

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).

Adopted this 21st day of October 2021

ATTEST:

/s/ DAISY PEREZ
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 October 21, 2021, by the following vote:

AYES: COMMISSIONERS: (4) CUNNINGHAM, LEHMAN, RAMIREZ,
SOEFFNER
NOES: COMMISSIONERS: (3) ARESTEGUI, LINDSAY, PEREZ

/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 November 11, 2021.