



AGENDA

GARDEN GROVE PLANNING COMMISSION

December 15, 2022 - 7:00 PM

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE

COVID-19 Information: Masks are not required, however, the public is encouraged to wear face masks in City facilities. 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 have other flu-like symptoms.

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

Agenda Item Descriptions: Are intended to give a brief, general description of the item. The Planning Commission may take legislative action deemed appropriate with respect to the item and is not limited to the recommended action indicated in staff reports or the agenda.

Documents/Writings: Any revised or additional documents/writings related to an item on the agenda distributed to all or a majority of the Planning Commission within 72 hours of a meeting, are made available for public inspection at the same time (1) in the Planning Services Division Office at 11222 Acacia Parkway, Garden Grove, CA 92840, during normal business hours; and (1) at the Community Meeting Center at the time of the meeting.

Public Comments: Members of the public who attend the meeting in-person and would like to address the Planning Commission are requested to complete a yellow speaker card indicating their name and address, and identifying the subject matter they wish to address. This card should be given to the Recording Secretary before the meeting begins. General comments are made during "Oral Communications" and are limited to three (3) minutes and to matters the Planning Commission has jurisdiction over. Persons wishing to address the Planning Commission regarding a Public Hearing matter will be called to the podium at the time the matter is being considered. 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 public-comment@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.

PLEASE SILENCE YOUR CELL PHONES DURING THE MEETING.

REGULAR MEETING AGENDA

ROLL CALL: CHAIR RAMIREZ, VICE CHAIR LINDSAY
COMMISSIONERS ARESTEGUI, CUNNINGHAM, LEHMAN, PEREZ

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

- A. ORAL COMMUNICATIONS - PUBLIC
- B. APPROVAL OF MINUTES – [November 17, 2022](#) and [December 1, 2022](#)
- C. CONTINUED PUBLIC HEARING(S) (Authorization for the Chair to execute Resolution shall be included in the motion.)

C.1. [SITE PLAN NO. SP-119-2022](#)
[TENTATIVE TRACT MAP NO. TT-19129](#)

APPLICANT: NRI PORTFOLIOS, LLC

LOCATION: SOUTH SIDE OF GARDEN GROVE BOULEVARD,
BETWEEN NEWLAND STREET AND YOCKEY STREET, AT
8722 GARDEN GROVE BOULEVARD

REQUEST: A request for Site Plan approval to construct a three-story, townhome residential project consisting of twenty (20) units, which includes one (1) affordable housing unit for "very low-income" households on a 36,945 square-foot (0.85 acres) site currently improved with a vacant auto dealership. Pursuant to the State Density Bonus law, the applicant is requesting one (1) concession and one (1) waiver from the GGMU-2 (Garden Grove Mixed Use 2) zone development standards: (1) a concession to allow the building to be constructed within the 45-degree encroachment plane required for mixed use zoned properties abutting residentially zoned lots along the side yard setback; and (2) a waiver to deviate from the requirement of a boulevard garden plaza for properties in the GGMU zones for properties abutting the Garden Grove Boulevard right-of-way. In accordance with the State Subdivision Map Act, the applicant is also requesting approval of a Tentative Tract Map to subdivide the existing property into two (2) lots for the purpose of selling each townhome unit as a condominium. The site is in the GGMU-2 (Garden Grove Boulevard Mixed Use 2) zone. The project is exempt from the CEQA pursuant to Government Code Section 15332 - In-Fill Development Projects - of the State CEQA Guidelines.

STAFF RECOMMENDATION: Approval of Site Plan No. SP-119-2022 and Tentative Tract Map No. TT-19129, subject to the recommended conditions of approval.

D. [MATTERS FROM COMMISSIONERS](#)

E. [MATTERS FROM STAFF](#)

F. [ADJOURNMENT](#)

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

Meeting Minutes
Thursday, November 17, 2022

CALL TO ORDER: 7:02 p.m.

ROLL CALL:

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

Absent: Arestegui, Perez

Commissioner Perez joined the meeting at 7:20 p.m.

PLEDGE OF ALLEGIANCE: Led by Vice Chair Lindsay.

ORAL COMMUNICATIONS – PUBLIC – None.

September 1, 2022 MINUTES:

Action: Received and filed.
Motion: Lindsay Second: Lehman
Ayes: (4) Cunningham, Lehman, Lindsay, Ramirez
Noes: (0) None
Absent: (2) Arestegui, Perez

PUBLIC HEARING – SITE PLAN NO. SP-117-2022 FOR PROPERTY LOCATED ON THE SOUTH SIDE OF STANFORD AVENUE, WEST OF LORNA STREET, AT 12771 LORNA STREET.

Applicant: ZBT GROUP
Date: November 17, 2022

Request: Site Plan approval to construct six (6) three-story, multi-family residential units with two-car garages on a 16,329 square foot lot currently improved with a two-story, single-family dwelling, a detached second unit, and a detached garage. Also, minor land deviation to exceed the required

number of bathrooms and allow an additional half-bath on units 1, 3, 4, and 6. The site is in the R-3 (Multiple-Family Residential) zone. The project is exempt from the CEQA pursuant to Government Code Section 15332 – In-Fill Development Projects – of the State CEQA Guidelines.

Action: Resolution No. 6052-22 was approved. Other than the applicant’s representative, one person inquired about sidewalks on the east side of Lorna Street. Staff responded that a bid was out for the renovation of the street and addition of sidewalk.

Motion: Lindsay Second: Lehman

Ayes: (4) Cunningham, Lehman, Lindsay, Ramirez

Noes: (0) None

Absent: (2) Arestegui, Perez

PUBLIC HEARING – SITE PLAN NO. SP-119-2022 AND TENTATIVE TRACT MAP NO. TT-19129-2022 FOR PROPERTY LOCATED ON THE SOUTH SIDE OF GARDEN GROVE BOULEVARD, BETWEEN NEWLAND STREET AND YOCKEY STREET, AT 8722 GARDEN GROVE BOULEVARD.

Applicant: NRI PORTFOLIOS, LLC

Date: November 17, 2022

Request: A request for Site Plan approval to demolish an existing auto dealership to construct a three-story townhome residential project consisting of twenty (20) units, which includes one (1) affordable housing unit for “very low-income” households, on a 36,945 square foot (0.85 acres) site. Pursuant to State Density Bonus law, the applicant is requesting one (1) concession and one (1) waiver from the GGMU-2 (Garden Grove Boulevard Mixed Use 2) zone development standards: (1) a concession to allow the building to be constructed within the 45-degree encroachment plane required for mixed-use zoned properties abutting residentially zoned lots along the side yard setback; and (2), a waiver to deviate from the requirement of a boulevard garden plaza for properties in the GGMU zones for properties abutting the Garden Grove Boulevard right-of-way. Also, Tentative Tract Map approval to subdivide the subject property to facilitate the development of the project. The site is in the GGMU-2 (Garden Grove Boulevard Mixed Use 2) zone. The project is exempt from the CEQA pursuant to Government Code Section 15332 – In-Fill Development Projects – of the State CEQA Guidelines.

Action: The Chair re-opened the Public Hearing. One letter submitted expressed concerns in regard to the use, and occasional blocked access of the alley by the former car dealer, and another letter from the CA Renters Legal Advocacy and Education Fund stated the City had an obligation to follow housing laws. Other than the applicant, two people spoke in regard to the alley's access, safety, and proposed gate.

Motion 1:

The Chair re-opened the Public Hearing and motioned to approve the project with the added condition to require the two compact parking spaces next to the trash enclosure to be converted to a 'turn-around' with the proposed alley gate to be for emergency/trash use only:

Motion: Ramirez Second: Lehman

The motion failed with no votes.

Substitute Motion 2:

With the Public Hearing re-opened, the motion was to continue the item to December 15th in order for staff to determine a solution for the project's alley turn-around and proposed gate access in regard to maneuverability and safety.

Motion: Lindsay Second: Perez

Ayes: (5) Cunningham, Lehman, Lindsay, Perez, Ramirez
Noes: (0) None
Absent: (1) Arestegui

MATTERS FROM COMMISSIONERS: None.

MATTERS FROM STAFF: Staff stated that the Commission is to remain seated until further notice into the new year and that Planner Chris Chung was promoted to Senior Planner. Chair Ramirez acknowledged the City's former Planning Manager, Lee Marino, in his retirement and congratulated Maria Parra, appointed as the new Planning Manager.

ADJOURNMENT: At 8:27 p.m. to the next Meeting of the Garden Grove Planning Commission on Thursday, December 1, 2022, at 7:00 p.m. in the Community Meeting Center, 11300 Stanford Avenue, Garden Grove.

Judith Moore, Recording Secretary

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

Meeting Minutes
Thursday, December 1, 2022

CALL TO ORDER: 7:00 p.m.

ROLL CALL:

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

Absent: Perez, Ramirez

PLEDGE OF ALLEGIANCE: Led by Commissioner Cunningham.

ORAL COMMUNICATIONS – PUBLIC – None.

PUBLIC HEARING – MITIGATED NEGATIVE DECLARATION, MITIGATION MONITORING AND REPORTING PROGRAM, PLANNED UNIT DEVELOPMENT NO. PUD-018-2022, SITE PLAN NO. SP-118-2022, TENTATIVE TRACT MAP NO. TT-19232 AND VARIANCE NO. V-038-2022 FOR PROPERTY LOCATED ON THE NORTH SIDE OF LAMSPON AVENUE, BETWEEN MAGNOLIA STREET AND LORALEEN STREET, AT 9071 9081, 9091 LAMPSON AVENUE.

Applicant: PLC GARDEN GROVE, LLC
Date: December 1, 2022

Request: A request that the Planning Commission recommend City Council approval of residential Planned Unit Development zoning and related entitlements for a proposed 13-unit small-lot subdivision project on an approximately 1.6-acre site, located at 9071, 9081, and 9091 Lampson Avenue (Assessor's Parcel Nos. 133-183-55, 56, 57, and 58). The specific land use entitlement approvals requested include the following: (i) residential Planned Unit Development zoning to facilitate the development of the small-lot subdivision project; (ii) Site Plan approval to construct 13 two-story homes along with associated site improvements; and (iii) in accordance with the State Subdivision Tract Map, approval to subdivide the subject properties into 17 separate lots. The Planning Commission will also consider a recommendation

that the City Council adopt a Mitigated Negative Declaration and an associated Mitigation Monitoring and Reporting Program for the project.

Action: Resolution Nos. 6054-22 (MND/MMRP/PUD) and 6055-22 (SP/TT) were approved. Other than the applicant, one person spoke in support of the project and one letter of support was submitted by the President of Lampson Court HOA. Note: The Variance was not required for the project due to a recent Code Amendment.

Motion: Arestegui Second: Lindsay

Ayes: (4) Arestegui, Cunningham, Lehman, Lindsay
Noes: (0) None
Absent: (2) Ramirez, Perez

MATTERS FROM COMMISSIONERS: Vice Chair Lindsay acknowledged his wife's upcoming birthday.

MATTERS FROM STAFF: Staff noted the transition from hard copy Planning Commission packets to an improved digital format of delivery that would begin with the December 15th meeting, and that hard copies would be available for pick-up if preferred. Staff then added that Commissioners were to remain seated until further notice.

ADJOURNMENT: At 7:27 p.m. to the next Meeting of the Garden Grove Planning Commission on Thursday, December 15, 2022, 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

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|---|--|
| AGENDA ITEM NO.: C.1. | SITE LOCATION: South side of Garden Grove Boulevard, between Newland Street and Yockey Street, at 8722 Garden Grove Boulevard |
| HEARING DATE: December 15, 2022 | GENERAL PLAN: Residential/Commercial Mixed Use 2 (RC2) |
| CASE NOS.: Site Plan No. SP-119-2022 Tentative Tract Map No. TT-19129 | ZONE: GGMU-2 (Garden Grove Boulevard Mixed Use 2) |
| APPLICANT: NRI Portfolios, LLC | APN: 097-222-03 |
| PROPERTY OWNER: Same as applicant | CEQA DETERMINATION: Exempt- Section 15332 "In-Fill Development Projects" |

REQUEST:

The applicant is requesting Site Plan approval to construct a three-story, townhome residential project consisting of twenty (20) units, which includes one (1) affordable housing unit for "very low-income" households on a 36,945 square-foot (0.85 acres) site currently improved with a vacant auto dealership. Pursuant to the State Density Bonus law, the applicant is requesting one (1) concession and one (1) waiver from the GGMU-2 (Garden Grove Mixed Use 2) zone development standards: (1) a concession to allow the building to be constructed within the 45-degree encroachment plane required for mixed use zoned properties abutting residentially-zoned lots along the side yard setback; and (2) a waiver to deviate from the requirement of a boulevard garden plaza for properties in the GGMU zones for properties abutting the Garden Grove Boulevard right-of-way. In accordance with the State Subdivision Map Act, the applicant is also requesting approval of a Tentative Tract Map to subdivide the existing property into two (2) lots for the purpose of selling each townhome unit as a condominium.

DISCUSSION:

The proposed project was considered by the Planning Commission during the Public Hearing of the November 17, 2022 Planning Commission meeting. The item was continued to the December 15, 2022 meeting to allow Staff and the Applicant to re-evaluate and address safety and access concerns raised by the Commissioners and members of the public regarding the proposed vehicular gate at the rear of the site adjacent to a public alley.

The Applicant has proposed the following safety measures:

1. The installation of wrought iron fencing along portions of the rear property line in place of the proposed CMU block wall to allow for improved visibility of the alley for motorists exiting the site.
2. The installation of a speed hump between the ground sensor and vehicular gate to slow the speed of vehicles exiting the site.

The City's Traffic Engineering Division is in support of the installation of wrought iron fencing along any portions of CMU block wall located within the sight distance triangle. The Applicant has prepared a sight distance drawing and turning radius plan that has been reviewed by the Traffic Engineering Division. Based on the findings of the sight distance plan, 10'-0" of wrought iron fencing is proposed on each side of the vehicular gate.

The City's Traffic Engineering Division is in support of a speed hump provided that it is located within private property only. Historically, the City has not installed speed humps within any public alley or streets due to liability, and potential damage to vehicles. However, the Traffic Engineering Division supports the installation of a speed hump between the ground sensor and the vehicular gate to slow vehicles when exiting off the alley since it would be located on private property. Furthermore, the Police Department and the Orange County Fire Authority (OCFA) are in support of the installation of a speed hump at the proposed location.

Staff has prepared the following suggested text to incorporate the proposed safety measures into the recommended Conditions of Approval:

101. Consistent with Sight Distance Standards in accordance with City's Traffic Engineering Policy TE-13, 10'-0" of wrought iron fencing shall be provided at each side of the vehicular gate to provide clear and unobstructed visibility of the alley. The wrought iron fencing shall not be improved with any clinging vines or materials that limit visibility to the alley from motorists.
102. A speed hump shall be installed between the ground sensor and vehicular gate. The speed hump shall not encroach into any portions of the public alley.

Attached are the revised plans incorporating the two (2) proposed safety measures (Attachment 1), sight distance and turning radius plans (Attachment 2), and the updated Resolution with Conditions of Approval, which includes bolded text for the additional proposed conditions (Attachment 3).

The previous Staff Report for the November 17, 2022 meeting can be found on the City's website at <https://ggcity.org/sites/default/files/commissions/planning-commission/a11172022.pdf>.

The November 17, 2022 meeting audio recording can also be found on the City's website at <https://ggcity.org/commissions/planning-commission#>.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

1. Adopt Resolution No. 6053-22 approving Site Plan No. SP-119-2022 and Tentative Tract No. TT-19129, subject to the recommended Conditions of Approval.



Maria Parra
Planning Services Manager



By: Mary Martinez
Associate Planner

- Attachment 1: Revised Site Plan
Attachment 2: Sight Distance and Turning Radius Plans
Attachment 3: Updated Resolution No. 6053-22 with Conditions of Approval

RESOLUTION NO. 6053-22

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-119-2022 AND TENTATIVE TRACT MAP NO. TT-19129-2022 FOR PROPERTY LOCATED ON THE SOUTH SIDE OF GARDEN GROVE BOULEVARD, BETWEEN NEWLAND STREET AND YOCKEY STREET, AT 8722 GARDEN, ASSESSOR'S PARCEL NO. 097-222-03.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in a regular session assembled on November 17, 2022, and December 15, 2022, hereby approves Site Plan No. SP-119-2022 and Tentative Tract Map No. TT-19129 for a property located on the south side of Garden Grove Boulevard, between Newland Street and Yockey Street, at 8722 Garden Grove Boulevard, Assessor's Parcel No. 097-222-03, subject to the conditions of approval attached hereto as Exhibit "A".

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-119-2022 and Tentative Tract Map No. TT-19129, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by NRI Portfolios, LLC.
2. The applicant is requesting Site Plan approval to construct a three-story, townhome residential project consisting of twenty (20) units, which includes one (1) affordable housing unit for "very low-income" households on a 36,945 square foot (0.85 acres) site currently improved with an auto dealership. Pursuant to the State Density Bonus law, the applicant is requesting one (1) concession and one (1) waiver from the GGMU-2 (Garden Grove Mixed Use 2) zone development standards: (1) a concession to allow the building to be constructed within the 45-degree encroachment plane required for mixed use zoned properties abutting residentially-zoned lots along the side yard setback; and (2) a waiver to deviate from the requirement of a boulevard garden plaza for properties in the GGMU zones for properties abutting the Garden Grove Boulevard right-of-way. In accordance with the State Subdivision Map Act, the applicant is also requesting approval of a Tentative Tract Map to subdivide the existing property into two (2) lots for the purpose of selling each townhome unit as a condominium.
3. The City of Garden Grove Planning Commission hereby determines that the proposed project is categorically exempt from review under the California Environmental Quality Act ("CEQA") pursuant to Section 15332 (In-Fill Development Projects) of the State CEQA Guidelines (14 Cal. Code Regs., Section 15303). As set forth in the Class 32 exemption, the proposed project is: (1) consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; (2) the proposed development occurs within City limits on a project site of no more than five acres substantially surrounded by urban uses; (3) the project site has no value as habitat for endangered, rare or threatened

species; (4) approval of the project would not result in any significant effects relating to traffic, noise, air quality or water quality; and (5) the site can be adequately served by all required utilities and public services. The project is therefore exempt from CEQA review.

4. The property has a General Plan Land Use designation of Residential/Commercial Mixed Use 2. The site is currently developed with an auto dealership.
5. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.
6. Report submitted by the City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on November 17, 2022, and December 15, 2022, and all interested persons were given an opportunity to be heard.
8. The Planning Commission gave due and careful consideration to the matter during its meeting on November 17, 2022, and December 15, 2022.

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Section 9.04.030 are as follows:

FACTS:

The project site is approximately 36,945 square feet (0.85 acres) and is located on the south side of Garden Grove Boulevard, between Newland Street and Yockey Street, and is currently improved with a vacant auto dealership constructed in 1956, which operated under Conditional Use Permit No. CUP-124-91. The subject site has a General Plan Land Use designation of Residential/Commercial Mixed Use 2 and is zoned GGMU-2 (Garden Grove Boulevard Mixed Use 2). The property abuts a GGMU-2 zoned property to the east improved with a commercial center, R-3 (Multiple-Family Residential) zoned properties to the south, across an alley, improved with multi-family units, a Planned Unit Development No. PUD-131-99 zoned property to the west improved with a small lot single-family subdivision development, and GGMU-2 zoned properties to the north across Garden Grove Boulevard improved with commercial buildings.

The car dealership ceased operation in 2018 when the property was sold to the current owner, NRI Portfolios, LLC. The applicant is requesting Site Plan approval to demolish the existing car dealership to construct a three-story, townhome residential project consisting of twenty (20) for-sale condominium units, which includes one (1) affordable housing unit for "very low-income" households. With the exception of four (4) units, which are only improved with two-car garages, each unit is proposed to

consist of a three-car garage, a kitchen, a dining area, a living room, four (4) bedrooms, three (3) bathrooms, a laundry room, a foyer, a front porch, and a second story balcony. The project will provide 16 three-car garages where two (2) parking spaces will be tandem, four (4) two-car garages, and six (6) open guest parking spaces. The site will also be improved with two (2) active recreation areas and a trash enclosure. In conjunction with the request for Site Plan approval, the applicant is requesting Tentative Tract Map approval to subdivide the subject property to facilitate the development of the project with condominium units.

The project site has a General Plan land use designation of Residential/Commercial Mixed Use 2 (RC2). The RC2 land use designation is intended to allow for mixed use residential and commercial development with higher residential densities up to 24 dwelling units per acre. The RC2 land use designation is implemented by the GGMU-2 zone, which allows the development of residential projects without a commercial component.

The applicant is requesting State Density Bonus allowances for parking, one (1) concession, and one (1) waiver to deviate from the GGMU-2 zone development standards: (1) a concession to allow the building to be constructed within the 45-degree encroachment plane required for mixed use zoned properties abutting residentially-zoned lots along the side yard setback; and (2) a waiver to deviate from Section 9.18.090.020.F of the Municipal Code, which requires a boulevard garden plaza for properties in the GGMU zones for properties abutting the Garden Grove Boulevard right-of-way. An Affordable Housing Regulatory Agreement consistent with the State Density Bonus Law and the Garden Grove Municipal Code will be recorded to ensure affordability of the very low-income unit.

Note: The project application was filed prior to the adoption of objective development standards under Amendment No. A-035-2022, which became effective on November 10, 2022. Thus, the project was designed pursuant to the requirements of the GGMU-2 zone prior to the Code Amendment. In compliance with Cal Gov. Code § 65941.1, the applicant has provided the City's Housing Development Pre-Application prior to November 10, 2022, which allows applicants for housing developments to vest zoning regulations for 180 days.

FINDINGS AND REASONS:

SITE PLAN (HOUSING DEVELOPMENTS)

1. The proposed development project is consistent, in compliance, and in conformity with the applicable, objective standards, provisions, conditions or requirements of the General Plan, Title 9, or other applicable ordinances or policies of the City.

The applicant is requesting Site Plan approval to demolish the existing car dealership to construct a three-story, townhome residential project consisting

of twenty (20) for-sale units, which includes one (1) affordable housing unit for “very low-income” households. In conjunction with the request for Site Plan approval, the applicant is requesting Tentative Tract Map approval to subdivide the subject property into (2) lots for the purpose of selling each unit as a condominium.

The subject site has a General Plan land use designation of Residential/Commercial Mixed Use 2 (RC2), and is zoned GGMU-2 (Garden Grove Boulevard Mixed Use 2). The RC2 land use designation is intended to allow for mixed use residential and commercial developments with higher residential densities up to 24 dwelling units per acre. The RC2 land use designation is implemented by the GGMU-2 zone, which allows residential developments without a commercial component.

The project has been designed to comply with the development standards of the Municipal Code for the GGMU-2 zone and the State Density Bonus allowances and is within the density permitted under the General Plan. In addition, the proposed project is consistent with the goals and policies of the General Plan, including:

- a. *Goal LU-3: Higher-density residential development along major thoroughfares and in areas well served by public transit, retail and service businesses, public services, and public gathering places.*

The project site has a General Plan land use designation of RC2, which is intended to allow higher residential densities up to 24 dwelling units per acre. The site fronts Garden Grove Boulevard, which is a major thoroughfare served by public transit, retail and service businesses, and public services.

- b. *Policy LU-3.2: Support development of multi-family housing that provides a diversity of densities, types, and prices that meet the needs of all household income levels.*

The proposed project is a multi-family, twenty (20) unit for-sale townhome development designed at 24 dwelling units per acre. The proposed project has been designed under the State Density Bonus allowances for parking, one (1) concession, and one (1) waiver. Therefore, the project includes one (1) for-sale affordable unit for “very low-income” households. Furthermore, the project will contribute to meeting the City’s Regional Housing Needs Allocation (RHNA), as well as the Housing Element policies.

- c. *Policy LU-3.3: Encourage developers to build housing projects at or maximum allowable densities.*

Under RC2 General Plan land use designation, the subject project is allowed a maximum density of 24 dwelling units per acre, which yields twenty (20) units. The project proposed is a twenty (20) unit townhome residential development that maximizes the allowable density. Furthermore, the Project will contribute to meeting the City's Regional Housing Needs Allocation (RHNA), as well as the Housing Element policies.

- d. *Goal LU-4: The City seeks to develop uses that are compatible with one another.*

The project is located in a dense neighborhood that is improved with multi-family and commercial developments. The properties in the direct vicinity of the project site are zoned GGMU-2 or R-3 (Multiple-Family Residential), and have a RC2 or Medium Density Residential (MDR) land use designations, respectively. The properties directly to the south and west are developed with two-story multi-family residential buildings. Thus, the proposed housing project is consistent with the development pattern of the surrounding residential uses.

- e. *LU-IMP-2B: New development shall be similar in scale to the adjoining residential neighborhood to preserve its character.*

The proposed density, which is twenty (20) townhome units for a 36,945 square foot (0.8 acres) lot, maximizes the allowable density for the GGMU-2 zoned site. The proposed project was reviewed by the City staff and deemed to be within the allowed density, as set forth by the Code. The proposed design is compatible with the physical scale of the immediate neighborhood, which is improved with multi-family developments ranging from one to two stories. Thus, the project is similar both in land use intensity and physical scale of the adjoining residential neighborhood.

- f. *LU-IMP-3D: Front multi-family housing on local streets with appropriate setbacks to be consistent with neighborhood development patterns.*

The project was reviewed by City staff and was determined to meet the required front, side, and rear setbacks, as set forth by the GGMU-2 zone development standards. The proposed buildings will maintain a 17'-5" setback from the front property line along Garden Grove Boulevard, and 12'-3" from the rear property line. The proposed buildings located on the east side of the site are setback 10'-6" from the easterly property line, and the buildings located to the west of the site are setback 11'-6" from the westerly property line, which exceeds the setback standards of the GGMU-2 zone. Thus, the setbacks are consistent to the neighborhood development patterns.

- g. Policy LU-2.4: Assure that the type and intensity of land use shall be consistent with that of the immediate neighborhood.*

The immediate area consists of both multiple-family dwellings and commercial developments. The proposed twenty (20) unit townhome project was reviewed and determined to be within the allowed density and in compliance with the GGMU-2 zone development standards as set forth by the Municipal Code. Thus, the development is consistent with the type and intensity of land use of the immediate neighborhood.

- h. Policy 2.3 of the Housing Element: Provide density bonuses and other financial and regulatory incentives to facilitate the development of affordable housing.*

The proposed project includes one (1) for-sale affordable unit for "very low-income" households. To facilitate the development, the applicant is requesting State Density Bonus allowances for parking, one (1) concession, and one (1) waiver to deviate from the GGMU-2 zone development standards: (1) a concession to allow the building to be constructed within the 45-degree encroachment plane required for mixed use zoned properties abutting residentially-zoned lots along the side yard setback; and (2) a waiver to deviate from Section 9.18.090.020.F of the Municipal Code, which requires a boulevard garden plaza for properties in the GGMU zones for properties abutting the Garden Grove Boulevard right-of-way. The granting of the concession and waiver is needed to facilitate the construction of the proposed development and to support the creation of more affordable housing units in the City. Furthermore, the Project will contribute to meeting the City's Regional Housing Needs Allocation (RHNA).

2. The provisions of the California Environmental Quality Act have been complied with.

The proposed development is exempt from the California Environmental Quality Act ("CEQA"), pursuant to Section 15332 (In-Fill Development Projects) of the CEQA Guidelines (14 Cal. Code Regs., Section 15303). As set forth in the Class 32 exemption, the proposed project is: (1) consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; (2) the proposed development occurs within City limits on a project site of no more than five acres substantially surrounded by urban uses; (3) the project site has no value as habitat for endangered, rare or threatened species; (4) approval of the project would not result in any significant effects relating to traffic, noise, air quality or water quality; and (5) the site can be adequately served by all required utilities and public services. Therefore, the provisions of the California Environmental Quality Act have been complied with.

3. The proposed development project does not have specific, adverse impacts, as defined in subdivision (j)(1)(A) of Government Code Section 65589.5, on public health and safety without any feasible method to satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval of the proposed project.

The proposed twenty (20) unit townhome development will not have specific, adverse impacts on the public health and safety. The proposed project is within the maximum allowable density, is compatible with surrounding uses, is similar in scale to the adjoining neighborhood, and is consistent with the land use type and intensity in the immediate neighborhood. Furthermore, the Project will contribute to meeting the City's Regional Housing Needs Allocation (RHNA), as well as the Housing Element policies.

TENTATIVE TRACT MAP

1. The proposed map is consistent with the General Plan.

The proposed map is consistent with the provisions of the General Plan. The applicant is requesting Tentative Tract Map No. TT-19129 approval to subdivide the subject property to facilitate the development of a three-story, townhome residential project consisting of twenty (20) for-sale condominium units, which includes one (1) affordable housing unit for "very low-income" households. The site has a land use designation of Residential/Commercial Mixed Use 2 (RC2), which is intended to allow for mixed use residential and commercial developments with higher residential densities at 24 dwelling units per acre. The RC2 land use designation is implemented by the GGMU-2 (Garden Grove Boulevard Mixed Use 2) zone, which allows residential developments without a commercial component. The proposed project will consist of twenty (20) units, which is the maximum number of units allowed by the RC2 land use designation and the GGMU-2 zone, and is therefore consistent with the General Plan. Moreover, construction of the residential project will increase the number of available housing in the area, and further the goals of the Housing Element of the General Plan to meeting the City's Regional Housing Needs Allocation (RHNA).

In addition, the proposed map is consistent with the goals and policies of the General Plan, including:

- a. *Goal LU-3: Higher-density residential development along major thoroughfares and in areas well served by public transit, retail and service businesses, public services, and public gathering places.*

The project site has a General Plan land use designation of RC2, which is intended to allow higher residential densities at 24 dwelling units per acre. The site fronts Garden Grove Boulevard, which is a major

thoroughfare served by public transit, retail and service businesses, and public services.

- b. *Policy LU-3.2: Support development of multi-family housing that provides a diversity of densities, types, and prices that meet the needs of all household income levels.*

The proposed project is a multi-family, twenty (20) unit for-sale townhome development designed at 24 dwelling units per acre. The proposed project has been designed under the State Density Bonus allowances for parking, one (1) concession, and one (1) waiver. Therefore, the project includes one (1) for-sale affordable unit for "very low-income" households. Furthermore, the project will contribute to meeting the City's Regional Housing Needs Allocation (RHNA), as well as the Housing Element policies.

- c. *Policy LU-3.3: Encourage developers to build housing projects at or maximum allowable densities.*

Under RC2 General Plan land use designation, the subject project is allowed a maximum density of 24 dwelling units per acre, which yields twenty (20) units. The project proposed is a twenty (20) unit townhome residential development that maximizes the allowable density. Furthermore, the Project will contribute to meeting the City's Regional Housing Needs Allocation (RHNA), as well as the Housing Element policies.

- d. *Goal LU-4: The City seeks to develop uses that are compatible with one another.*

The project is located in a dense neighborhood that is improved with multi-family and commercial developments. The properties in the direct vicinity of the project site are zoned GGMU-2 or R-3 (Multiple-Family Residential), and have a RC2 or Medium Density Residential (MDR) land use designations, respectively. The properties directly to the south and west are developed with two-story multi-family residential buildings. Thus, the proposed housing project is consistent with the development pattern of the surrounding residential uses.

- e. *LU-IMP-2B: New development shall be similar in scale to the adjoining residential neighborhood to preserve its character.*

The proposed density, which is twenty (20) townhome units for a 36,945 square foot (0.8 acres) lot, maximizes the allowable density for the GGMU-2 zoned site. The proposed project was reviewed by the City staff and deemed to be within the allowed density, as set forth by the Code.

The proposed design is compatible with the physical scale of the immediate neighborhood, which is improved with multi-family developments ranging from one to two stories. Thus, the project is similar both in land use intensity and physical scale of the adjoining residential neighborhood.

- f. *LU-IMP-3D: Front multi-family housing on local streets with appropriate setbacks to be consistent with neighborhood development patterns.*

The project was reviewed by City staff and was determined to meet the required front, side, and rear setbacks, as set forth by the GGMU-2 zone development standards. The proposed buildings will maintain a 17'-5" setback from the front property line along Garden Grove Boulevard, and 12'-3" from the rear property line. The proposed buildings located on the east side of the site are setback 10'-6" from the easterly property line, and the buildings located to the west of the site are setback 11'-6" from the westerly property line, which exceeds the setback standards of the GGMU-2 zone. Thus, the setbacks are consistent to the neighborhood development patterns.

- g. *Policy LU-2.4: Assure that the type and intensity of land use shall be consistent with that of the immediate neighborhood.*

The immediate area consists of both multiple-family dwellings and commercial developments. The proposed twenty (20) unit townhome project was reviewed and determined to be within the allowed density and in compliance with the GGMU-2 zone development standards as set forth by the Municipal Code. Thus, the development is consistent with the type and intensity of land use of the immediate neighborhood.

- h. *Policy 2.3 of the Housing Element: Provide density bonuses and other financial and regulatory incentives to facilitate the development of affordable housing.*

The proposed project includes one (1) for-sale affordable unit for "very low-income" households. To facilitate the development, the applicant is requesting State Density Bonus allowances for parking, one (1) concession, and one (1) waiver to deviate from the GGMU-2 zone development standards: (1) a concession to allow the building to be constructed within the 45-degree encroachment plane required for mixed use zoned properties abutting residentially-zoned lots along the side yard setback; and (2) a waiver to deviate from Section 9.18.090.020.F of the Municipal Code, which requires a boulevard garden plaza for properties in the GGMU zones for properties abutting the Garden Grove Boulevard right-of-way. The granting of the concession and waiver is needed to facilitate the construction of the

proposed development and to support the creation of more affordable housing units in the City. Furthermore, the Project will contribute to meeting the City's Regional Housing Needs Allocation (RHNA).

2. The design and improvement of the proposed subdivision are consistent with the General Plan.

The proposed map is consistent with the provisions of the General Plan. The applicant is requesting Tentative Tract Map No. TT-19129 approval to subdivide the subject property to facilitate the development of a three-story, townhome residential project consisting of twenty (20) for-sale condominium units, which includes one (1) affordable housing unit for "very low-income" households. The subject site has a General Plan Land Use Designation of RC2 which is intended to allow for mixed use residential and commercial developments with higher residential densities at 24 dwelling units per acre. The RC2 land use designation is implemented by the GGMU-2 zone which allows residential developments without a commercial component. In accordance with the State Subdivision Map Act, the applicant is requesting approval of Tentative Tract Map No. TT-19129 to subdivide the existing property into two (2) lots for the purpose of selling each townhome unit as a condominium. Lot 1 will be comprised of Units 1 thru 20, and Lot 2 will include all common areas, including the drive aisle, guest parking, trash enclosure, and active recreation areas. The proposed Tentative Tract Map is in conformance with the City's General Plan, the City's Subdivision Ordinance, the GGMU-2 zone requirements, and the State's Subdivision Map Act.

3. The site is physically suitable for the type of development and complies with the spirit and intent of the Municipal Code.

The site is physically suitable for the type of development proposed by the developer and complies with the spirit and intent of the Municipal Code. The proposed project will consist of a stand-alone residential development, which is an allowed use by the Municipal Code for GGMU-2 zoned properties. The project has also been designed to comply with the development standards in the Municipal Code and the State Density Bonus allowances for parking, one (1) concession, and one (1) waiver to deviate from the GGMU-2 development standards: (1) a concession to allow the building to be constructed within the 45-degree encroachment plane required for mixed use zoned properties abutting residentially-zoned lots along the side yard setback; and (2) a waiver to deviate from Section 9.18.090.020.F of the Municipal Code, which requires a boulevard garden plaza for properties in the GGMU zones for properties abutting the Garden Grove Boulevard right-of-way. As designed, the site is able to accommodate twenty (20) units, and the required parking, landscaping, private and common recreation areas, setbacks, and building height. Therefore, the property is sufficient in size to accommodate the

proposed development, and complies with all applicable provisions of the City of Garden Grove Municipal Code and the State Density Bonus Laws.

4. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, and the requirements of the California Environmental Quality Act have been satisfied.

Pursuant to the California Environmental Quality Act ("CEQA"), the City of Garden Grove Planning Commission has determined that the proposed project is categorically exempt from the CEQA pursuant to Section 15332 (In-Fill Development Projects) of the CEQA Guidelines (14 Cal. Code Regs., Section 15332). The proposed project is characterized as in-fill development meeting conditions described in Section 15332.

5. The site is physically suitable for the proposed density of the development.

The site is physically suitable for the density proposed by the developer. The General Plan land use designation of RC2 is intended to allow for mixed use residential and commercial developments with higher residential densities at 24 dwelling units per acre. The RC2 land use designation is implemented by the GGMU-2 zone which allows residential developments without a commercial component. The proposed project will consist of twenty (20) units, which is the maximum number of units allowed by the General Plan land use designation and the GGMU-2 zone. The project has also been designed to comply with State Density Bonus allowances for parking, one (1) concession, and one (1) waiver to deviate from the GGMU-2 development standards: (1) a concession to allow the building to be constructed within the 45-degree encroachment plane required for mixed use zoned properties abutting residentially-zoned lots along the side yard setback; and (2) a waiver to deviate from Section 9.18.090.020.F of the Municipal Code, which requires a boulevard garden plaza for properties in the GGMU zones for properties abutting the Garden Grove Boulevard right-of-way. As designed, the site is able to accommodate twenty (20) units, and the required parking, landscaping, private and common recreation areas, setbacks, and building height. Therefore, the property is sufficient in size to accommodate the proposed development, and complies with all applicable provisions of the City of Garden Grove Municipal Code and the State Density Bonus Laws.

6. The design of the subdivision and the proposed improvements are not likely to cause serious public health problems.

The design of the subdivision and the proposed improvements are not likely to cause serious public health problems since conditions of approval will be in place to safeguard the public health. The proposed subdivision has been designed to comply with the development standards of the GGMU-2 zone and

the State Density Bonus Laws. City Departments, including the Traffic Division, Water Division, Engineering Division and the Planning Division, and the Orange County Fire Authority (OCFA) have reviewed the proposed development and have applied conditions of approval to minimize potential negative impacts that the project may have on the community. The conditions of approval for on and off-site improvements will safeguard the public health.

7. The design of the project and the proposed improvements will not conflict with easements of record or easements established by court judgment acquired by the public at large for access through or use of property within the subdivision; or, if such easements exist, alternate easements for access or for use will be provided and these will be substantially equivalent to the ones previously acquired by the public.

The design of the subdivision and the proposed improvements will not conflict with easements of record or easements established by court judgment acquired by the public at large for access through or use of property within the proposed subdivision. The project has been designed to avoid development over existing easements.

8. The design and improvement of the proposed subdivision are suitable for the uses proposed and the subdivision can be developed in compliance with the applicable zoning regulations.

The proposed subdivision has been specifically designed to accommodate the proposed twenty (20) unit residential townhome project on the property, which has been designed to comply with the GGMU-2 zone developments standards and State Density Bonus allowances for parking, concessions, and waivers: one (1) concession, and one (1) waiver to deviate from the GGMU-2 development standards: (1) a concession to allow the building to be constructed within the 45-degree encroachment plane required for mixed use zoned properties abutting residentially-zoned lots along the side yard setback; and (2) a waiver to deviate from Section 9.18.090.020.F of the Municipal Code, which requires a boulevard garden plaza for properties in the GGMU zones for properties abutting the Garden Grove Boulevard right-of-way. As designed, the subdivision is able to accommodate twenty (20) units, and the required parking, landscaping, private and common recreation areas, setbacks, and building height. Therefore, the design and improvement of the proposed subdivision is suitable for the proposed use and the subdivision can be developed in compliance with the applicable provisions of the City of Garden Grove Municipal Code and the State Density Bonus Laws.

9. The design of the subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision.

To the extent feasible, the project has been designed in accordance with Government Code Section 66473.1, such as to allow for passive or natural heating opportunities in the subdivision design, to encourage the orientation of structures to take advantage of shade and prevailing breezes, to allow solar access for passive heating and opportunities for placement of shade trees and other vegetation for cooling.

10. The design, density, and configuration of the subdivision strike a balance between the affect of the subdivision on the housing needs of the region and public service needs. The character of the subdivision is compatible with the design of existing structures, and the lot sizes of the subdivision are substantially compatible with the lot sizes within the general area.

The applicant is requesting approval of Tentative Tract Map No. TT-19129 to subdivide the existing property into two (2) lots for the purpose of selling each townhome unit as a condominium. Lot 1 will be comprised of Units 1 thru 20, and Lot 2 will include all common areas, including the drive aisle, guest parking, and active recreation areas. Approval of the map will allow construction of a three-story, townhome residential project consisting of twenty (20) units, which includes one (1) affordable housing unit for "very low-income" households on a site currently improved with an auto dealership that has been out of business since 2018. The project has been reviewed in relation to the housing needs and goals of the City and is compatible with existing residential developments in the vicinity. The property is located in an area with existing multi-family and commercial uses. Per the maximum density allowed by the Residential/Commercial Mixed Use 2 land use designation, the proposal includes twenty (20) new multi-family residential townhomes that will increase the number of available housing in the area, and further the goals of the Housing Element of the General Plan. The project complies with the density requirements of the General Plan, as well as the GGMU-2 zone development standards and allowances allowed by State Density Bonus laws.

11. The subject property is not located within a state responsibility area or a very high fire hazard severity zone, the proposed subdivision is served by local fire suppression services, and the proposed subdivision meets applicable design, location, and ingress-egress requirements.
12. The discharge of waste from the proposed subdivision into the existing sewer system will not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board. The conditions of approval for on and off-site improvements will ensure permitted capacity of the public sewer system is not exceeded.

NO NET LOSS (GOVERNMENT CODE SECTION 65863) FINDINGS

1. If approval of the proposed Project will result in development of the Site at a lower residential density, the reduction in residential density is consistent with the adopted general plan, including the housing element.

The project site is approximately 36,945 square feet (0.85 acres) and is located at 8722 Garden Grove Boulevard (APN #097-222-03). The subject site has a General Plan Land Use designation of Residential/Commercial Mixed Use 2 and is zoned GGMU-2 (Garden Grove Boulevard Mixed Use 2). The project site is identified in the City's Housing Element sites inventory as having a realistic capacity to accommodate a total of twenty (20) "moderate income" units. The project proposes a total of twenty (20) units consisting of nineteen (19) "above moderate income" units and one (1) "very low income" unit. The maximum allowable residential density for the site under the General Plan Land Use Element and Municipal Code is 24 units per acre, or twenty (20) units. The applicant is proposing to develop the site at the maximum permitted density. The City cannot require the applicant to seek a larger density bonus. Therefore, even though the proposed project results in units with differing income categories than identified in the Housing Element site inventory, the twenty (20) units proposed is consistent with the density limits of the General Plan. The proposed project is also consistent with several goals and policies of the General Plan Land Use Element, as noted in the findings above.

2. The remaining sites identified in the housing element are adequate to meet the requirements of Government Code Section 65583.2 and to accommodate the City's share of the regional housing need pursuant to Government Code Section 65584; or, if not, the City has, or will within 180 days, identify and make available additional adequate sites to accommodate the City's share of the regional housing need by income level.

The City's 6th Cycle RHNA requires the City to plan for 19,168 housing units for all income levels. A component of preparing the City's Housing Element is the identification of vacant and underutilized sites suitable for residential development, and an evaluation of the housing development potential of these sites in fulfilling the City's RHNA. The project site is identified in the City's Housing Element sites inventory as having a realistic capacity to accommodate a total of nineteen (19) "moderate income" units. The project proposes a total of twenty (20) units consisting of nineteen (19) "above moderate income" units and one (1) "very low income" unit. Although the proposed project provides units in differing income categories than shown in the Housing Element sites inventory, the remaining Housing Element inventory sites have sufficient capacity to accommodate the City's remaining unmet RHNA by income level if the project is approved as proposed.

At the time the Housing Element was prepared and adopted, the City's *unmet* RHNA was calculated to be 18,208 units, broken down as follows: 6,567 low and very low-income units, 3,087 moderate-income units, and 8,554 above moderate-income units. The sites identified in the adopted Housing Element were determined adequate to accommodate a total of 18,291 units, including 401 more units than the City's unmet RHNA in the low and very low-income categories and 240 more units than the City's unmet RHNA for the moderate-income category. Sites deemed adequate to accommodate the lower and moderate-income categories are also adequate to accommodate above-moderate income units. Overall, the sites inventory in the adopted Housing Element reflected a total capacity surplus of 83 units.

Excluding ADUs, single-family dwellings, and SB 9 units, Staff has identified recently permitted or approved new housing units not accounted for in the Housing Element site capacity analysis. Some of these units were developed on sites not included in the Housing Element sites inventory. After accounting for these permitted and entitled units, and the twenty (20) units in the proposed project, the City's total remaining unmet RHNA would be 18,113 units¹, broken down as follows: 6,561 low and very low-income units, 3,087 moderate-income units, and 8,465 above-moderate income units. The remaining capacity of the sites identified in the Housing Element would be 18,196 units, resulting in a total capacity surplus of 83 units. The remaining sites are also adequate to accommodate a surplus of low and very low-income units (407) and moderate-income units (221), and such sites are also adequate to accommodate the City's remaining unmet above moderate-income RHNA. Due to this surplus, the overall residential capacity on sites identified in the Housing Element will still be sufficient to accommodate the City's total remaining unmet RHNA if the proposed project is approved.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Site Plan and Tentative Tract Map possess characteristics that would justify the request in accordance with Municipal Code Section No. 9.32.030.3 (Site Plan) and Section 9.40.060 (Tentative Maps).
2. In order to fulfill the purpose and intent of the Municipal Code and thereby promote the health, safety, and general welfare, the attached Conditions of Approval (Exhibit "A") shall apply to Site Plan No. SP-119-2022 and Tentative Tract Map No. TT-19129.

EXHIBIT "A"

Site Plan No. SP-119-2022

Tentative Tract Map No. 19129

8722 Garden Grove Boulevard

CONDITIONS OF APPROVAL

General Conditions

1. The applicant and each owner of the property shall execute, and the applicant shall record a "Notice of Agreement with Conditions of Approval and Discretionary Permit of Approval," as prepared by the City Attorney's Office, on the property. Proof of such recordation is required prior to issuance of building permits.
2. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to each of the following: the project applicant, owner and developer of the project, NRI Portfolios, LLC, and the future owner(s) and tenants(s) of the property, and each of their respective successors and assigns. All conditions of approval are required to be adhered to for the life of the project, regardless of property ownership. Except for minor modifications authorized to be approved by the Community and Economic Development Director pursuant to Condition No. 4, any changes of the Conditions of Approval require approval by the appropriate City hearing body.
3. Site Plan No. SP-119-2022 only authorizes approval to a three-story, townhome residential project consisting of twenty (20) units, which includes one (1) affordable housing unit for "very low-income" households on a 36,945 square-foot (0.85 acres) lot located on the south side of Garden Grove Boulevard, between Newland Street and Yockey Street, at 8722 Garden Grove Boulevard (APN: 097-222-03), as depicted on the plans submitted by the applicant and made part of the record of the November 17, 2022, Planning Commission proceedings. Approval of this Site Plan shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
4. The approved site plan and floor plan are an integral part of the decision approving this Site Plan. There shall be no additional changes in the design of the site plan and floor plan without the approval of the City. Minor modifications to the Site Plan and/or these Conditions of Approval, which do not materially change the scope or intensity of the project and which will not result in impacts that have not previously been addressed, may be approved by the Community and Economic Development Director, in his or her

discretion. Proposed modifications to the project and/or these Conditions of Approval determined by the Community and Economic Development Director not to be minor in nature shall be subject to approval of new and/or amended land use entitlements by the applicable City hearing body.

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

Public Works Engineering Division

Project Design

6. A geotechnical study prepared by a registered geotechnical engineer is required. The report shall analyze the liquefaction potential of the site and make recommendations. The report shall analyze sub-surface issues related to the past uses of the site, including sub-surface tanks and basement and septic facilities. Any soil or groundwater contamination shall be remediated prior to the issuance of a building permit per the requirements of the Orange County Health Department and the mitigation requirements of governing regulatory requirements. The report shall make recommendations for foundations and pavement structural section design of interior streets and parking spaces. The report shall also test and analyze soil conditions for LID (Low Impact Development) principles and the implementation of water quality for storm water run-off, including potential infiltration alternatives, soil compaction, saturation, permeability and groundwater levels.
7. Prior to the issuance of any grading or building permits, the applicant shall submit to the City for review and approval a final design Water Quality Management Plan that:
 - a. Addresses required mitigation Site Design Best Management Practices (BMPs) based upon the latest Santa Ana Regional Water Quality Control Board (SARWQCB) approved Drainage Area Management Plan (DAMP) as identified in the geotechnical report recommendations and findings, including, but not limited to, infiltration minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas as required by the latest adopted County of Orange Technical Guidance Document (TGD).
 - b. BMP's shall be sized per the requirements of the latest Technical Guidance Documents.
 - c. Incorporates the applicable Routine Source Control BMPs as defined in the DAMP.

Site Plan No. SP-119-2022 and Tentative Tract Map No. 19129
Conditions of Approval

- d. Incorporates structural and Treatment Control BMPs as defined in the DAMP.
 - e. Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs.
 - f. Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs.
 - g. Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs.
 - h. Provides a hydrological analysis with scaled map as well as hydrologic and hydraulic calculations to size storm drains per the Orange County RDMD standards.
8. Parkway culverts shall be designed per City of Garden Grove Standard Plan B-209. Storm drain lateral pipe connections to City maintained storm drains within City right-of-way shall be RCP with a minimum diameter of 18-inches.
 9. Grading plans prepared by a registered Civil Engineer are required. As required under Section 107 of the California Building Code (CBC), the grading plan shall be based on a current survey of the site, including a boundary survey, topography on adjacent properties up to 30'-0" outside the boundary, and designed to preclude cross lot drainage. Minimum grades shall be 0.50% for concrete flow lines and 1.25% for asphalt. The grading plan shall also include water and sewer improvements. The grading plan shall include a coordinated utility plan showing all existing utility facilities, easements and proposed utility facilities. All on-site improvements shall be tied by horizontal dimensional control to the property boundary as established by survey. A minimum uninterrupted 20-foot wide throat access to the site is required from the street for the multi residential projects and shall meet the requirements of the California Fire Code throughout the site. Vehicle maneuvering, as demonstrated by Auto Turn along private streets and access ways, shall be demonstrated on the grading plan. Street improvement plans shall conform to all format and design requirements of the City Standard Drawings & Specifications.
 10. All vehicular access drives to the site shall be provided in locations approved by the City Traffic Engineer (Policies and Procedures – TE-17).
 11. The applicant shall coordinate with Planning Services Division and Orange County Fire Authority to identify proper emergency vehicle access to the site and shall provide the Engineering Division a copy of the approval letters upon first submittal of the grading and street improvement plans.
 12. The applicant shall complete the following for the tract map:

Site Plan No. SP-119-2022 and Tentative Tract Map No. 19129
Conditions of Approval

- a. Prior to recordation of a final parcel or tract map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. The surveyor/engineer shall submit record information to the City on Auto Cad DWG format.
 - b. Prior to recordation of a final parcel or tract map, the surveyor/engineer preparing the map shall submit to the County Surveyor a digital graphics file of said map in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. The surveyor/engineer shall submit record information to the City on Auto Cad DWG format.
 - c. Prior to issuance of a grading permit, the applicant shall submit to the Planning Services Division an updated title report along with copies of the recorded instruments listed in the title report, reference maps used to prepare legal description and the plat for review and approval of the parcel map.
 - d. All subdivision mapping shall be concurrently reviewed by the City Engineering Division and the County of Orange Survey Department. The applicant shall forward all plan check comments received from the County of Orange Survey Department to the City of Garden Grove's Engineering Division upon receipt from the county.
13. Prior to the issuance of the street improvement encroachment permit and grading permit, provide subdivision completion bonds for all work constructed under the street improvements and grading permit for review and approval by the City Engineer, City Attorney, and City Finance Department (Risk Management). Alternate forms of security may be considered, solely at the discretion of the City Engineer and with the concurrence of the City Attorney and City Finance Department (Risk Management).
 14. Any new drive approaches to the site shall be constructed in accordance with Garden Grove Standard B-120 (Option #2) as they conform to land use and roadway designation.
 15. The grading plan shall depict an accessibility route for the ADA pathway in conformance with the requirements of the Department of Justice standards, latest edition and section 1110A of the California Building Code (CBC).
 16. All trash container areas shall meet the following requirements per City of Garden Grove Standard B-502 and State mandated commercial organic recycling Law, including AB 1826, SB 1383, and any other applicable State recycling laws related to refuse, recyclables, and/or organics:

Site Plan No. SP-119-2022 and Tentative Tract Map No. 19129
Conditions of Approval

- a. Paved with an impervious surface, designed not to allow run-on mixing of drainage from adjoining areas, designed to divert drainage from adjoining roofs and pavements to be directed around the area for trash roll out, and screened or walled to prevent off-site transport of trash by water or wind.
- b. Provide solid roof or awning to prevent direct precipitation into the enclosure.
- c. Connection of trash area drains to the municipal storm drain system is prohibited. Drainage from the enclosure may be directed to a conforming grease or contaminant interceptor.
- d. Potential conflicts with fire code access requirements and garbage pickup routing for access activities shall be considered in implementation of design and source control. See CASQA Storm Water Handbook Section 3.2.9 and BMP Fact Sheet SD-32 for additional information.
- e. The trash enclosure and containers shall be located to allow pick-up and maneuvering, including turn-arounds, in the area of enclosures, and concrete aprons for roll-out areas.
- f. Pursuant to state mandated commercial organic recycling Law-AB 1826 and SB 1383, the applicant is required to coordinate storage and removal of the organics waste with local recycling/trash company.
- g. Pursuant to applicable state mandated laws, the applicant is required to contact and coordinate with the operations manager of the local recycling/trash company (Republic Services, 800-700-8610) to ensure the trash enclosure includes the appropriate size and number of containers for the disposal of items such as, but may not limited to, municipal solid waste (MSW), recyclables, and organic green waste.
- h. Based on the amount of waste disposed, per week, the applicant shall coordinate with the local recycling/trash company to ensure the adequate frequency of trash pick-up is serviced to the site for municipal solid waste (MSW), recyclables, organic and green waste, and any other type of waste.
- i. The applicant shall ensure large bulk items, intended for coordinated and scheduled pick-up by the local recycling/trash company, are not placed in areas that encroach into drive aisles, parking spaces, pedestrian pathways, or areas in the front of the property including areas public right-of-way (e.g., street, sidewalk), during and after construction. Any large bulk items shall be out of public vantage points.
- j. The requirements for the trash enclosure and design criteria are bound and coordinated with the Water Quality Management Plan (WQMP), when

required, as depicted on the project grading plan, which shall be incorporated into the WQMP by narrative description, exhibits and an Operation and Maintenance Plan (O&M).

17. Any new or required block walls and/or retaining walls shall be shown on the grading plans, both in plan-view and cross sections. Cross sections shall show vertical and horizontal relations of improvements (existing and proposed) on both sides of property lines. Required wall heights shall be measured vertically from the highest adjacent finished grade. Block walls shall be designed in accordance to City of Garden Grove Standard B-504, B-505, B-506 and B-508 or designed by a professional registered engineer. In addition, the following shall apply:
 - a. Any block walls shall be decorative and utilize stucco finish, slump stone or split-face block, and shall include trailing vines, hedges planted along the base of the exterior face, or other landscaping treatments that deter graffiti.
 - b. Openings for drainage through walls shall be shown in section details and approved by the City Engineer. Cross-lot drainage is not allowed.

18. The applicant shall remove any existing substandard driveway approaches, curbs, sidewalks, ADA ramps, pavement sections, tree well and landscaping, and construct Garden Grove Boulevard frontage improvements as identified below. All landscape, irrigation, sidewalk, and lighting improvements installed within the public rights-of-way shall be maintained by the applicant and shall require the approval of the City Engineer, Street Division, and Planning Division, and shall be maintained by the applicant for the life of the project.
 - a. Existing substandard driveways on Garden Grove Boulevard shall be removed and replaced with new curb, gutter, landscape, and sidewalk per City standards and specifications.
 - b. The new driveway approach to the site on Garden Grove Boulevard shall be constructed in accordance with Garden Grove Standard B-120 (Option #3).
 - c. The applicant shall remove the existing damaged sidewalk panels fronting the project on Garden Grove Boulevard and replace it with new sidewalk panels in accordance with City of Garden Grove Standard B-106. The owner/contractor shall verify the removal and replacement sections of the sidewalk concrete panels with Public Works inspector prior to start of construction.
 - d. The new tree wells fronting the project on Garden Grove Boulevard shall be constructed in accordance with Garden Grove Standard B-123 and B-127.

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- e. The applicant shall plant total of four Columbia Sycamore tree (36-inch box). The applicant shall coordinate with City's Public Works Department prior to order and placement of trees on Garden Grove Boulevard.
 - f. Construct curb and gutter when replacing any existing driveway approach along the property frontage on Garden Grove Boulevard in accordance with City Standard Plan B-113.
 - g. The applicant shall locate all existing public utilities across the property frontage and within the property boundary of the project prior to commencement of grading operation and mobilization.
 - h. The applicant shall coordinate with the Planning Services Division and Public Works Street Division before placing any type of tree within public right-of-way and proposed landscape area.
 - i. Street signs shall be installed as required and approved by the City Traffic Engineer.
19. Any proposed new landscaping in public right-of-way shall be approved by the Planning Services Division and maintained by the owner for the life of the project.
 20. Driveway widths shall be in accordance with City's Traffic Engineering Policy TE-8 (Driveway Opening Policy).
 21. Sight Distance Standards shall be in accordance with City's Traffic Engineering Policy TE-13. All structures and walls shall be designed to ensure proper vision clearance for cars entering or leaving the driveway and parking areas. No structure, wall or fence shall cause an exceedance of the applicable site distance standards set forth in City Traffic Engineering Policy TE 13.
 22. The Site Plan shall comply with the completed Development Review and Comment Sheet prepared pursuant to City's Traffic Engineering Policy TE-17 and provided to the applicant.
 23. Private Property Tow Away Sign Design shall be in accordance with City's Traffic Engineering Policy TE-19.
 24. No Parking Fire Lane Sign Design shall be in accordance with City's Traffic Engineering Policy TE-20.
 25. Parking lot layout shall be in accordance with City Standard B-311 and B-312.
 26. Off-street parking requirements for residential uses shall be in accordance with the City of Garden Grove's Traffic Engineering Policy TE-17.

27. A minimum five-foot-by-five-foot-wide maneuvering area shall be provided at the end of a dead-end parking aisle and shall consist of a ten-foot-by-nineteen-foot-wide turn-around space.

Permit Issuance

28. The applicant shall be subject to Traffic Mitigation Fees (Garden Grove City Council Resolution 9401-16), In-Lieu Park Fees Drainage Facilities Fees, Water Assessment Fees, and other applicable mitigation fees identified in Chapter 9.44 of the Garden Grove Municipal Code, along with all other applicable fees duly adopted by the City. The amount of said fees shall be calculated based on the City's current fee schedule at the time of permit issuance.
29. A separate street permit is required for work performed within the public right-of-way.
30. Grading fees shall be calculated based on the current fee schedule at the time of permit issuance.
31. The applicant shall identify a temporary parking site(s) for construction crew and construction trailers office staff prior to issuance of a grading permit. No construction parking is allowed on local streets. Construction vehicles should be parked off traveled roadways in a designated parking area. Parking areas, whether on-site or off-site, shall be included and covered by the erosion control plans.
32. Prior to issuance of a grading permit, the applicant shall submit and obtain approval of a work-site traffic control plan for all the proposed improvements within public right-of-way, and shall be subject to the review and approval of the City Traffic Engineer.
33. In accordance to City of Garden Grove Municipal Code (Chapter 9.48.030), the applicant is required to underground all existing and proposed on-site and off-site utility facilities fronting the project which the developer is developing or redeveloping. All existing improvements and utilities shall be shown as part of the grading submittal package in the topography section.

Project Construction/Operation

34. The applicant shall coordinate with City's Public Works Department (Engineering, Water Services and Streets Division) and setup appointments for pre-construction inspections for all the on-site and off-site improvements prior to commencement of grading operation and mobilization.
35. In accordance with the Orange County Storm Water Program manual, the applicant and/or its contractors shall provide dumpsters on-site during

construction unless an Encroachment Permit is obtained for placement in street.

36. The applicant and his contractor shall be responsible for protecting all existing horizontal and vertical survey controls, monuments, ties (centerline and corner) and benchmarks located within the limits of the project. If any of the above require removal; relocation or resetting, the Contractor shall, prior to any construction work, and under the supervision of a California licensed Land Surveyor, establish sufficient temporary ties and benchmarks to enable the points to be re-set after completion of construction. Any ties, monuments and bench marks disturbed during construction shall be re-set per Orange County Surveyor Standards after construction. Applicant and his contractor shall also re-set the tie monuments where curb or curb ramps are removed and replaced or new ramps are installed. The Applicant and his contractor shall be liable for, at his expense, any resurvey required due to his negligence in protecting existing ties, monuments, benchmarks or any such horizontal and vertical controls. Temporary Benchmarks shall not be used for Vertical control. Benchmarks shall be to the National Geodetic Vertical Datum (NGVD).
37. Heavy construction truck traffic and hauling trips, and any required lane closures shall occur outside peak travel periods. Peak travel periods are considered to be from 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.
38. Prior to grading or building permit closeout and/or the issuance of a certificate of use or a certificate of occupancy, the applicant shall:
 - a. Demonstrate that all structural best management practices (BMPs) described in the Project WQMP have been constructed and installed in conformance with approved plans and specifications.
 - b. Demonstrate that the applicant is prepared to implement and maintain all non-structural BMPs described in the Project WQMP.
 - c. Demonstrate that an adequate number of copies of the approved Project WQMP are available on-site.
 - d. Submit for review and approval by the City an Operations and Maintenance (O&M) Plan for all structural BMPs.

Public Works Water Services Division

39. New water service installations 2" and smaller, shall be installed by the City of Garden Grove at owner's/developer's expense. Installation shall be scheduled upon payment of applicable fees, unless otherwise noted. Fire services and larger water services 3" and larger, shall be installed by developer/owner's contractor per City Standards.

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40. Water meters shall be located within the City right-of-way. Fire services and large water services 3" and larger, shall be installed by contractor with Class A or C-34 license, per City water standards and inspected by approved Public Works inspection.
41. A Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed the landscape system. Installation shall be per City Standards and shall be tested by a certified backflow device tester immediately after installation. Cross connection inspector shall be notified for inspection after the installation is completed. Owner shall have RPPD device tested once a year thereafter by a certified backflow device tester and the test results to be submitted to Public Works, Water Services Division. Property owner must open a water account upon installation of RPPD device.
42. It shall be the responsibility of owner/developer to abandon any existing private water well(s) per Orange County Health Department requirements. Abandonment(s) shall be inspected by Orange County Health Department inspector after permits have been obtained.
43. A composite utility site plan shall be part of the water plan approval.
44. New utilities shall have a minimum 5-foot horizontal and a minimum 1-foot vertical clearance from water main and appurtenances.
45. Any new or existing water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.
46. If fire sprinkler system is required, and a separate fire service is not proposed, the meter and service for the new lot shall be installed per City Standard B-719, which specifies a residential fire sprinkler connection (RFSC) on the backside of the meter.
47. If required, fire service and any private fire hydrant laterals shall have above-ground backflow device with a double check-valve assembly. Device shall be tested immediately after installation and once a year thereafter by a certified backflow device tester and the results to be submitted to Public Works, Water Services Division. Device shall be on private property and is the responsibility of the property owner. The above-ground assembly shall be screened from public view as required by the Planning Division.
48. Water meters and boxes shall be installed by City forces upon payment of applicable fees and after new water system (including water services) pass all bacteriological and pressure tests.
49. Location and number of fire hydrants shall be as required by Water Services Division and the Orange County Fire Authority.

50. Owner shall install new sewer lateral with clean out at right-of-way line. Lateral in public right-of-way shall be 6" min. dia., extra strength VCP with wedgelock joints. Lateral shall connect to the 18" sewer main in Garden Grove Blvd through a new manhole.
51. Contractor shall abandon any existing sewer lateral(s) at street right-of-way on the property owner's side. The sewer pipe shall be capped with an expansion sewer plug and encased in concrete. Only one sewer connection per lot is allowed.
52. All perpendicular crossings of the sewer, including laterals, shall maintain a vertical separation of min. 12" below the water main, outer diameter to outer diameter. All exceptions to the above require a variance from the State Water Resources Control Board.
53. If water main is exposed during installation of sewer lateral, a 20-foot section of the water main shall be replaced with 20ft PVC C-900 DR-14 Class 305 water pipe, size in kind and centered at the crossing.

Orange County Fire Authority

54. The applicant shall comply with all applicable Orange County Fire Authority (OCFA) requirements, including but not limited to the Fire Master Plan.

Building and Safety Division

55. All work shall comply with the latest edition of the California (CA) Building Standards Code (CBC) at time of permit application.
56. A soils report per the latest edition of CBC Chapter 18 is required and shall be submitted at time of building permit application.
57. A fire sprinkler system shall be provided per the latest edition of CBC Chapter 9.
58. Fire and sound rated constructions shall be provided between the units and shall comply with the latest edition of CBC Chapter 7.
59. Common use areas shall comply with the latest edition of CBC Chapter 11A.
60. A minimum 10% of the total units shall comply with the latest edition of CBC Section 1102A.3.
61. Complete mechanical, plumbing and electrical plans shall be required.

62. HVAC systems shall be designed to comply with the latest edition of California Green Building Standards Code Section 4.507.
63. Each dwelling unit shall be equipped with a future ready EV charger.
64. Each dwelling shall be provided with a minimum 250 square foot solar ready zone.
65. All rooms and spaces on the primary level shall be on an accessible route.
66. A path of travel to the trash enclosure shall be provided.

Planning Services Division

67. The applicant shall submit detailed plans showing the proposed location of utilities and mechanical equipment to the Community and Economic Development Department, Planning Services Division for review and approval prior to submitting plans into the Building and Safety Division Plan Check process. The project shall also be subject to the following:
68. The applicant shall submit detailed plans showing the proposed location of utilities and mechanical equipment to the Community and Economic Development Department, Planning Services Division for review and approval prior to submitting plans into the Building and Safety Division Plan Check process. The project shall also be subject to the following:
 - a. All on-site and off-site utilities (off-site refers to the areas within public right-of-way to the center line of the streets adjacent to the subject property) within the perimeter of the site and to the centerline of the adjacent streets shall be installed or relocated underground. All on-site and off-site utilities pertaining to the improvements proposed under this Site Plan shall be installed or relocated underground.
 - b. All above-ground utility equipment (e.g. electrical, gas, telephone, cable TV) shall not be located in the street setback, within the common areas, or any parking areas, and shall be screened by densely planted and maintained landscaped hedges or a fence or wall. Ground-mounted equipment shall not exceed the maximum allowable height for a wall, fence, or hedge.
 - c. Clinging vines shall be installed within the landscape planters along the perimeter block walls to deter graffiti.
 - d. Roof-mounted mechanical equipment shall be screened by parapet walls, rooftop architectural features such as a tower equal to the height of the equipment, or low walls surrounding the equipment and shall be painted to match the color of the building materials.

- e. No exterior piping, plumbing, or mechanical ductwork shall be permitted on any exterior façade and/or be visible from any public right-of-way or adjoining property. Roof rain gutters are permitted. The rain gutters shall follow the natural architecture lines of the building.
69. All landscaping shall be consistent with the landscape requirements of Title 9 of the Municipal Code. The developer shall submit a complete landscape plan governing the entire development. The landscape irrigation plans shall include type, size, location and quantity of all plant material. The landscape plan shall include irrigation plans and staking and planting specifications. All landscape irrigation shall comply with the City's Landscape Ordinance and associated Water Efficiency Guidelines. The landscape plan is also subject to the following:
- a. A complete, permanent, automatic remote control irrigation system shall be provided for all landscaping areas shown on the plan. The sprinklers shall be of drip or micro-spray system sprinkler heads for water conservation.
 - b. Forty percent of the trees on a site shall consist of minimum size 24-inch box, and the remaining 60 percent shall be of minimum size 15 gallons. These trees shall be incorporated into the landscaped frontages of all streets. Where clinging vines are considered for covering walls, Boston Ivy shall be used.
 - c. The applicant or the property owner shall be responsible for installing and maintaining the landscaping.
 - d. No trees shall be planted closer than five feet (5'-0") from any public right-of-way. Trees planted within ten feet (10'-0") of any public right-of-way shall be planted in a root barrier shield. All landscaping along street frontages adjacent to driveways shall be of the low-height variety to ensure safe sight clearance. All trees planted on the subject property, whether for screening the project from the neighboring lots or for aesthetic or selling/marketing purposes, shall have an irrigation system installed in order maintain the trees.
 - e. All trees shall be double-staked in accordance with City standards.
 - f. Landscaping along Garden Grove Boulevard shall comply with the landscape requirements of the Garden Grove Mixed Use Zones. Off-site landscaping shall include planters with canopy trees spaced 30'-0" apart on center with an under planting of shrubs and flowering ground cover. Plant materials within the public rights-of-ways shall be determined by the City's Public Work's Department. On-site landscaping shall include both columnar and canopy trees. Columnar trees (minimum height at maturity of 45"-0") shall be planted within 10'-0 of the public

right-of-way and shall be placed at regular intervals and no more than 40'-0" on center. On-site canopy trees shall be planted at a ratio of at least one tree for every 50'-0" of the Garden Grove Boulevard street frontage. The on-site front yard landscape area shall also include shrubs and flowering ground covers. All on- and off-site canopy trees shall be a minimum size of 24-inch box. Columnar trees shall be a minimum of 25'-0" tall. Should palm trees be proposed, the brown trunk height of the palm trees shall be 25'-0".

- g. All landscape areas, including the areas located within the public rights-of-ways along Garden Grove Boulevard that abuts the subject property, are the responsibility of the applicant/property owner(s).
 - h. Fifty percent (50%) of all required shrubs shall be a minimum size of five (5) gallons at time of planting.
 - i. Live groundcover shall be planted and maintained where shrubbery is not sufficient to cover exposed soil. Mulch may be used in place of groundcover where groundcover will not grow or where groundcover will cause harm to other plants, but not more than 30% of the groundcover area shall have the mulch substitute.
 - j. Groundcover plants shall be planted at a density and spacing necessary for them to become well established and provide surface coverage within 18 months of planting.
 - k. The landscape plan shall incorporate and maintain for the life of the project those means and methods to address water run-off also identified as Low Impact Development provisions, which address water run-off. This is to also to be inclusive of any application of Water Quality Management Plans (WQMP), Drainage Area Management Plans (DAMP) and any other water conservation measures applicable to this type of development.
 - l. At the time of irrigation installation, the irrigation system shall comply with all applicable provisions of the City's Water Conservation Ordinance, the City's Municipal Code landscape provisions, and all applicable state regulations.
 - m. All above-ground utilities (e.g. water backflow devices, electrical transformers, irrigation equipment) shall be shown on the landscaping plan in order to ensure landscape screening will be provided.
70. Hours and days of construction and grading shall be as set forth in the City of Garden Grove Municipal Code Chapter 8.47 as adopted, except that:

- a. Monday through Friday – not before 7:00 a.m. and not after 5:00 p.m.
 - b. Saturday – not before 8:00 a.m. and not after 5:00 p.m. All construction activity on Saturday shall be limited to interior construction only.
 - c. Sunday and Federal Holidays – no construction shall occur.
71. Construction activities shall adhere to SCAQMD Rule 403 (Fugitive Dust) that includes dust minimization measures, the use of electricity from power poles rather than diesel or gasoline powered generators, and the use methanol, natural gas, propane or butane vehicles instead of gasoline or diesel powered equipment, where feasible. Also, use of solar, low emission water heaters, and low sodium parking lot lights, shall be required to ensure compliance with Title 24.
72. The applicant shall prepare Covenants, Conditions, and Restrictions (CC&R's) for review and approval by the City Attorney's office and Community and Economic Development Department prior to final map approval. The approved CC&R's shall be recorded at the same time that the subdivision map is recorded and two copies (a hard copy and an electronic copy) of the recorded CC&R's shall be provided to the Planning Division. The CC&R's shall include the following stipulations and/or provisions:
- a. Units 1-4, 7-14, and 17-20 shall maintain the ability to park three (3) vehicles at all times, or two (2) vehicles for Units 5, 6, 15 and 16. Garages shall not be converted to any other use.
 - b. There shall be no business activities, day care, or garage sales conducted within or from the garages.
 - c. Parking spaces in the garages shall be made available to the occupants of the unit at all times.
 - d. Residents shall not park or store vehicles anywhere on the site except within the designated parking spaces in the garages for their dwelling unit. However, the six (6) unassigned open, guest parking spaces, located throughout the development, may be utilized by residents or guests for temporary parking. Any issues arising from the use, application, or restriction of such open parking spaces shall be at the resolve of the Homeowner's Association.
 - e. All graffiti vandalism shall be abated within the premises. Best management practices shall be implemented to prevent and abate graffiti vandalism within the premises throughout the life of the project, including, but not limited to, timely removal of all graffiti, the use of graffiti resistant coatings and surfaces, the installation of vegetation

screening of frequent graffiti sites, and the installation of signage, lighting, and/or security cameras, as necessary. Graffiti shall be removed/eliminated as soon as reasonably possible after it is discovered, but not later than 72 hours after discovery.

- f. Each residence shall be utilized as one (1) dwelling unit. No portion of any residence shall be utilized or rented as a separate dwelling unit.
- g. The CC&R's shall include provisions providing the owners or tenants a means of contacting persons responsible for site maintenance, repairs, trash pick-up, and other related matters for a development of this type. This shall also include scheduling of maintenance of such items as the recreation area, landscape area maintenance, etc. This also includes ensuring tree overhangs do not block or hinder any vehicles such as street sweepers, trash trucks, fire trucks, etc., from maneuvering around the cul-de-sac.
- h. Storage of boats, recreational vehicles, or commercial vehicles on the property is prohibited.
- i. The CC&R's shall include stipulations that maintenance of the private drive aisles, storm drain, sewer system, open space areas within the interior of the development, and the common landscaped areas, are the responsibility of the Homeowner's Association.
- j. Each unit shall have a minimum of 300 cubic feet of storage space, which may be provided in the garage parking areas, and typical closet space within the unit shall not count toward this requirement.
- k. The Standards of Development and Conditions of Approval for Site Plan No. SP-119-2022 and Tentative Tract Map No. TT-19129, shall be incorporated into the CC&Rs, and provisions corresponding to any applicable Conditions of Approval shall be included in the CC&Rs.
- l. The following provisions shall be included within the CC&R's (in substantially the same form as below or as otherwise approved by the City Attorney):
 - i. Compliance with Stormwater Quality Regulations: The Homeowner's Association shall implement, and fund implementation of, the Operation and Maintenance ("O&M") Plan for the Property, which was approved by the City as part of the Water Quality Management Plan ("WQMP") required for development of the Property, and shall operate and maintain the Best Management Practices ("BMPs") described in the O&M Plan for the Property, which includes:

1. Description of all post-construction BMPs (non-structural and structural),
2. Description of the Property owner's(s') responsibilities and required training of persons performing BMP implementation, operation and maintenance,
3. Implementation frequency and operating schedule,
4. Inspection/maintenance frequency and schedule,
5. Specific maintenance activities,
6. Required permits from resource agencies, if any,
7. Forms to be used in documenting implementation, operation and maintenance activities,
8. Recordkeeping requirements.

A copy of the approved O&M Plan is described in the current WQMP for the Project, as it may be amended from time to time according to its terms, which is on file with the City of Garden Grove Community and Economic Development Department, and is incorporated herein by this reference. The Committee shall maintain a copy of the current WQMP at a location on the Property.

The Property shall be, and the Homeowner's Association shall ensure, that the Property is used and maintained in full compliance with the provisions of the O&M Plan and Chapter 6.40 (Stormwater Quality) of the Garden Grove Municipal Code, as it may be amended. The City shall have the right to inspect the Property for the purpose of verifying compliance with this provision. The City of Garden Grove shall be an intended third-party beneficiary to this provision. The City shall have the right and authority, but not the obligation, to enforce this provision by any legal or equitable means, or by any method available to the Property owners as provided elsewhere in the Declaration, against the Declarant, Homeowner's Association, Owners, their successors and assigns, or other persons in possession of the Property. This provision shall not be amended or terminated without the written approval of the City of Garden Grove Community and Economic Development Department.

- ii. Enforcement: The City is hereby made a party to this Declaration solely for purposes of enforcing its provisions and the Standards of Development and Conditions of Approval of Site Plan No. SP-119-2022 and Tentative Tract Map No. TT-19129. The

City, its agents, departments and employees shall have the unrestricted right and authority, but not the obligation, to enforce the provisions of this Declaration and the Standards of Development and Conditions of Approval of Site Plan No. SP-119-2022 and Tentative Tract Map No. TT-19129. In the enforcement of this Declaration, the City shall not be limited to the procedures or processes described in this Declaration and may use any remedy provided under law or equity, including the City's Municipal Code. The City, its agents, departments and employees may further refuse to issue any building, electrical or plumbing permit that may be in violation of these Declarations or Site Plan No. SP-119-2022 and Tentative Tract Map No. TT-19129 approvals. However, the City shall not be liable for failing or refusing to enforce the provisions of these Declarations or the Standards of Development and Conditions of Approval of Site Plan No. SP-119-2022 and Tentative Tract Map No. TT-19129. The alternative dispute resolution provisions set forth in Section / Article [SECTION] of this Declaration shall not apply to or legally bind the City.

- iii. Assessments: The City may levy special assessments against the properties in connection with its actions to enforce the conditions of this Declaration or Site Plan No. SP-119-2022 and Tentative Tract Map No. TT-19129 approvals, or to abate the violation thereof. The City shall have the same power as the Association to levy special assessments pursuant to the provisions of [SECTION] of this Declaration in the event that it incurs expenses in the enforcement of the conditions of these Declarations or Site Plan No. SP-119-2022 and Tentative Tract Map No. TT-19129 approvals. Notice of intention to make such assessment shall be mailed by the City to the Owner of each affected [LOT/UNIT] affording the Owner thirty (30) days' notice to satisfy or reimburse the City's expenditure. In the event of the failure of any Owner of any affected [LOT/UNIT] to reimburse the City within thirty (30) days, notice of such assessment shall be mailed by the City to said Owner, and said assessment shall thereafter be due as a separate debt to the City within thirty (30) days following the mailing of such notice. Any such delinquent assessment may be and may become a lien upon the interest of the defaulting Owner in the Lot upon the execution by the City and the recording in the Orange County Recorder's office of a notice of delinquent assessment under the same conditions that the Association could record the same pursuant to the provisions of [SECTION]. The City may foreclose on such notice of delinquent assessment in the same manner and with the same power as the Association could foreclose on such notice pursuant to the provisions of [SECTION]. It is the intent of Declarant,

which intent shall be binding upon all of Declarant's successors in interest in the Properties, that the City shall be deemed an interest holder pursuant to the provisions of these Declarations in order to enforce the rights which have been given to the City generally in these Declarations and specifically pursuant to this Section.

- iv. Attorney Fees: The City shall be entitled to recover its attorney's fees incurred in connection with its actions to enforce the conditions of these Declarations or Site Plan No. SP-119-2022 and Tentative Tract Map No. TT-19129 approvals, or to abate the violation thereof.
 - v. Public Safety Access: The Police and Orange County Fire Authority personnel may enter upon any part of the common area for the purpose of enforcing State and Local laws.
 - vi. Modification/Termination: This Declaration shall not be terminated or substantially amended without the prior written approval of the City of Garden Grove Community and Economic Development Department.
73. All lighting structures shall be placed so as to confine direct rays to the subject property. All exterior lights shall be reviewed and approved by the Planning Services Division. Lighting adjacent to residential properties shall be restricted to low decorative type wall-mounted lights, or a ground lighting system. Lighting shall be provided throughout all private drive aisles and entrances to the development per City standards for street lighting. Lighting in the common areas shall be directed, positioned, or shielded in such manner so as not to unreasonably illuminate the window area of nearby residences.
74. Per the approved site plan, Units 1-4, 7-14, and 17-20 shall maintain the ability to park three (3) vehicles at all times, or two (2) vehicles for Units 5, 6, 15 and 16. Unless otherwise required to be permitted by state law, garages shall not be converted to any other use. There shall be no business activities, day care, or garage sales conducted within or from the garages. Parking spaces in the garages shall be made available to the occupants of the unit at all times. The applicant/property owner shall ensure that this condition is complied with at all times by tenants of the units and shall include notice of this requirement in all lease agreements.
75. The main drive aisle serves the entire project for vehicular circulation. The applicant shall utilize effective signage, and/or other acceptable means (i.e., a painted/marked red fire lane), to communicate to residents and guests that there shall be no parking in front of garages or anywhere within the drive aisle, except for within the designated guest parking spaces. Additionally, applicant shall ensure and enforce lease or other restrictions providing that there will be

no long term parking of vehicles in the guest parking spaces and that guest parking spaces shall not be reserved for any particular units.

76. The applicant/property owner shall abate all graffiti vandalism within the premises. The property owner shall implement best management practices to prevent and abate graffiti vandalism within the premises throughout the life of the project, including, but not limited to, timely removal of all graffiti, the use of graffiti resistant coatings and surfaces, the installation of vegetation screening of frequent graffiti sites, and the installation of signage, lighting, and/or security cameras, as necessary. Graffiti shall be removed/eliminated by the property owner as soon as reasonably possible after it is discovered, but not later than 72 hours after discovery.
77. The trash enclosure shall have unifying colors and exterior finishes that match, the development. The proposed roof design of the trash enclosure shall be architecturally compatible with the design of the existing development. The proposed roof and materials shall also comply with the building code requirements.
78. Each unit shall have a separate area for storage having a minimum of three hundred (300) cubic feet of private and secure space. This storage may be located within the enclosed garages, provided that it does not interfere with automobile parking.
79. Decorative stamped concrete or pavers shall be provided within the front 20-feet for the driveway along Garden Grove Boulevard. The final design and configuration shall be shown on the final site plan, grading plan, and landscape plans.
80. Storage of boats, recreational vehicles, or commercial vehicles on the property shall be prohibited. The applicant/property owner shall ensure that this condition is complied with at all times by tenants of the units and shall include notice of this requirement in all lease agreements.
81. All new block walls, and/or retaining wall(s), including existing block walls to remain, if any, shall be shown on the grading plans. Block walls shall be developed to City Standards or designed by a Registered Engineer and shall be measured from on-site finished grade. The applicant shall provide the following:
 - a. Decorative masonry walls are required along the south, east, and west property lines and shall be constructed to a minimum height of 6'-0", as measured from highest point of finished grade. The block walls shall be decorative and utilize stucco finish, slump stone or split-face block, and shall include trailing vines, hedges planted along the base of the exterior face, or other landscaping treatments that deter graffiti.

- b. The applicant shall work with the existing property owners along the project perimeter in designing, constructing, and maintaining the required perimeter block walls. This requirement is to avoid having double walls and to minimize any impact that it might cause to the existing landscaping on the neighbor's side as much as possible. The perimeter block wall shall be constructed and situated entirely within the subject property. In the event that the applicant cannot obtain approval from the property owners, the applicant shall construct the new wall with a decorative cap to be placed between the new and existing walls. In the event the location of a new wall adjacent to an existing wall or fence has the potential to affect the landscape planter, then the applicant shall work with City Staff to address this situation. The Community and Economic Development Director shall be authorized to approve minor alterations the size and/or location of the landscape planter to accommodate the placement of such wall.
82. All recreation areas, landscaping along the interior project street and entryway, landscaped areas in all common areas, and any landscaping within the public right-of-way shall be maintained for the life of the project and such maintenance provisions shall be included in the CC&R's.
83. Both common recreation areas, as identified on the approved site plan, shall be equipped with outdoor furniture and table tennis equipment, subject to review by the Planning Services Division, and Building and Safety Division.
84. During construction, if paleontological or archaeological resources are found, all attempts will be made to preserve in place or leave in an undisturbed state in compliance with applicable law. In the event that fossil specimens or cultural resources are encountered on the site during construction and cannot be preserved in place, the applicant shall contact and retain, at applicant's expense, a qualified paleontologist or archaeologist, as applicable, acceptable to the City to evaluate and determine appropriate treatment for the specimen or resource, and work in the vicinity of the discovery shall halt until appropriate assessment and treatment of the specimen or resource is determined by the paleontologist or archeologist (work can continue elsewhere on the project site). Any mitigation, monitoring, collection, and specimen/resource treatment measures recommended by the paleontologist/archaeologist shall be implemented by the applicant at its own cost.
85. The applicant shall comply with the Migratory Bird Treaty Act (MBTA), and Sections 3503, 3503.5 and 3515 of the California Fish and Game regulations, which require the protection of active nests of all bird species, prior to the removal of any on-site landscaping, including the removal of existing trees.
86. The proposed development will consist of the construction of twenty (20) townhome units, and one (1) unit shall be reserved for very low-income households.

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87. The vehicular gate at the alley shall be of automatic type.
88. There shall be no parking allowed along any drive-aisle, except within the designated parking areas. All curbs not designated as parking areas shall be painted red. The applicant shall post "No Parking" signs along the drive aisle.
89. Each residence shall be utilized as one (1) dwelling unit. No portion of any residence shall be utilized or rented as a separate dwelling unit.
90. All balconies shall remain open and shall not be enclosed at any time. There shall be no storage allowed in the balconies at any time.
91. The maintenance of the drive aisles, storm drains, sewer system, and open space areas is the responsibility of the applicant and property owner, including the common recreation areas, and the common landscape areas.
92. Each unit shall be provided with an air conditioning condensing unit and/or system so that there are no wall-mounted, or window mounted units. If units are located on the roof, an architectural design of the roof areas shall be done to effectively screen such units from adjacent properties and the public right-of-way.
93. Mailboxes shall be provided and installed by the applicant. The local postmaster shall approve the design and location.
94. Each unit shall be provided with washer and dryer hook-ups.
95. At applicant's request, applicant has been granted State Density Bonus allowances for parking, one (1) concession, and one (1) waiver in exchange for the applicant's agreement to reserve one (1) dwelling unit in the project for occupancy by very low-income households for a period of 45 years commencing with the issuance of the certificate of occupancy for the project. The applicant shall at all times during the term of the affordability period comply with the requirement to sell the target unit to very low-income households at an affordable price as required by the Garden Grove Municipal Code and State Law. Pursuant to State law, the Garden Grove Municipal Code, and the City's Density Bonus Agreement Guidelines, the record owner or owners of the subject property shall enter into an affordable housing regulatory agreement with the City pursuant to Garden Grove Municipal Code Section 9.60.050, which satisfies the criteria set forth in subdivision (c) of Government Code Section 65915. The regulatory agreement shall be prepared by the City at the applicant/owner's expense, and the applicant and/or owner shall pay applicable fees pursuant to GGMC Section 9.60.050.G and reimburse the City for the actual fees and costs charged for the services of attorneys and/or other professional third-party consultants engaged by the City for the purposes set forth in GGMC Section 9.60.050.F. Prior to preparation of the regulatory agreement, applicant and/or property owner shall execute a reimbursement

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- agreement with the City, in a form approved by the City Attorney, and provide a deposit to the City in an amount sufficient to cover the estimated professional fees and costs to be incurred by the City, as determined by the Department Director, in his or her reasonable discretion. The regulatory agreement shall be approved by the City and recorded prior to final map approval. The regulatory agreement shall remain a senior, non-subordinate covenant and as an encumbrance running with the land for the full term thereof. In no event shall the regulatory agreement be made junior or subordinate to any deed of trust or other documents providing financing for the construction or operation of the project, or any other lien or encumbrance whatsoever for the entire term of the required covenants.
96. Final Tentative Tract Map No. TT-19129 shall be approved by the City and recorded by the applicant prior to issuance of building permits for the proposed development.
 97. A copy of the resolution approving Site Plan No. SP-119-2022 and Tentative Tract Map No. TT-19129, including these Conditions of Approval, shall be kept on the premises at all times.
 98. The applicant shall submit a signed letter acknowledging receipt of the decision approving Site Plan No. SP-119-2022 and Tentative Tract Map No. TT-19129 and his/her agreement with all conditions of the approval.
 99. The applicant shall, as a condition of Project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, or proceeding against the City, its officers, agents, employees and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body, or City staff action concerning Site Plan No. SP-119-2022 and Tentative Tract Map No. TT-19129. The applicant shall pay the City's defense costs, including attorney fees and all other litigation related expenses, and shall reimburse the City for court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award, which may issue against the City including but not limited to any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein.
 100. In accordance with Garden Grove Municipal Code Sections 9.32.160 and 9.40.070.A, respectively, the rights granted pursuant to Site Plan No. SP-119-2022 and Tentative Tract Map No. TT-19129 shall be valid for a period of two years from the effective date of this approval. Unless a time extension is granted pursuant to Section 9.32.030.D.9 of the Municipal Code, the rights conferred by Site Plan No. SP-119-2022 and Tentative Tract Map No. TT-19129 shall become null and void if the subject development and construction necessary and incidental thereto is not commenced within two (2) years of the

expiration of the appeal period and thereafter diligently advanced until completion of the project. In the event construction of the project is commenced but not diligently advanced until completion, the rights granted pursuant to Site Plan No. SP-119-2022 and Tentative Tract Map No. TT-19129 shall expire if the building permits for the project expire.

- 101. *Consistent with Sight Distance Standards in accordance with City's Traffic Engineering Policy TE-13, 10'-0" of wrought iron fencing shall be provided at each side of the vehicular gate to provide clear and unobstructed visibility of the alley. The wrought iron fencing shall not be improved with any clinging vines or materials that limit visibility to the alley from motorists.***

- 102. *A speed hump shall be installed between the ground sensor and vehicular gate. The speed hump shall not encroach into any portions of the public alley.***