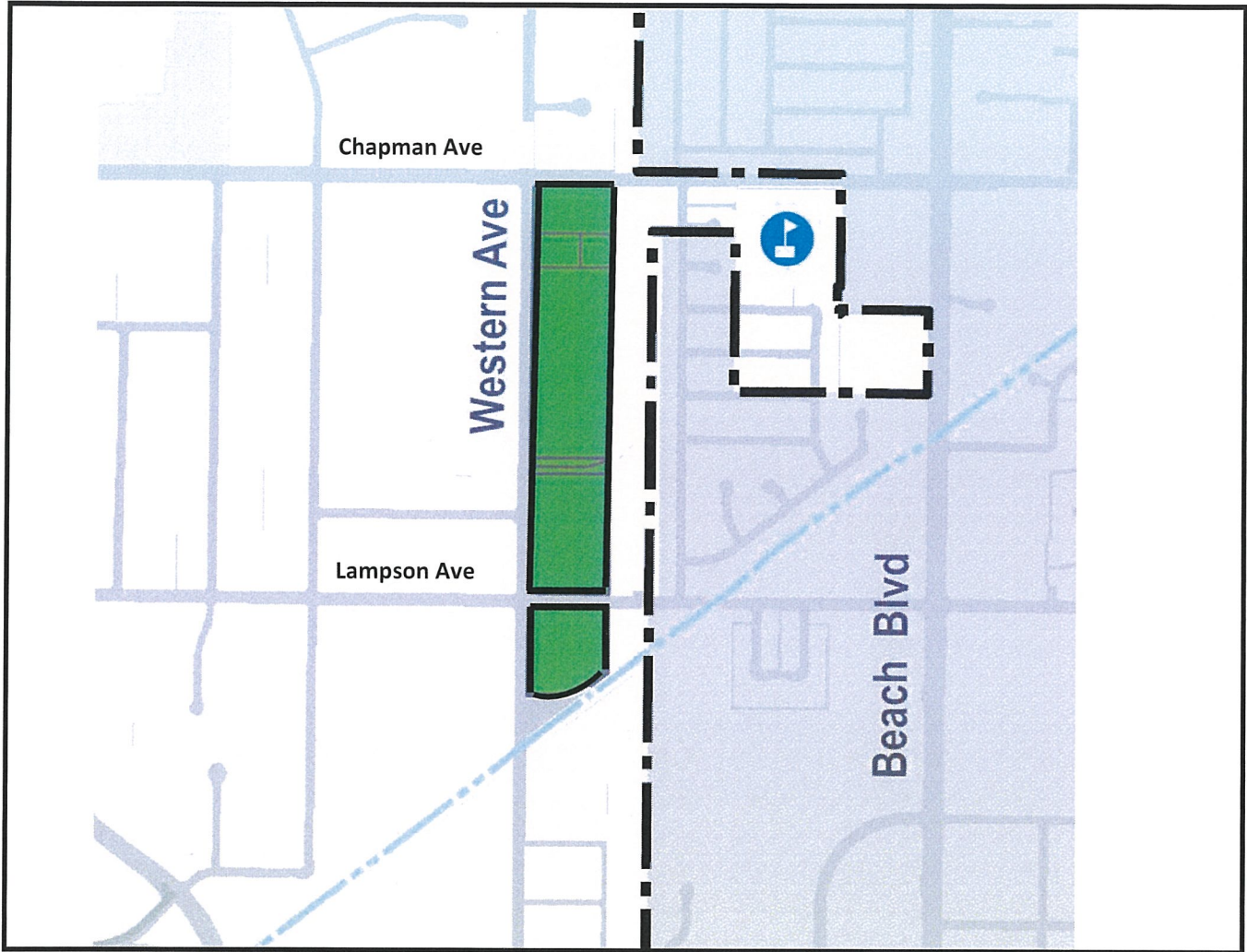
-  SUBJECT PROPERTIES – MIXED USE OVERLAY ZONE - INTERNATIONAL WEST MIXED USE OVERLAY

NOTES

1. LAND USE DESIGNATION – INTERNATIONAL WEST MIXED USE
2. ZONING: HCSP-TS, HCSP-SDS, PUD-103-72, PUD-121-98, PUD-128-12



EXHIBIT C
MIXED USE OVERLAY ZONE
INDUSTRIAL/RESIDENTIAL MIXED USE 1 OVERLAY



LEGEND

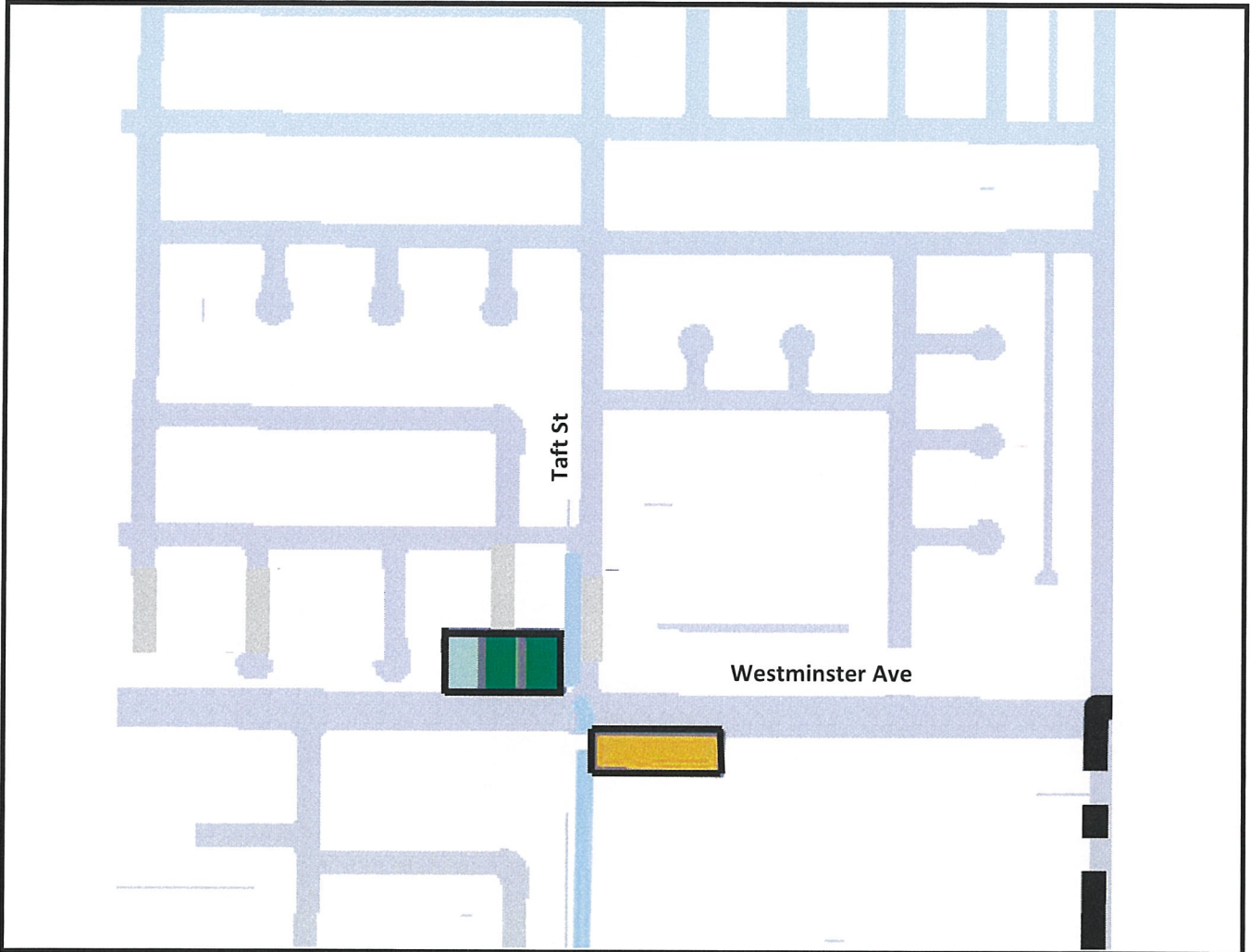
-  SUBJECT PROPERTIES – MIXED USE OVERLAY ZONE - INDUSTRIAL/RESIDENTIAL MIXED USE 1 OVERLAY

NOTES

1. LAND USE DESIGNATION – INDUSTRIAL/RESIDENTIAL MIXED USE 1
2. ZONING: M-P (INDUSTRIAL PARK)



EXHIBIT D
MIXED USE OVERLAY ZONE
RESIDENTIAL/COMMERCIAL MIXED USE 2
RESIDENTIAL OVERLAY



LEGEND

 SUBJECT PROPERTIES – MIXED USE OVERLAY ZONE – RESIDENTIAL/COMMERCIAL MIXED USE 2
RESIDENTIAL OVERLAY

NOTES

1. LAND USE DESIGNATION – RESIDENTIAL/COMMERCIAL MIXED USE 2
2. ZONING: C-1 (NEIGHBORHOOD COMMERCIAL)

EXHIBIT E

MIXED USE OVERLAY SITES

THE FOLLOWING PARCELS WILL BE INCLUDED IN THE INTERNATIONAL WEST MIXED USE OVERLAY:

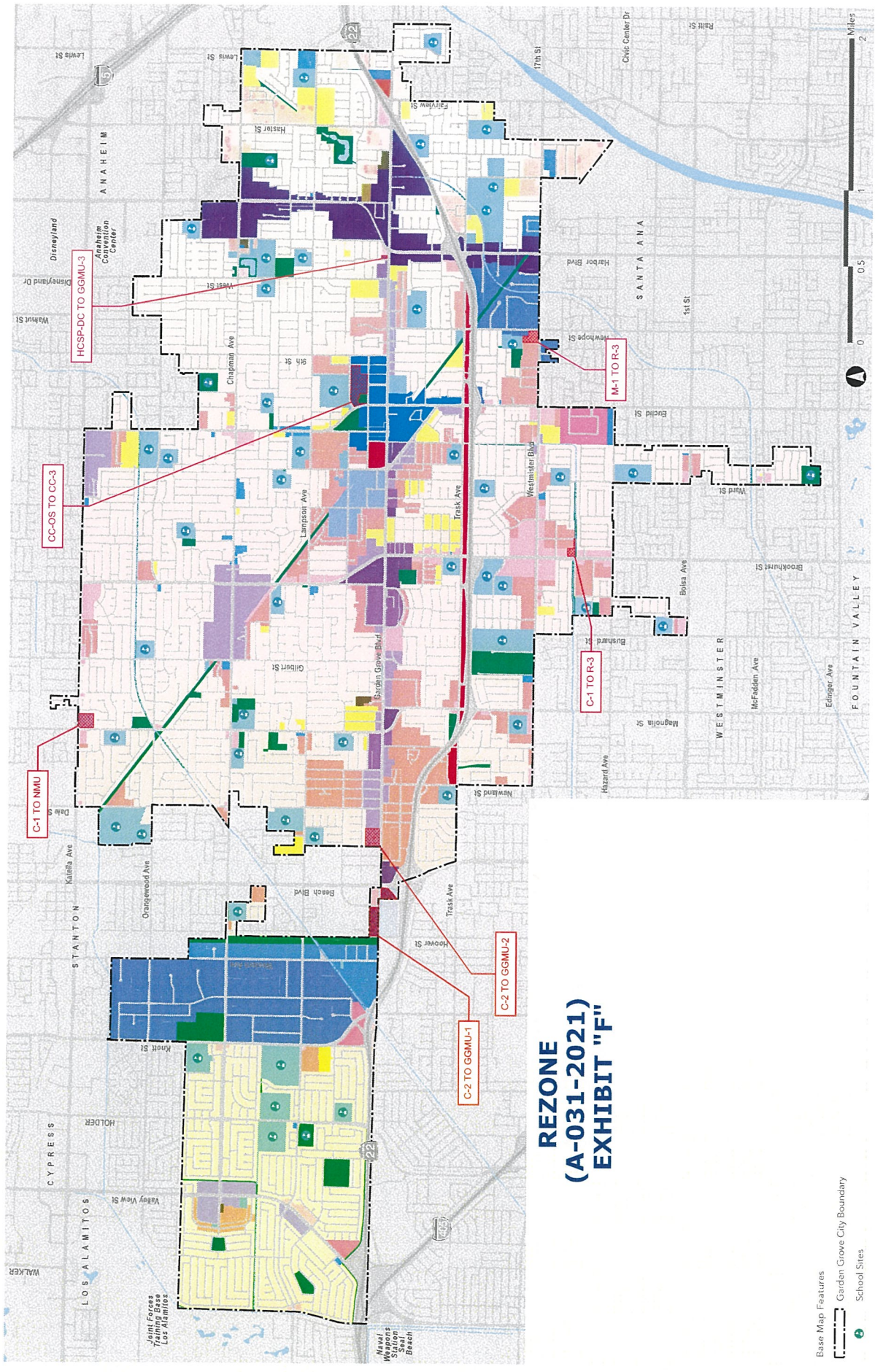
APN # 101-011-06	APN# 231-561-14	APN# 101-080-63	APN# 100-352-20
APN# 101-080-68	APN# 101-080-64	APN# 100-130-67	APN# 100-130-66
APN# 231-491-12	APN# 231-491-13	APN# 231-491-14	APN# 231-491-15
APN# 231-451-40	APN# 231-451-38	APN# 231-451-37	APN# 231-451-36
APN# 100-130-56	APN# 101-611-78	APN# 100-130-71	APN# 100-345-23
APN# 101-681-22	APN# 101-642-02	APN# 101-452-02	APN# 100-335-25
APN# 101-611-02	APN# 100-335-34	APN# 100-335-37	APN# 100-130-72
APN# 100-335-30	APN# 100-130-74	APN# 100-130-73	APN# 101-642-01
APN# 101-080-71	APN# 101-080-73	APN# 101-080-74	APN# 231-441-36
APN# 100-347-15	APN# 231-405-01	APN# 100-122-33	APN# 101-080-76
APN# 100-345-21	APN# 101-311-25	APN# 101-343-65	APN# 231-441-35
APN# 101-011-02	APN# 101-315-33	APN# 231-422-14	APN# 231-422-07
APN# 231-422-12	APN# 231-422-15	APN# 231-423-09	APN# 231-422-09
APN# 231-423-08	APN# 231-422-08	APN# 231-422-22	APN# 231-422-21
APN# 231-422-20	APN# 231-422-19	APN# 231-422-18	APN# 231-422-17
APN# 231-422-16	APN# 231-422-11	APN# 231-423-15	APN# 231-423-16
APN# 231-423-14	APN# 231-423-13	APN# 231-423-12	APN# 231-423-11
APN# 231-423-10	APN# 231-422-10	APN# 231-423-02	APN# 231-423-01
APN# 231-423-03	APN# 231-423-04	APN# 231-423-05	APN# 231-423-06
APN# 231-423-07	APN# 101-311-17	APN# 101-011-03	APN# 101-311-19
APN# 101-311-24	APN# 101-311-21	APN# 101-311-20	

THE FOLLOWING PARCELS WILL BE INCLUDED IN THE INDUSTRIAL/RESIDENTIAL 1 MIXED USE OVERLAY:

APN# 131-671-11	APN# 131-671-09	APN# 131-671-10	APN# 131-671-08
APN# 215-032-01			

THE FOLLOWING PARCELS WILL BE INCLUDED IN THE RESIDENTIAL/COMMERCIAL MIXED 2 RESIDENTIAL OVERLAY:

10721 WESTMINSTER AVE APN# 099-504-47	10711 WESTMINSTER AVE APN# 099-504-45
10691 WESTMINSTER AVE APN# 099-504-44	10742 WESTMINSTER AVE APN# 099-181-12



REZONE (A-031-2021) EXHIBIT "F"

Base Map Features
 Garden Grove City Boundary
 School Sites



EXHIBIT G

ZONE CHANGE

ZONE CHANGE FROM C-1 (NEIGHBORHOOD COMMERCIAL) TO R-3 (MULTIPLE FAMILY RESIDENTIAL):

10081 13TH ST APN# 099-173-20
14212 BROOKHURST ST APN# 099-173-10,
APN# 099-173-45

14202 BROOKHURST ST APN# 099-173-08

ZONE CHANGE FROM C-1 (NEIGHBORHOOD COMMERCIAL) TO NMU (NEIGHBORHOOD MIXED USE):

11092 MAGNOLIA ST APN# 132-06-132
11052 MAGNOLIA ST APN# 132-061-28
11002 MAGNOLIA ST APN# 132-061-18

11072 MAGNOLIA ST APN# 132-061-31
11012 MAGNOLIA ST APN# 132-061-29

ZONE CHANGE FROM C-2 (COMMUNITY COMMERCIAL) TO GGMU-1 (GARDEN GROVE BOULEVARD MIXED USE 1):

7861 GARDEN GROVE BLVD APN# 131-682-62
7701 GARDEN GROVE BLVD APN# 131-682-05
7942 GARDEN GROVE BLVD APN# 096-281-14
7912 GARDEN GROVE BLVD APN# 096-281-11,
APN# 096-281-13

7761 GARDEN GROVE BLVD APN # 131-682-61
7900 GARDEN GROVE BLVD APN # 096-281-09
7942 GARDEN GROVE BLVD APN # 096-281-14

ZONE CHANGE FROM C-2 (COMMUNITY COMMERCIAL) TO GGMU-2 (GARDEN GROVE BOULEVARD MIXED USE 2):

8301 GARDEN GROVE BLVD APN# 131-541-20

ZONE CHANGE FROM M-1 (LIMITED INDUSTRIAL) TO R-3 (MULTIPLE-FAMILY RESIDENTIAL):

11461 WESTMINSTER AVE APN# 100-141-10
11431 WESTMINSTER AVE APN# 100-141-11

13931 NEWHOPE ST APN# 100-141-09

ZONE CHANGE FROM HCSP-DC (HARBOR CORRIDOR SPECIFIC PLAN-DISTRICT COMMERCIAL) TO GGMU-3 (GARDEN GROVE MIXED USE 3):

12141 GARDEN GROVE BLVD APN# 231-404-13

ZONE CHANGE FROM CC-OS (CIVIC CENTER- OPEN SPACE) TO CC-3 (CIVIC CENTER CORE):

11390 AND 11400 STANDARD AVE APN# 090-154-57
11200 STANDARD AVE APN# 090-143-27
APN# 090-154-56

11261 ACACIA PKWY APN# 090-154-58
12772 5TH ST APN# 090-154-49