

RESOLUTION NO. 5995-20

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING THE CITY COUNCIL APPROVE AMENDMENT NO. A-027-2020, A ZONING TEXT AMENDMENT TO TITLE 9 OF THE GARDEN GROVE MUNICIPAL CODE TO REPEAL THE EXISTING AND ADOPT NEW REGULATIONS FOR THE DEVELOPMENT OF ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS IN THE CITY TO CONFORM TO CHANGES IN STATE LAW.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on July 16, 2020, does hereby recommend approval of Amendment No. A-027-2020 to the City Council.

BE IT FURTHER RESOLVED in the matter of Amendment No. A-027-2020, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The case was initiated by the City of Garden Grove.
2. The City of Garden Grove is proposing to repeal portions of Chapter 9.08 of Title 9 (Zoning) of the Garden Grove Municipal code pertaining to accessory dwelling units, and to add Chapter 9.54 to Title 9 of the Municipal Code to establish regulations for Accessory Dwelling Units and Junior Accessory Dwelling Units consistent with State law.
3. The Planning Commission recommends the City Council find that the proposed amendment is exempt from the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code Section 21080.17 (CEQA does not apply to the adoption of an ordinance by a city or county to implement the provisions of Section 65852.1 or Section 65852.2 of the Government Code) and CEQA Guidelines Section 15061(b)(3) (It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment).
4. Pursuant to legal notice, a public hearing was held on July 16, 2020, and all interested persons were given an opportunity to be heard.
5. Report submitted by City staff was reviewed.
6. The Planning Commission gave due and careful consideration to the matter during its meeting of July 16, 2020; and

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

FACTS:

The proposed Code Amendment is a text amendment intended to conform the City's Municipal Code with recent State law changes by incorporating provisions and regulations pertaining to accessory dwelling units ("ADUs") and junior accessory units ("JADUs").

Effective January 1, 2020, Senate Bill (SB 13) and Assembly Bills (AB) AB 68, 587, 671, and 881 amended Government Code Sections 65852.2 and 65852.22 and added Government Code Section 65852.6 for the purpose of further facilitating the housing production of ADUs and JADUs to address the State's housing shortage. These amended State laws establish new requirements and limitations that local jurisdictions must comply with in order to retain authority to continue to regulate ADUs. The proposed text amendment will be make the City's regulations for ADUs and JADUs consistent with the amended State law.

FINDINGS AND REASONS:

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

The proposed Land Use Code Amendment is internally consistent with the goals, policies, and elements of the General Plan. The proposed text amendments will bring the City's Land Use Code into conformance with recent changes to State law pertaining to accessory dwelling units (ADUs) and junior accessory units (JADUs). The intent of the changes to the State law is to continue to facilitate the housing production of ADUs and JADUs, which are considered as an essential affordable housing option to address the State's housing shortage. Pursuant to State law, ADUs and JADUs will be allowed in zones where single-family and multiple-family uses are permitted. Goal LU-2 and Policy LU-2.2 of the General Plan Land Use element encourage a diverse mix of housing types in the City. In addition, the goal of the General Plan Housing Element is to encourage the development of affordable housing to meet the City's regional housing needs as well as to provide housing that encourages people of all economic levels to live in Garden Grove. ADUs and JADUs will provide for more housing opportunities in the City that will meet the City's regional housing needs.

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

The proposed Land Use Code Amendment will promote the public health, safety and welfare. The proposed text amendments will bring the City's Land Use Code into conformance with changes to State law relating to accessory dwelling units (ADUs) and junior accessory units (JADUs). The proposed text amendments are intended to be consistent with current State law, and will facilitate the housing production of ADUs and JADUs, which are an essential affordable housing option to meet the State's housing shortage. Nevertheless, to minimize

impacts of ADUs and JADUs to existing residential neighborhoods, the Land Use Code will continue to contain reasonable development standards and regulations for ADUs and JADUs, as permitted by State law, including prohibiting the short-term rental of ADUs and JADUs and requiring owner-occupancy for properties developed with JADUs and the recordation of a corresponding deed restriction

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN THE STAFF REPORT:

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. Amendment No. A-027-2020 possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030.D.1 (Code Amendment).
2. The Planning Commission recommends that the City Council approve Amendment No. A-027-2020 and adopt the draft Ordinance attached hereto as Exhibit "A".

Adopted this 16th day of July 2020

ATTEST: /s/ JEREMY LEHMAN  
CHAIR

/s/ JUDITH MOORE  
RECORDING SECRETARY

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

I, JUDITH MOORE, Secretary of the City of Garden Grove Planning Commission, do hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Garden Grove, California, at a meeting held on July 16, 2020, by the following vote:

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

/s/ JUDITH MOORE  
RECORDING SECRETARY

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

A decision becomes final if it is not timely appealed to the City Council. Appeal deadline is August 6, 2020.