

ORDINANCE NO. 2925

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

City Attorney Summary

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 November 9, 2021, the City Council adopted Resolution No. 9714-21 (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 November 9, 2021, the City Council adopted Resolution No. 9713-21, 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 November 9, 2021, 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.

The foregoing Ordinance was passed by the City Council of the City of Garden Grove on the ___ day of _____.

MAYOR

ATTEST:

CITY CLERK

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

I, LIZABETH VASQUEZ, Deputy City Clerk of the City of Garden Grove, do hereby certify that the foregoing Ordinance was introduced for first reading and passed to second reading on November 9, 2021, with a vote as follows:

AYES: COUNCIL MEMBERS: (6) BRIETIGAM, O'NEILL, NGUYEN D.,
KLOPFENSTEIN, NGUYEN K., JONES
NOES: COUNCIL MEMBERS: (0) NONE
ABSENT: COUNCIL MEMBERS: (1) BUI