

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To:	Matthew Fertal	From:	Susan Emery
Dept:	City Manager	Dept:	Community Development
Subject:	CONSIDERATION OF A NEGATIVE DECLARATION, PLANNED UNIT DEVELOPMENT NO. PUD-122-08		
		Date:	January 27, 2009

OBJECTIVE

To transmit a Planning Commission recommendation for approval changing the zoning designation for the property located at 8802 Trask Avenue from R-1 (Single-Family Residential) to PUD (Planned Unit Development) to allow the development of a six (6) unit single-family residential small-lot subdivision.

BACKGROUND

The project site consists of an irregular-shaped, 34,550 square-foot lot located on the south side of Trask Avenue, east of Yockey Street. Although the lot is 107 feet in width, the lot only maintains a street frontage of 35 feet due to a taking by CalTrans for the widening of the Garden Grove (22) Freeway. The site has a General Plan Land Use designation of Low Density Residential and is zoned R-1 (Single-Family Residential).

The applicant is proposing to construct a six (6) unit small-lot single-family residential subdivision. Each property within the development will consist of an approximately 1,690 square foot, three-bedroom, two-and-half bathroom, two-story single-family detached home with an attached two-car garage. Each home will be provided with private rear yard areas varying in size from approximately 921 square feet to 2,140 square feet.

The designs of the homes are contemporary exhibiting stucco exteriors, window trim, building pop-outs, shutters, wrought iron balconies, pot shelves, and varied rooflines with concrete tile roofing. Three different facades with differing color schemes have been provided to vary the appearance of the homes.

Access to the site will be via a 28'-0" wide private drive that serves the six (6) homes. The project provides a total of 30 parking spaces, which includes parking within the garages, on the individual driveways, and guest parking spaces located along the east side of the drive aisle that serves the site.

At their November 20, 2008 public hearing, the Planning Commission approved Site Plan No. SP-445-08, Variance No. V-179-08, and Tentative Tract Map No. TT-17299, and recommended that City Council approve the subject Residential Planned Unit Development No. PUD-122-08. No one spoke in opposition to the project.

DISCUSSION

Planned Unit Development:

The rezoning of the property to PUD is necessary to accommodate the proposed six-(6) unit small-lot single-family residential subdivision. The site area is 34,550 square feet, which is below the minimum one-acre size requirement for a residential PUD. The project proposes a density of 7.5 units per acre. According to the Low Density General Plan Land Use Designation, a density of 1 to 9 units per acre would be allowed. Therefore, the project is within allowable density for the R-1 zone.

With the development of the proposed six (6) dwelling units, the project is an improvement to the site, and the design of the development, including setbacks, size of homes, lot coverage, and parking not only is consistent with the development standards of traditional subdivisions found within the R-1 zone, but is also in keeping with the development patterns within the adjacent neighborhood.

FINANCIAL IMPACTS

None.

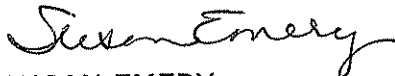
COMMUNITY VISION AND IMPLEMENTATION

The Community Vision Statement seeks to provide more housing opportunities in the community and to address concerns about recreation and open space areas. This proposed project achieves these goals by providing more housing units in the area and by providing on-site private recreation/open space area for those residing in this development.

RECOMMENDATION

The Planning Commission recommends that the City Council:

- Introduce the attached ordinance regarding Planned Unit Development No. PUD-122-08 including the adoption of a Negative Declaration.



SUSAN EMERY
Community Development Director

By: Lee Marino
Senior Planner



Approved for Agenda Listing



Matthew Fental
City Manager

- Attachment 1: Planning Commission Staff Report dated November 20, 2008
Attachment 2: Planning Commission Resolution Nos. 5657 and 5658 with Exhibit "A" Conditions of Approval
Attachment 3: Planning Commission Minute Excerpt of November 20, 2008
Attachment 4: Draft City Council Ordinance for Planned Unit Development

COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: D.1	SITE LOCATION: South side of Trask Avenue, east of Yockey Street, at 8802 Trask Avenue
HEARING DATE: November 20, 2008	GENERAL PLAN: Low Density Residential
CASE NOS.: Planned Unit Development No. PUD-122-08, Site Plan No. SP-445-08, Tentative Tract Map No. TT-17299, and Variance No. V-179-08	EXISTING ZONE: R-1 (Single-Family Residential) PROPOSED ZONE: Planned Unit Development No. PUD-122-08
APPLICANT: VT Design Specialties, Inc., Vinnie Tran	APN: 097-281-89
PROPERTY OWNER: George Kong	CEQA DETERMINATION: Negative Declaration

REQUEST:

A request to rezone a 34,550 square foot lot from R-1 (Single-Family Residential) to Planning Unit Development Residential for the allowance to create a small-lot single-family residential development; a Site Plan to construct six detached single-family homes; a Tentative Tract Map to subdivide the lot into six separate lots serviced by a private street; and a Variance to deviate from the Code required one acre minimum lot size for a residential Planned Unit Development.

PROJECT STATISTICS:

	<u>Provided</u>	<u>Code</u>		
<u>Lot Size:</u>	34,550 sq.ft.	1 acre		
<u>Density:</u>	7.5 units/acre	1-9 units/acre		
<u>Parking:</u>				
Enclosed Garage	12	12		
Open/Guest	<u>18</u>	<u>18</u>		
Total	30 spaces	30 spaces		
<u>Building Height:</u>	24'-4"	35'-0"		
<u>Building Type Summary</u>	<u>Number Of Bedrooms/Baths</u>	<u>Unit Size</u>	<u>Total Units</u>	
All Units	3 Bed, 2 ½ Bath	1,690 SF	6	

BACKGROUND:

The subject property is an irregular shaped lot located on the northwest corner of south side of Trask Avenue, east of Yockey Street. Although the lot is 107 feet in width, the lot only maintains a street frontage of approximately 35 feet and a land area of 34,550 square feet. The original lot was rectangular in shape until CalTrans bought a portion of the northeast corner of the lot for the construction improvements to the Garden Grove (22) Freeway. .

The property has a General Plan Designation of Low Density Residential and is zoned R-1 (Single-Family Residential). The property is developed with a single-family home with a detached two-car garage. The property to the north is the Garden Grove (22) Freeway. The properties to the east include single-family residential units that are zoned R-1 and a portion of the Garden Grove (22) Freeway right-of-way. The properties to the west are zoned R-1 (Single-Family Residential) and Planned Unit Development (PUD-126-99) and are developed with single-family homes and a small-lot single-family residential development. The properties to the south are zoned R-1 and are developed with single-family homes.

DISCUSSION:**ZONE CHANGE:**

The General Plan Land Use designation for this site is Low Density Residential. The property is presently zoned R-1 (Single-Family Residential), which does not permit the construction of the proposed small-lot single-family residential development.

The applicant is proposing to change the zoning designation of the property to Planned Unit Development Residential in order to develop the site with six (6), two-story, detached, small-lot, single-family, residential units. Although the City recently adopted small-lot residential subdivision standards, they only apply to the R-2 (Limited Multiple Residential) and R-3 (Multiple-Family Residential) zones. Therefore, it is necessary to implement the project through the PUD zoning designation. Since Title 9 of the Municipal Code does not provide development standards for small-lot residential developments within the single-family residential zone, the proposed development has been designed to be in conformance with the adopted small-lot subdivision standards.

The Planned Unit Development (PUD) zoning designation establishes development standards and uses specific to a particular project, and independent of the Municipal Code, provided that the quality of the project achieved through the PUD zoning is greater than could be achieved through traditional zoning.

VARIANCE:

Title 9 of the Municipal Code requires all residential Planned Unit Developments to maintain a minimum lot size of one-acre. The applicant is requesting a Variance from the minimum one-acre lot size for the proposed residential Planned Unit Development. In order to grant a Variance request, specific justifications must be

made demonstrating that a hardship would exist without the Variance, without the approval of the Variance constituting a special privilege. The following discussion lists the four required findings for Variance approval:

Exceptional circumstance: Yes

The City's General Plan anticipates the development of a small-lot subdivision zoning designation. Since the City has not adopted a new zoning classification and development standards for small-lot subdivision within the single-family residential zone, the PUD (Planned Unit Development) zoning is a mechanism to provide zoning criteria for this project. The limited size of the site prevents the applicant from meeting all of the required development standards found in a typical subdivision. In addition, the acquisition of additional land to meet the one-acre lot size is not feasible. The surrounding properties are currently improved with both single-family and a small-lot single-family residential subdivision.

Substantial property rights: Yes

The Variance is necessary for the property to be developed with the same property rights that exist for other residential developments located in the City. The limited size and configuration of the property precludes the applicant from subdividing the property and meeting all current development standards of the traditional subdivisions found in the R-1 zone. Moreover, the applicant's request is justifiable due to the fact that the General Plan designates the subject site with a density range of 1 to 9 dwelling units per acre and the applicant is proposing a development that is 7.5 units per acre, which is within the General Plan's allowable density for the property. It is also supported due to the limited size, the limited opportunity to acquire additional property, and the fact that other similar developments have occurred in the vicinity.

Materially detrimental: No

The project will be required to comply with all applicable building and safety codes and regulations to ensure that there is not an adverse impact on public health, safety, or welfare. Furthermore, the proposal has been reviewed by all City Departments in order to ensure compliance with all applicable code provisions, with the exception of this Variance request.

Adversely affect the City's General Plan: No

The project complies with all applicable development standards, except for lot size, for which a Variance has been requested. The property has a General Plan designation of Low Density Residential. This designation accommodates detached, single-family, small-lot subdivisions. The proposed project is considered a small-lot subdivision due to the fact that the typical lot sizes for this development range in size from 3,990 square feet to 4,689 square feet. The net density of 7.5 dwelling units, per net developable acre, is below the density range of the General Plan Low Density Residential land use designation. Therefore, the approval of the project will

CASE NOS. PUD-122-08, SP-445-08, TT-17299, & V-179-08

be consistent with the goals of the City's General Plan and the City's Municipal Code.

SITE PLAN:

The project consists of six detached, two-story, single-family residential units on individual lots. The site has one point of vehicular ingress and egress which is provided from Trask Avenue by a 28'-0" wide entry drive that serves all six homes. The homes maintain 20'-0" rear yards in order to provide consistency with the rear yards of adjacent single-family homes. Each home will maintain private rear yards that range in size from approximately 925 square feet to 2,140 square feet. An emergency vehicle turn-around area has been provided toward the rear of the project to allow for emergency vehicle access as required by the City of Garden Grove Fire Department.

Parking

The project provides a total of 30 parking spaces, which meets the Code's parking requirements for the development. The parking is provided as follows: twelve enclosed parking spaces, twelve open parking spaces on the driveways, and six (6) guest parking spaces located along the east side of the drive aisle serving the residential units.

Perimeter Walls and Landscaping

The applicant is proposing to construct a minimum six-foot high decorative block wall around the site's perimeter. The entryway and the open space areas along the street frontages will be landscaped by the developer and maintained by the Homeowner's Association, including certain areas within the development such as common area landscaping along the drive aisle and parking spaces, and along the street frontages. The applicant will also be providing landscaping in the front yard areas of all the units.

Unit Design

The project consists of six detached, single-family residences, with each unit having the same floor plan. The units are all two-stories, each having an attached two-car garage. The house plan provides a great room, dining room, and kitchen, on the first level; three-bedrooms, two-bathrooms, laundry room, and an open study room on the second level.

Building Architecture

The design of the homes are contemporary exhibiting stucco exteriors, decorative window and door trim, building pop-outs, shutters, wrought iron balconies, pot shelves, and varied roof lines with hipped and gabled roof systems with concrete tile roofing material. Three different facades with differing color schemes have been provided to vary the appearance of the homes.

CASE NOS. PUD-122-08, SP-445-08, TT-17299, & V-179-08

TENTATIVE TRACT MAP:

In accordance with the State Subdivision Map Act, the developer has filed a Tentative Tract Map for the project. The map creates an individual lot for each residential unit for a total of six lots and a private street. The residential lots range in size from 3,990 square feet to 4,689 square feet. The proposed Tentative Tract Map is consistent with the City's General Plan, the City's Zoning Code, the City's Subdivision Ordinance, and the State Subdivision Map Act.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following actions:

1. Adopt the Negative Declaration;
2. Approve Site Plan No. SP-445-08, Variance No. V-179-08, and Tentative Tract Map No. TT-17299, subject to the recommended Conditions of Approval; and,
3. Recommend approval of Planned Unit Development No. PUD-122-08 to the City Council.



Karl Hill
Planning Services Manager

By: Lee Marino
Senior Planner

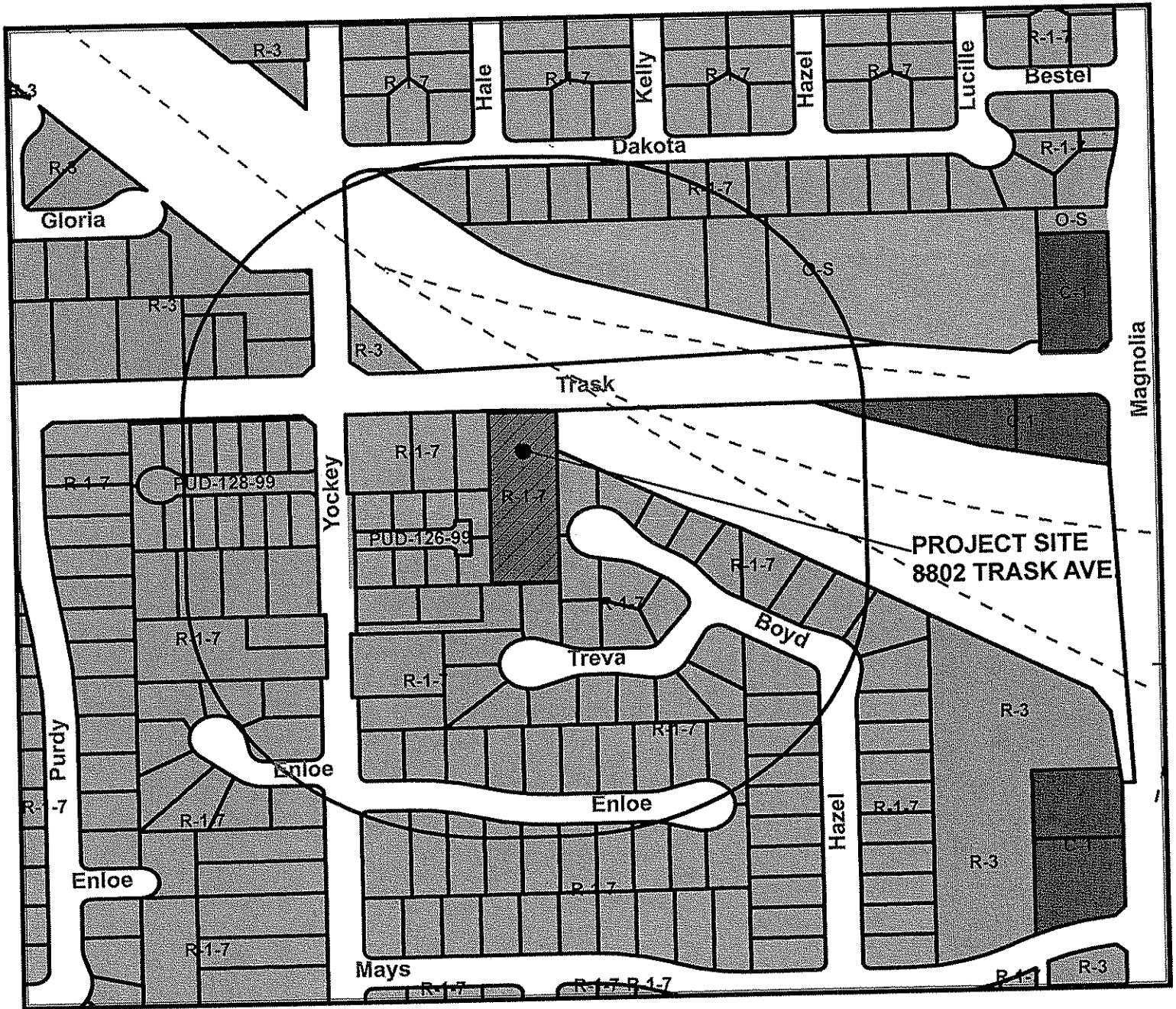


PUD-122-08SR





PLANNED UNIT DEVELOPMENT NO. PUD-122-08

CASE NO. SP-445-08, TT-17299,V-179-08



LEGEND

 PROJECT SITE : 8802 TRASK AVENUE

 500 FOOT RADIUS

NOTES

1. GENERAL PLAN: LOW DENSITY RESIDENTIAL.
2. ZONE CHANGE FROM R-1 (SINGLE-FAMILY RESIDENTIAL) TO PUD-122-08

0 125 250 500 750 Feet



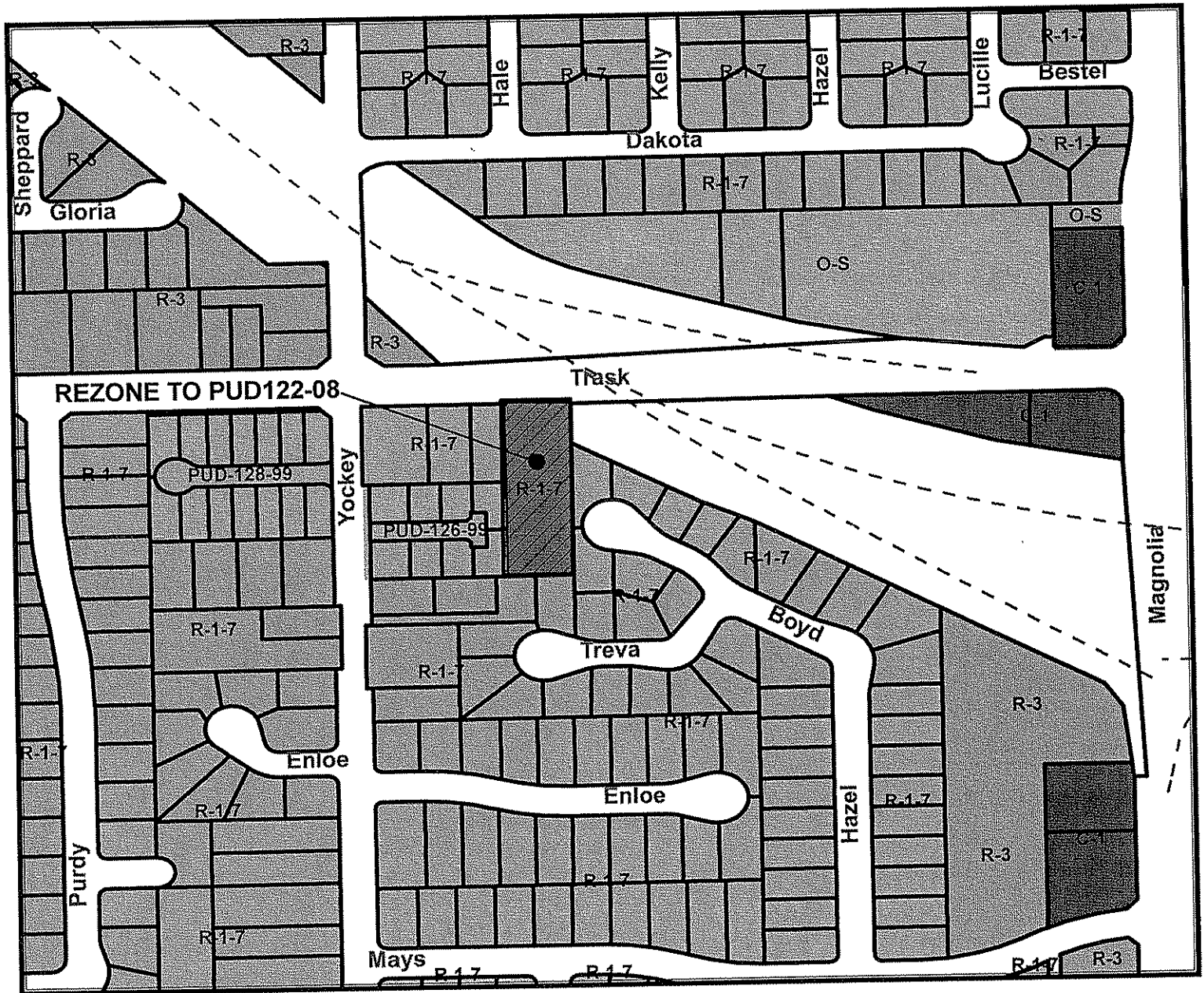
CITY OF GARDEN GROVE
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
GIS SYSTEM
NOVEMBER 2008



GARDEN GROVE

PLANNED UNIT DEVELOPMENT NO. PUD-122-08

REZONE FROM R-1 TO PUD-122-08



LEGEND

 PROJECT SITE

NOTES

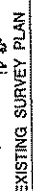
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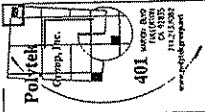
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CITY OF GARDEN GROVE
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
GIS SYSTEM
NOVEMBER 2008

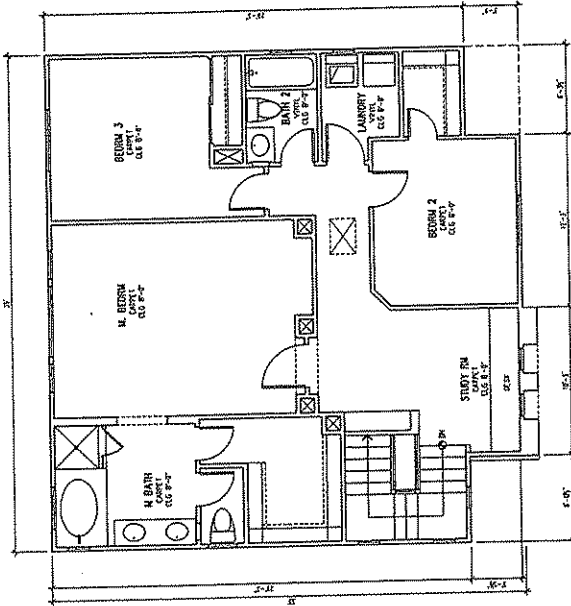
Polytek
Group, Inc.
401 West 10th St.
Tulsa, OK 74103
918/441-1000
www.polytekgroup.com

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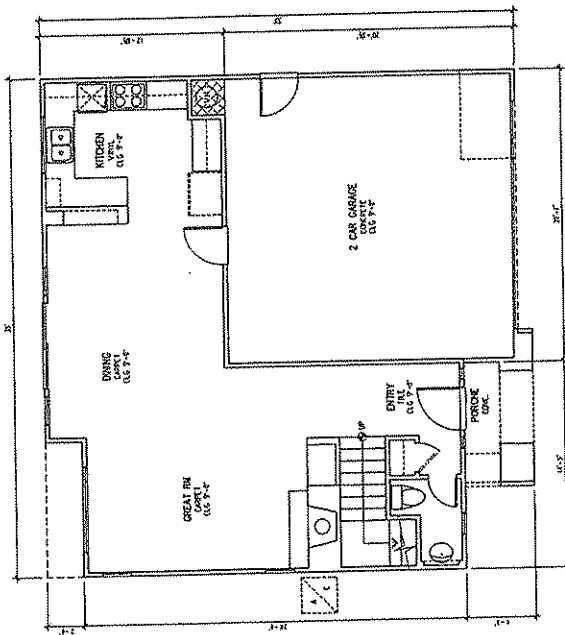
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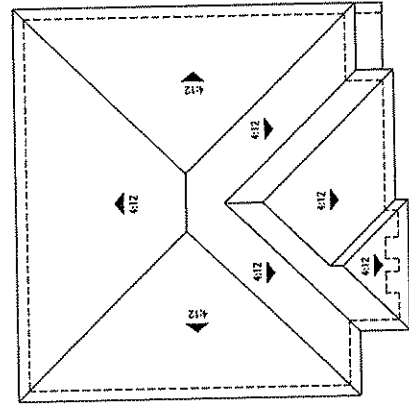
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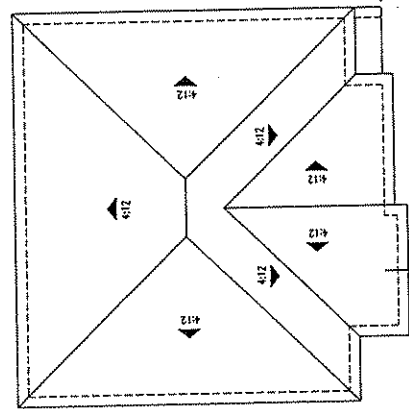
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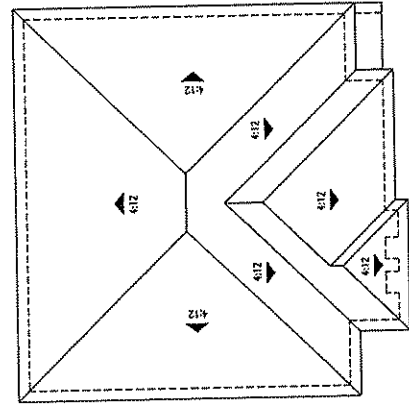
TYPICAL 1ST FLOOR PLAN



ROOF PLAN A

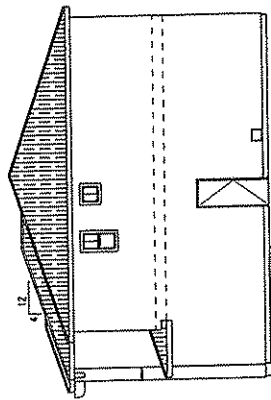


ROOF PLAN B

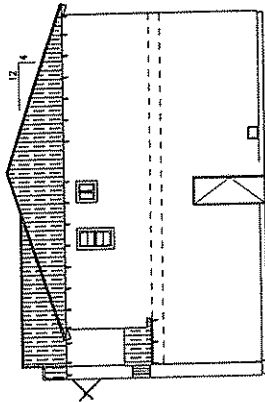


ROOF PLAN C

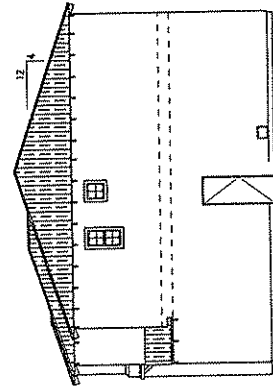
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BY	PL
CHECKED BY	PL
SCALE	1/8" = 1'-0"
PROJECT NAME	401
PROJECT ADDRESS	401 WEST 18TH STREET, SUITE 200, SAN JOSE, CA 95133
PROJECT PHONE	(408) 298-1100
PROJECT FAX	(408) 298-1101
PROJECT E-MAIL	polytek@polytekengineering.com
PROJECT WEBSITE	www.polytekengineering.com



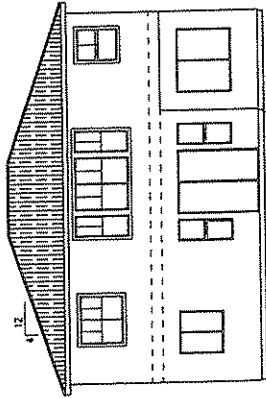
RIGHT ELEVATION - A



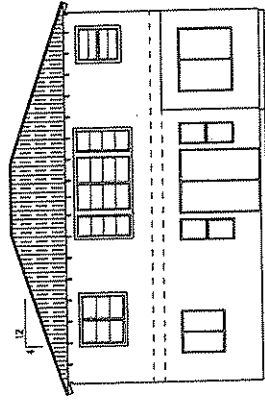
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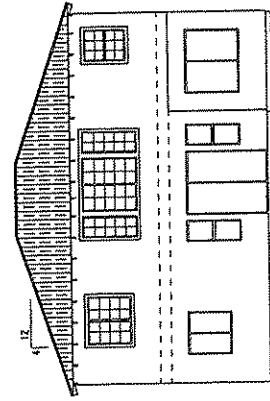
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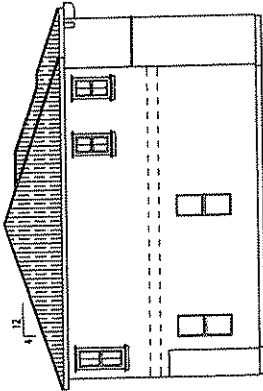
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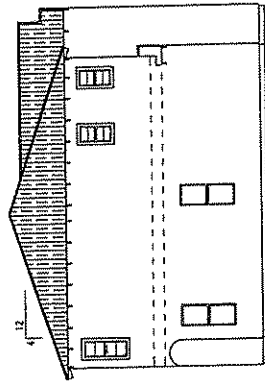
REAR ELEVATION - B



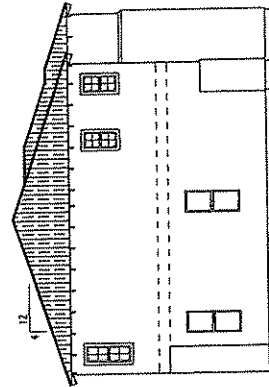
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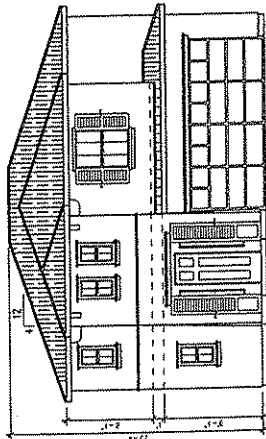
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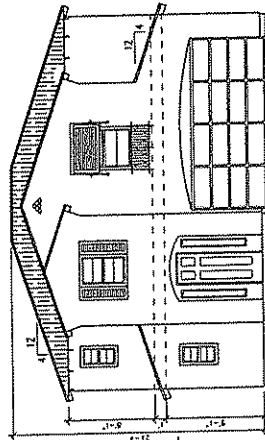
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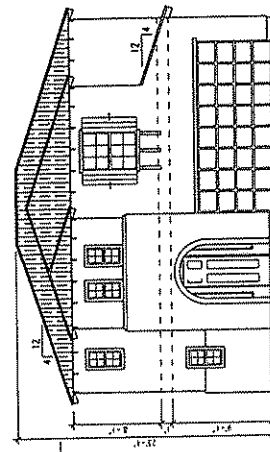
LEFT ELEVATION - C



FRONT ELEVATION - A



FRONT ELEVATION - B



FRONT ELEVATION - C

ENVIRONMENTAL CHECKLIST FORM

1. **PROJECT TITLE:** Planned Unit Development No. PUD-122-08; Site Plan No. SP-445-08; Variance No. V-179-08; and Tentative Tract Map No. TT-17299
2. **LEAD AGENCY:**
City of Garden Grove
11222 Acacia Parkway
Garden Grove, CA 92640
3. **CONTACT PERSON:**
Lee Marino, Senior Planner
4. **PROJECT LOCATION:**
8802 Trask Avenue, Garden Grove, CA 92844
5. **PROJECT SPONSOR:**
VT Design Specialties, Inc.
14522 Goldenwest Street
Westminster, CA 92683
6. **GENERAL PLAN DESIGNATION:**
Low Density Residential
7. **ZONING:**
R-1 (Single-Family Residential)
8. **DESCRIPTION OF PROJECT:**
A proposal to rezone a 34,550 square foot lot from R-1 (Single-Family Residential) to Planned Unit Development Residential for the allowance to create a small-lot single-family residential development; a Site Plan to construct six detached single-family homes; a Tentative Tract Map to subdivide the lot into six separate lots serviced by a private street; and a Variance to deviate from the Code required one acre minimum lot size for a residential Planned Unit Development.
9. **OTHER AGENCIES WHOSE APPROVAL (AND PERMITS) IS REQUIRED:**
None.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

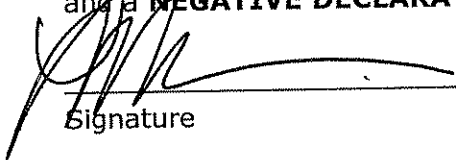
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or "Potentially Significant Unless Mitigated," as indicated by the checklist on the following pages.

<input type="checkbox"/> Land Use	<input type="checkbox"/> Transportation/Circulation	<input type="checkbox"/> Public Services
<input type="checkbox"/> Housing	<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Utilities and Services
<input type="checkbox"/> Geophysical	<input type="checkbox"/> Energy Resources	<input type="checkbox"/> Aesthetics
<input type="checkbox"/> Hazards	<input type="checkbox"/> Water Quality	<input type="checkbox"/> Cultural Resources
<input type="checkbox"/> Air Quality	<input type="checkbox"/> Noise	<input type="checkbox"/> Recreation
	<input type="checkbox"/> Mandatory Findings of Significance	

DETERMINATION:

On the basis of this initial evaluation:

I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.



Signature

October 16, 2008

Date

Lee Marino

Printed Name

For:

City of Garden Grove

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is required for all answers except "*No Impact*" answers that are adequately supported by the information sources a lead agency cited in the parentheses following each question. A "*No Impact*" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "*No Impact*" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take into account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level indirect as well as direct, and construction as well as operational impacts.
3. "*Potentially Significant Impact*" is appropriate if an effect is significant or potentially significant, or if the lead agency lacks information to make a finding of significance. If there are one or more "*Potentially Significant Impact*" entries when the determination is made, an EIR is required.
4. "*Potentially Significant Unless Mitigated*" applies when the incorporation of mitigation measures has reduced an effect from "*Potentially Significant Impact*" to a "*Less than Significant Impact*." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analysis," may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). Earlier analyses are discussed in Section XVII at the end of the checklist.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

Potentially Potentially Significant Impact	Significant Unless Mitigated	Less than Significant Impact	No Impact
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I. LAND USE AND PLANNING

- a. Conflict with General Plan designation or zoning. ☐ ☐ ☐ ☒

Response (a-b): The property currently has a General Plan Land Use designation of Low Density Residential and is zoned R-1 (Single-Family Residential). The Low Density Residential designation allows densities that range from 1 to 9 dwelling units per acre. The project, which proposes to change the zone from R-1 to Residential Planned Unit Development, will provide a density of 7.5 units per acre, which is below the maximum density allowed by the Low Density Residential designation.

The City of Garden Grove General Plan seeks the preservation of the existing well-maintained and attractive residential neighborhoods. In an effort to maintain the quality of life and to preserve real estate values in this area, the General Plan encourages the restoration of these neighborhoods through monitored maintenance and rehabilitation.

The proposal will involve the demolition of the on-site improvements, which include a single-family home, and the construction of a six (6) unit small-lot single-family home development. The maximum number of units allowed on the subject property, based on its lot size is six (6) units. While the Planned Unit Development zoning designation sets its own standards based on the proposed developments configuration, the project complies with the setbacks, landscaping, parking, and building height requirements of the R-1 zone. The project is compatible with the existing neighborhood, which includes single homes and single-family residential small-lot subdivision. The proposed project will be an enhancement to the area. Therefore, the project, complies with the General Plan designation.

- b. Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project. ☐ ☐ ☐ ☒

The proposed project is located within a highly urbanized area of Orange County and is in conformance with applicable Federal, State and City of Garden Grove environmental requirements and plans. The Final Environmental Impact Report prepared and certified, in August 2008, as a part of the General Plan Update (State Clearinghouse No. 2008041079) (The General Plan EIR), addressed this level of development for this area.

- c. Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible uses). ☐ ☐ ☐ ☒

Response (c): There are no lands dedicated to agricultural uses within the project area. Therefore, there will be no impacts to agricultural resources or operations.

- d. Disrupt or divide the physical arrangement of an established community (including a low-income or minority community). ☐ ☐ ☐ ☒

Response (d): The existing single-family home will be removed to allow the construction of six (6) single-family homes. The proposal is located in an area that is developed with existing single homes and single-family residential small-lot

	Potentially		
	Significant	Less than	
Significant	Unless	Significant	No
Impact	Mitigated	Impact	Impact

subdivision. The project has been designed to be compatible with the existing neighborhood. The proposed project will improve the site and the neighborhood, and will not disrupt or divide the physical arrangement of the established community.

II. POPULATION AND HOUSING

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Cumulatively exceed official regional or local population projections. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure). | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Displace existing housing, especially affordable housing. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Response (a-c): The property is currently developed with a single-family home that is slated to be demolished to accommodate the proposed development. As a result, the existing residents will be displaced. However, the existing residential units will be replaced with six (6) new dwelling units, which will help to increase the availability of housing units within the immediate area.

Additionally, the proposed project is located in a highly urbanized area and all infrastructure is already in place. The proposal will be consistent with the existing residential development in the area and is within the density limits permitted under the General Plan Land Use Designation of Low Density Residential. According to the 2008 General Plan Updated Housing Element, the estimated number of persons per household is 3.69. Based on the estimated number of persons per household, and the number of housing units proposed, the project will not exceed the population growth for the region as indicated in the General Plan.

III. GEOPHYSICAL

- | | | | | |
|-------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a. Seismicity: Fault rupture. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|-------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Response: According to the seismic and safety element of the General Plan, the Shady Canyon fault is the only fault line known to exist within the Garden Grove city limits. The fault has no history of seismic activity and is not considered to be active. The city lies in proximity to the Newport/Inglewood fault, as well as larger fault lines, which may affect buildings within Garden Grove.

Some exposure to seismic-related hazards is expected. This impact is not considered significant because the exposure is no different that the exposure of virtually all new and existing development in Orange County and the proposed project does not alter the existing exposure. To mitigate any potential impacts all construction is required to adhere to the Uniform Building Code as it pertains to seismic safety.

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	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
Significant Impact			

b. Seismicity: Ground shaking or liquefaction.

☐ ☐ ☒ ☐

Response: The project area, like all of Southern California, is subject to ground-shaking and other secondary impacts from seismic activity, such as liquefaction. Liquefaction could potentially occur during a maximum intensity event along the Newport-Inglewood fault due to the saturated nature of the sandy soils in the area. To mitigate any potential impacts, all construction is required to adhere to the California Building Code, as it pertains to seismic safety.

c. Seismicity: Seiche or tsunami.

☐ ☐ ☐ ☒

Response: Seiches and tsunamis are not anticipated to occur in the vicinity of this project due to its distance from the coast and absence of large water bodies in the project area.

d. Landslides or mudslides.

☐ ☐ ☐ ☒

Response: The project area is relatively flat and would not normally be subject to landslides or mudslides. The construction of the proposed project may involve comparatively small excavations, which will be required to be made in accordance with all applicable codes and standards to minimize the threat of a landslide or mudslide.

e. Erosion, changes in topography or unstable soil conditions from excavation, grading or fill.

☐ ☐ ☐ ☒

Response: Changes in topography will result during the site preparation and grading. A project of this size would not create any substantial impacts to the soil or topography of the area, other than to provide adequate drainage. All construction involving excavation and/or grading is required to adhere to the requirements of the Engineering Services Division. All improvements are required to adhere to applicable codes including the Uniform Building Code, and State and Federal Occupational Safety Requirements.

f. Subsidence of the land.

☐ ☐ ☒ ☐

Response: Differential settlement or subsidence of the land surface can be caused by several factors, including the withdrawal of oil, gas, or water from underlying formations, decomposition of buried organic material, and construction of heavy manmade structures above underlying poorly consolidated materials. None of these or any other conditions typically contributing to subsidence are expected in the project area. All new construction is required to adhere to the requirements of the Engineering Services Division to address any subsidence of the land. All improvements are required to adhere to applicable codes including the Uniform Building Code, and State and Federal Occupational Safety requirements.

g. Expansive soils.

☐ ☐ ☐ ☒

Response: All improvements are required to adhere to applicable codes including the Uniform Building Code, and California Occupational Safety requirements.

	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
Significant Impact			

h. Unique geologic or physical features.

☐ ☐ ☐ ☒

Response: There are no known unique geologic or physical features in the project area. The subject site is flat and is currently developed with a single-family home, guesthouse, and detached garage.

IV. HYDROLOGY AND WATER QUALITY

a. Violate any water quality standards or waste discharge requirements? ☐ ☐ ☐ ☒

Response: The project will not involve operations that could affect water quality standards. The project site is located within an urbanized area with existing residential, commercial and institutional uses. The use of the proposed residential development will not generate the types of activities that would effect water quality standards or waste discharge requirements.

b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? ☐ ☐ ☐ ☒

Response: The project will not involve operations that could affect aquifers' recharge capability or alter the direction of flow of groundwater. The area is urbanized with existing residential and commercial uses. The construction would not require substantial excavations, other extensive below-grade work, or the use of large quantities of water.

c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? ☐ ☐ ☐ ☒

d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface run-off in a manner which would result in flooding on- or off-site? ☐ ☐ ☐ ☒

Response (c-d): There are no surface waters within the project area. All run-off from the area is, and will continue to be, collected in local and regional storm drain facilities. These waters will be transported with other urban run-off into City and County drainage facilities. Therefore, the project will not directly affect surface waters.

Negative Declaration for PUD-122-08/SP-445-08/V-179-08 & TT-17299

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Impact | Potentially
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Unless
Mitigated | Less than
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Impact | No
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|---|--------------------------|---|-------------------------------------|--------------------------|
| e. Create or contribute run-off water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted water? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Response: There will be a less than significant change in absorption rates, drainage patterns and in the rate or amount of surface run-off as the land is presently urbanized. To ensure proper drainage is provided, grading and drainage plans are required to be incorporated into the construction plans and be approved by the Engineering Services Division prior to the issuance of any permits and the commencement of construction.

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| f. Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Response: There will be a less than significant change in absorption rates, drainage patterns and in the rate or amount of surface run-off as the majority of the site is presently developed. To ensure proper drainage is provided grading and drainage plans are required to be incorporated into the construction plans and approved by the Engineering Services Division prior to the issuance of any permits and the commencement of construction.

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| h. Place structures within a 100-year flood hazard area which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure or a levee or dam? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Response (g, h, i): The project area is located within the Regular Flood Hazard Zone "X", as determined by the Federal Emergency Management Agency Flood Insurance Rate Map No. 06059C0138H (Community No. 060220, Panel No. 0138H), issued on February 18, 2004. 100-year flood zone. Flood Zone "X" includes areas of 500 year flood; with average depths of less than one foot, or with drainage areas less than one square mile; and areas protected by levees from 100-year floods. Flood Zone "X" is not subject to the flood hazard ordinance.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| j. Inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Response: Seiches, tsunamis and mudflows are not anticipated to occur in the vicinity of this project due to its distance from the coast, the absence of large bodies of water, and the absence of hilly or mountainous terrain that could potentially cause mudflows.

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| k. Result in an increase in pollutant discharges to receiving waters? Consider water quality parameters such as temperature, dissolved oxygen, turbidity and other typical stormwater pollutants (e.g., heavy metals, | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

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	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
Significant Impact			

pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash)?

Response: Project run-off will be directed into the existing storm drain system adjacent to the site. The local storm drain system has adequate capacity to handle the incremental increase in storm and urban water run-off generated by this project.

- l. Result in significant alteration of receiving water quality during or following construction? ☐ ☐ ☐ ☒

Response: There are no surface waters within the area in which the project is to be located. All run-off from the area is, and will continue to be, collected in local and regional storm drain facilities. These waters will be transported with other urban run-off into City and County drainage facilities. Therefore, the project will not significantly affect receiving water quality.

- m. Could the project result in increased erosion downstream? ☐ ☐ ☒ ☐

- n. Result in increased impervious surfaces and associated increased run-off? ☐ ☐ ☒ ☐

- o. Create a significant adverse environmental impact to drainage patterns due to changes in run-off flow rates or volumes? ☐ ☐ ☒ ☐

Response (m, n, o): There will be a less than significant change in absorption rates, drainage patterns, and in the rate or amount of surface run-off, as the land is presently urbanized. To ensure proper drainage is provided, grading and drainage plans are required to be incorporated into the construction plans, and approved by the Engineering Services Division, prior to the issuance of any permits and the commencement of construction.

- p. Tributary to other environmentally sensitive areas? If so, can it exacerbate already existing sensitive conditions? ☐ ☐ ☐ ☒

- q. Tributary to an already impaired water body, as listed on the Clean Water Act Section 303(d) list? ☐ ☐ ☐ ☒

If so, can it result in an increase in any pollutant for which the water body is already impaired?

- r. Have a potentially significant environmental impact on surface water quality to either marine, fresh or wetland waters? ☐ ☐ ☐ ☒

Response (p, q, r): All run-off from the area is, and will continue to be, collected in local and regional storm drain facilities. These waters will be transported with other urban run-off into City and County drainage facilities. Therefore, the project will not affect existing environmentally sensitive areas or surface water quality.

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	Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
s. Have a potentially significant adverse impact on ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
t. Cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Response (s, t): No impact is anticipated to occur to groundwater, as the project will not involve operations that could affect aquifers' recharge capability or alter the direction of flow of groundwater. The area is urbanized with existing residential and commercial uses. The construction proposed will not require substantial excavations or other extensive below-grade work or the use of large quantities of water.

u. Impact aquatic, wetland, or riparian habitat?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Response: The project will not impact aquatic, wetland or riparian habitats as no such environments are located within the project area or in the immediate area. All run-off from the area is, and will continue to be, collected in local and regional storm drain facilities. These waters will be transported with other urban run-off into City and County drainage facilities. Therefore, the project will not directly affect any aquatic, wetland or riparian habitat.

V. AIR QUALITY

a. Violate any air quality standard or contribute to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Response: The project area, like all of the South Coast Air Quality Management District, is located in an extreme non-attainment area, with regard to Federal air quality standards. During the construction phase of the project, increased dust and odor levels are anticipated in the immediate project area. This type of impact is considered insignificant due to the temporary nature of the impact. Construction will be required to adhere to all mitigation measures, as addressed in the General Plan EIR, to minimize the impacts from increased odors and dust.

b. Expose sensitive receptors to pollutants?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Response: Temporary impacts (e.g., increased dust and odor levels) to sensitive receptors may occur during the construction phase of the project. This type of impact is considered insignificant due to its temporary nature. Construction will be required to adhere to all mitigation measures, as addressed in the General Plan EIR, to minimize the impacts from increased odors and dust. There will be no long-term impacts to air quality since the project will comply with all AQMD and Fire Department requirements.

c. Alter air movement, moisture, or temperature, or cause any change in climate?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Response: The proposed project is not large enough in scale to alter air movement, moisture or temperature, or cause a change in the climate.

	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
Significant Impact			

d. Create objectionable odors.

☐ ☐ ☐ ☒

Response: No objectionable odors will be created by the project. During construction, odors may occur within the area. This impact is not considered significant due to its temporary nature. The General Plan EIR addressed odors that would result of new construction. Construction will be required to adhere to all mitigation measures, as addressed in the General Plan EIR, to minimize the impacts from increased odors. No post-construction odors are anticipated from the residential development of this site.

VI. TRANSPORTATION

a. Increased vehicle trips or traffic congestion?

☐ ☐ ☒ ☐

Response: The development is likely to increase vehicle trips and traffic congestion in the area as the existing single-family home will be replaced with six (6) units. However, the number of trips generated by the proposed residential project is lower than the trips generated by the higher density residential project that is allowed under the General Plan. The Traffic Engineering Division has reviewed this project and finds that no significant traffic-related on-site, or off-site improvements for this project are necessary beyond that conditioned for right-of-way improvements.

During construction, increased vehicle trips or traffic congestion may occur, but would be temporary in nature and would not create a significant impact. All projects involving construction in the public right-of-way will be required to submit a traffic safety plan to minimize traffic congestion.

b. Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

☐ ☐ ☐ ☒

Response: The property is currently improved with single-family home. The project proposes demolition of the existing improvements and the construction of six (6) condominiums. The Traffic Engineering Division and the Fire Department have reviewed this project and finds that the drive aisles, pathways, and emergency vehicle access and back-up areas are sufficient to serve and safeguard the project and surrounding properties.

c. Inadequate emergency access to nearby uses?

☐ ☐ ☐ ☒

Response: The project does not propose elements or aspects that would obstruct or restrict emergency access to or through the area. In conjunction with the review and approval of building permits, the City of Garden Grove will review all plans to assure compliance with all applicable emergency access and safety requirements.

d. Insufficient parking capacity on-site or off-site?

☐ ☐ ☐ ☒

Response: The project has been designed to comply with the minimum number of parking spaces required by the Municipal Code. City Code requires a total of 30 parking spaces to accommodate the use. The project provides a total of 30 parking spaces, which includes twelve (12) garaged parking spaces and eighteen (18) open guest parking spaces.

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	Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
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- e. Hazards or barriers for pedestrians or bicyclists? ☐ ☐ ☐ ☒

Response: Barriers for pedestrians or bicyclists may occur during the period of construction. All projects involving construction in the public right-of-way will be required to submit a traffic safety plan to ensure the safety of pedestrians and/or bicyclists.

- f. Conflicts with adopted policies supporting alternative transportation? ☐ ☐ ☐ ☒

Response: The project does not propose elements or aspects that would typically interfere with, or otherwise affect alternative transportation modes. Potential impacts in this regard, if any, are considered less-than-significant.

- g. Rail, waterborne or air traffic impacts? ☐ ☐ ☐ ☒

Response: There are no air or waterborne traffic corridors in the immediate area. The site is not located within a flight path for any airport.

VII. BIOLOGICAL RESOURCES

- a. Endangered, threatened species, or their habitats (including but not limited to plants, fish, insects, animals, and birds)? ☐ ☐ ☐ ☒

Response: The project site is located in a highly urbanized area. Therefore, endangered species are not expected to live in the area due to lack of suitable habitat.

- b. Locally designated species (e.g., heritage trees)? ☐ ☐ ☐ ☒

- c. Locally designated natural communities (e.g., oak forest, coastal habitat, etc.)? ☐ ☐ ☐ ☒

Response (b, c): The site is devoid of native vegetation and there are no locally designated species and natural communities on the project site.

- d. Wetland habitat (e.g., marsh, riparian and vernal pool)? ☐ ☐ ☐ ☒

Response: There are no wetland habitats in the area of the project site.

- e. Wildlife dispersal or migration corridors? ☐ ☐ ☐ ☒

Response: The project area does not serve as a dispersal and/or migration corridor as the area is within a highly urbanized area.

VIII. ENERGY AND MINERAL RESOURCES

- a. Conflict with adopted energy conservation plans. ☐ ☐ ☐ ☒

Response: The development of a six (6) unit residential development on this site is not in conflict with adopted energy conservation plans. All residential units will be

	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
Significant Impact			

required to utilize energy conservation measures such as wall and ceiling insulation, dual pane windows and weather stripping.

- b. Use non-renewable resources in a wasteful and inefficient manner? ☐ ☐ ☐ ☒

Response: All development on the project site is required to adhere to all State and City energy-conservation regulations, including energy efficient lighting, ventilation, and heating systems.

IX. HAZARDS

- a. A risk of accidental explosion or release of hazardous substances (e.g., oil, pesticides, chemicals, and radiation)? ☐ ☐ ☐ ☒
- b. Possible interference with an emergency response plan or emergency evacuation plan? ☐ ☐ ☐ ☒
- c. The creation of any health hazard or potential health hazard? ☐ ☐ ☐ ☒
- d. Exposure of people to existing sources of potential health hazards? ☐ ☐ ☐ ☒

Response (a, b, c, d): There will be no health hazards, or potential for health hazards, created by the proposed development or uses. The proposed development will be used as residences. The development will not create any health hazards or increase the potential of exposure to existing hazards. The project will not increase the risk of accidental explosion, release of hazardous substances, or create an interference with exiting emergency response or evacuation plans.

- e. Increased fire hazard in area with flammable brush, grass, or trees? ☐ ☐ ☐ ☒

Response: There are no anticipated physical changes that would increase fire hazards within the project area. All landscaping on the site is required to be permanently maintained.

- f. Would the project include new, or retrofitted, storm water Treatment Control BMPs (e.g., water quality treatment basin, constructed treatment wetlands), the operation of which could result in significant environmental effects (e.g., increase vectors and odors)? ☐ ☐ ☐ ☒

Response: The project will not use new treatment BMPs that could create an increase in odors or vectors.

	Potentially		
	Significant	Less than	
Significant	Unless	Significant	No
Impact	Mitigated	Impact	Impact

X. NOISE

a. Increases in existing noise levels?

☐ ☐ ☒ ☐

Response: Construction activities associated with the on-site development may temporarily increase noise levels, at noise-sensitive receptors, adjacent to the project site. However, with the temporary nature of the construction-related activities, and requirements for contractor compliance with County and City noise ordinances, noise impacts will be mitigated to a level of insignificance.

There are physical changes on the project site that would likely increase noise levels beyond those existing. The design of the site and the placement of the buildings take into account the anticipated increase in noise levels and the surrounding noise sensitive land uses. The perimeter block walls will function as noise attenuation devices to residential units abutting the project site. All windows oriented toward a public right-of-way shall be dual paned to reduce traffic noise, and all units shall be provided with sound insulation as required by the California Building Code.

b. Exposure of people to extreme noise levels?

☐ ☐ ☐ ☒

Response: Construction noise will occur within the project area. Although construction noise could cause an annoyance for surrounding uses, due to the temporary nature of any construction activities and the fact that construction activities and future development would be required to adhere to the County and City noise Ordinances, the impact of extreme noise levels from any potential construction activities is considered to not be significant. Noise from the proposed use will not be extreme, as the activities are limited and regulated by the Garden Grove Municipal Code.

XI. PUBLIC SERVICES

a. Fire protection?

☐ ☐ ☐ ☒

Response: The City of Garden Grove Fire Department currently provides emergency response service to the project area. The project is not likely to induce significant growth or result in substantial new demand for fire protection services. However, new construction will occur and due to the nature of the uses, there will be a slight increase in the demand for fire protection services. In order to mitigate impacts, the development shall comply with the conditions of approval of the Fire Department.

b. Police protection?

☐ ☐ ☐ ☒

Response: The Garden Grove Police Department currently provides police protection in the area. The project is not likely to induce growth and or result in substantial new demand for police protection services. There are no anticipated physical changes within the area that would significantly increase demands for police protection.

c. Schools?

☐ ☐ ☐ ☒

Response: The proposed development will increase the number of housing units within the Garden Grove Unified School district. The development is subject to the applied mitigation school fees currently applied to new development in the "City by

	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
Significant Impact			

the Garden Grove Unified School District. In order to ensure this concern is satisfied, the Developer shall provide the Community Development Department proof of payment of appropriate school fees, adopted by the Garden Grove Unified School District, prior to the issuance of building permits in accordance with the provisions of state law.

- d. Maintenance of public facilities, including roads? ☐ ☐ ☒ ☐

Response: The Public Works Department has reviewed the project and will require public facility improvements. The developer is required to construct a new curb and gutter, sidewalk, and drive approach that comply with City Standards

- e. Other governmental services? ☐ ☐ ☐ ☒

Response: No additional governmental services will be required for this project.

XII. UTILITIES AND SERVICE SYSTEMS

- a. Power or natural gas? ☐ ☐ ☐ ☒

Response: There are no significant impacts to power or natural gas caused by this project. The existing infrastructure is adequate to meet the demands of the area including those generated by this project.

- b. Communication systems? ☐ ☐ ☐ ☒

Response: There are no impacts to the communication system caused by this project. The existing infrastructure is adequate to meet the demands of the area including those generated by this project.

- c. Local or regional water treatment or distribution facilities? ☐ ☐ ☐ ☒

Response: There are no impacts to water treatment or distribution facilities caused by this project. The infrastructure is existing and adequate to meet the demands of the area including those generated by the project.

- d. Sewer or septic tanks? ☐ ☐ ☒ ☐

Response: The Water Services Division has reviewed the project, and has determined that the area is not located in a sewer deficiency area. The existing sewer system is sufficient to accommodate the proposed development and therefore the potential impact is considered less than significant.

- e. Storm water drainage? ☐ ☐ ☒ ☐

Response: There are less than significant impacts to the existing utilities and services systems caused by this project. The existing systems are adequate to meet the demands of the area including those generated by this project.

	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
Significant Impact			

f. Solid waste disposal?

☐ ☐ ☐ ☒

Response: Solid waste disposal services are administered by the Garden Grove Sanitary District. Collection services are provided via a contract with a private trash collection contract.

XIII. AESTHETICS

a. Affect on a scenic vista or scenic highway?

☐ ☐ ☐ ☒

Response: The project area is not adjacent to any scenic vistas or highways. The physical improvements for this site will be compatible with the surrounding residential neighborhood.

b. Have a demonstrable negative aesthetic effect?

☐ ☐ ☐ ☒

Response: The project is considered visually and aesthetically appropriate for its context and does not represent a detrimental alteration of the existing visual attributes of the site or vicinity. As such, the potential for the project to have a demonstrable negative aesthetic effect is considered less-than-significant.

c. Create light or glare?

☐ ☐ ☐ ☒

Response: The project is required to place lighting structures in a manner that will have minimal impacts to the abutting properties. All lighting is required to be directed, positioned, or shielded in such a manner to minimize any unreasonable illumination on to adjacent properties and roadways. The project is required to adhere to all Municipal Code requirements pertaining to minimum lighting levels.

XIV. CULTURAL RESOURCES

a. Disturb paleontological resources?

☐ ☐ ☐ ☒

b. Disturb archaeological resources?

☐ ☐ ☐ ☒

Response (a, b): There are no known paleontological and archaeological resources in the area. If unanticipated paleontological resources are discovered during construction, all attempts will be made to preserve in place or leave in an undisturbed state in compliance with CEQA Section 21083.2.

c. Affect historical resources?

☐ ☐ ☐ ☒

Response: There are no known historical resources in the area. The Garden Grove General Plan Update notes 13 historically significant or potentially significant sites within the City limits. None of these sites is located in the project area.

d. Have the potential to cause physical change, which would affect structures of unique cultural or ethnic value?

☐ ☐ ☐ ☒

Response: There are no structures or activities that have unique cultural or ethnic value. The project, therefore, will not have the potential to affect unique ethnic or cultural values.

e. Restrict existing religious or sacred uses within the

☐ ☐ ☐ ☒

	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
Significant Impact			

potential impact area?

Response: The proposed project is not in proximity to any known religious facilities or other sacred places. Therefore, there is no potential to restrict existing religious or sacred uses within the area of the project.

XV. RECREATION

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Increase the demand for neighborhood or regional parks or other recreational facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Affect existing recreation facilities. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Response (a-b): The proposed project provides adequate private open space that complies with the minimum size required by the Municipal Code. The open space provided will accommodate the needs of the future residents. Each unit will have a private recreation in a form of rear yard. No additional neighborhood or regional park facilities will be required to be provided for this project. However, the developer is required to pay appropriate park fees in lieu of dedicating lands for park purposes.

XVI. MANDATORY FINDINGS OF SIGNIFICANCE

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. The project does not have the potential to achieve short-term, to the disadvantage of long-term environmental goals. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. The project does not have impacts that are individually but cumulatively considerable ("Cumulatively considerable" means the incremental effects of a project are considerable, when viewed in connection with the effects of past projects, the effects of current projects and the effects of probable future projects). | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. The project does not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XVII. EARLIER ANALYSIS

Earlier analyses may have been used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D).

	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
Significant Impact			

a. **EARLIER ANALYSIS:**

1. The City of Garden Grove General Plan Update
2. The City of Garden Grove Existing Condition Report
3. The City of Garden Grove Final Environmental Impact Report for the General Plan Update, State Clearinghouse No. 93051015
4. Title 9 of the Garden Grove Municipal Code

b. **IMPACTS ADEQUATELY ADDRESSED:**

1. Geophysical
2. Hydrology and Water Quality
3. Transportation
4. Noise
5. Public Services

c. **MITIGATION MEASURES:**

All conditions of approval for Planned Unit Development No. PUD-122-08, Site Plan No. SP-445-08, Variance No. V-179-08 and Tentative Tract Map No. TT-17299 shall be adhered to, in order to mitigate negative impacts on the property or surrounding area.

RESOLUTION NO. 5657

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE ADOPTING A NEGATIVE DECLARATION AND RECOMMENDING APPROVAL OF PLANNED UNIT DEVELOPMENT NO. PUD-122-08.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on November 20, 2008, does hereby adopt a Negative Declaration and recommend City Council approval of Planned Unit Development No. PUD-122-08, for land located at the south side of Trask Avenue, east of Yockey Street, at 8802 Trask Avenue, Parcel No. 097-281-89.

BE IT FURTHER RESOLVED that the Planning Commission has considered the proposed Negative Declaration together with comments received during the public review process. The record of proceedings on which the Planning Commission's decision is based is located at the City of Garden Grove, 11222 Acacia Parkway, Garden Grove, California. The custodian of record of proceedings is the Director of Community Development. The Planning Commission finds on the basis of the whole record before it, including the initial study and comments received, that there is no substantial evidence that the project will have a significant effect on the environment. The Planning Commission adopts the Negative Declaration.

BE IT FURTHER RESOLVED in the matter of Planned Unit Development No. PUD-122-08, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by VT Design Specialties, Inc., Vinnie Tran for George Kong, property owner.
2. The applicant requests approval of a Zone Change from the R-1 (Single-Family Residential) zone to Planned Unit Development Residential zone to allow the development of a small-lot, single-family residential subdivision on a 34,550 square foot site; a Site Plan approval in order to construct six, detached, two-story single-family residential units; a Variance approval to deviate from the minimum one-acre lot size for a residential planned unit development; and a Tentative Tract Map for the residential subdivision.
3. The Community Development Department has prepared a Negative Declaration for the project that concludes that the proposed project can not, or will not, have significant adverse effect on the environment; was prepared and circulated in accordance with applicable law, including the California Environmental Quality Act (CEQA), Public Resources Code of Regulations section 21000 et. seq., and the CEQA guidelines, 14 California Code of Regulations Sec. 15000 et. seq., and includes mitigation measures.

4. The property has a General Plan Land Use designation of Low Density Residential and is currently zoned R-1 (Single-Family Residential). The 34,550 square foot site is developed with a single-family home.
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 City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on November 20, 2007, 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 of November 20, 2008; and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Sections 9.12.020 and 9.24.030, are as follows:

FACTS:

The site is 34,550 square feet in area, and is currently developed with a single-family home.

The site has a General Plan Land Use designation of Low Density Residential and is zoned R-1 (Single-Family Residential).

The minimum site requirement for Planned Unit Development Residential zoning is one (1) acre. The proposed site area is 34,550 square feet (0.79 acres). A Variance is proposed as part of this application in order to deviate from the minimum one-acre lot size for a residential Planned Unit Development.

The Planned Unit Development would facilitate the development of the site with six (6), two-story, single-family detached residential units.

The application for the Planned Unit Development is being processed in conjunction with Site Plan No. SP-445-08, Variance No. V-179-08, and Tentative Tract Map No. TT-17299.

FINDINGS AND REASONS:

Planned Unit Development:

1. The location of the buildings, architectural design, and proposed use are compatible with the character of existing residential development in the vicinity, and the project will be well-integrated into its setting.

The project is designed to be integrated with the existing developments in the area. The properties to the west are improved with single-family homes and a single-family residential small-lot subdivision, the properties to the east include a portion of the Garden Grove (22) Freeway right-of-way and single-family homes, the properties to the south are improved with single-family homes, and to the north of the subject site, across Trask Avenue, is the Garden Grove (22) Freeway. The design of the project will ensure a reasonable degree of compatibility with adjacent uses.

2. The plan will produce a stable and desirable environment and will not cause undue traffic congestion on surrounding streets.

The design of the project complies with the spirit and intent of the Garden Grove Municipal Code for Residential development. The City's Traffic Engineering Section has reviewed the plan and all appropriate conditions of approval and mitigation measures have been incorporated to minimize any adverse impacts on surrounding streets.

3. Provision is made for both public and private open spaces.

The project has been designed in accordance with City Code provisions for providing an adequate amount of private open spaces as required by Planned Unit Development standards.

4. Provision is made for the protection and maintenance of private areas reserved for common use.

Through the conditions of approval for the project all necessary agreements for the protection and maintenance of private areas reserved for common use will be in place prior to the start of construction and will be required to be adhered to for the life of the project.

5. The quality of the project, achieved through the proposed Planned Unit Development zoning, is greater than could be achieved under the current PUD.

The project incorporates an innovative design and meets City Code standards for parking, vehicle access and circulation, open space, and landscaping. The

design of the project, as well as adherence to these Code requirements, will ensure that the overall quality of the project will be comparable to projects that could be achieved under the current zoning.

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 Planned Unit Development possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.24.030 (Planned Unit Development).
2. The implementation provisions for Planned Unit Development No. PUD-122-08 are found under Planning Commission Resolution No. 5658 for Site Plan No. SP-445-08, Variance No. V-179-08, and Tentative Tract Map No. TT-17299.

RESOLUTION NO. 5658

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE ADOPTING A NEGATIVE DECLARATION AND APPROVING SITE PLAN NO. SP-445-08, VARIANCE NO. V-179-08, AND TENTATIVE TRACT MAP NO. TT-17299.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on November 20, 2008, does hereby adopt a Negative Declaration and approves Site Plan No. SP-445-08, Variance No. V-179-08, and Tentative Tract Map No. TT-17299, for land located on the south side of Trask Avenue, east of Yockey Street, at 8802 Trask Avenue, Parcel No. 097-281-89.

BE IT FURTHER RESOLVED that the Planning Commission has considered the proposed Negative Declaration together with comments received during the public review process. The record of proceedings on which the Planning Commission's decision is based is located at the City of Garden Grove, 11222 Acacia Parkway, Garden Grove, California. The custodian of record of proceedings is the Director of Community Development. The Planning Commission finds on the basis of the whole record before it, including the initial study and comments received, that there is no substantial evidence that the project will have a significant effect on the environment. The Planning Commission adopts the Negative Declaration.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-445-08, Variance No. V-179-08, and Tentative Tract Map No. TT-17299, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by VT Design Specialties, Inc., Vinnie Tran for George Kong, property owner.
2. The applicant requests approval of a Zone Change from the R-1 (Single-Family Residential) zone to Planned Unit Development Residential zone to allow the development of a small-lot, single-family residential subdivision on a 34,550 square foot site; a Site Plan approval in order to construct six, detached, two-story single-family residential units; a Variance approval to deviate from the minimum one-acre lot size for a residential planned unit development; and a Tentative Tract Map for the residential subdivision.
3. The Community Development Department has prepared a Negative Declaration for the project that concludes that the proposed project can not, or will not, have significant adverse effect on the environment; was prepared and circulated in accordance with applicable law, including the California Environmental Quality Act (CEQA), Public Resources Code of Regulations section 21000 et. seq., and the CEQA guidelines, 14 California Code of Regulations Sec. 15000 et. seq., and includes mitigation measures.

4. The property has a General Plan Land Use designation of Low Density Residential and is currently zoned R-1 (Single-Family Residential). The 34,550 square foot site is developed with a single-family home.
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 City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on November 20, 2007, 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 of November 20, 2008; and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Sections 9.12.020 and 9.24.030, are as follows:

FACTS:

The site is .79 acres in area, and is currently developed with a single-family home.

The site has a General Plan Land Use designation of Low Density Residential and is zoned R-1 (Single-Family Residential).

The minimum site requirement for Planned Unit Development Residential zoning is one (1) acre. The proposed site area is 34,550 square feet (0.79 acres). A Variance is proposed as part of this application in order to deviate from the minimum one-acre lot size for a residential Planned Unit Development.

The Planned Unit Development would facilitate the development of the site with six (6), two-story, single-family detached residential units.

The application for Site Plan No. SP-445-08, Variance No. V-179-08, and Tentative Tract Map No. TT-17299 is being processed in conjunction with Planned Unit Development No. PUD-122-08.

FINDINGS AND REASONS:

Site Plan:

1. The Site Plan complies with the spirit and intent of the provisions, conditions and requirements of Title 9 and the General Plan.

The project complies with the Low Density Residential General Plan Land Use designation and the proposed PUD zoning for the property. The building facades, site design, parking, and landscaping, are consistent with the spirit and intent of the requirements of Municipal Code.

2. The project will not adversely affect essential on-site facilities such as off-street parking, loading and unloading areas, traffic circulation, and points of vehicular and pedestrian access.

The drive aisles and maneuvering areas are adequate for vehicle access. Sufficient parking is provided, and adequate pedestrian access is provided within the project. The proposed project provides 30 on-site parking spaces, 12 enclosed and 18 open.

3. The project will not adversely affect essential public facilities such as streets and alleys, utilities and drainage channels.

The existing streets, utilities and drainage facilities within the area are adequate to accommodate the project. The on-site circulation and parking are sufficient for the existing and proposed development.

4. The project will not adversely impact the Public Works Department's ability to perform its required function.

The project has been reviewed by the Public Works Department, which has required various on- and off-site improvements, including sidewalks, driveways, and grading improvements. Issues raised by the project have been addressed in the project design and the conditions of approval.

5. The project is compatible with the physical, functional and visual quality of the neighboring uses and desirable neighborhood characteristics.

The project has been designed for building appearance, building placement, landscaping, and other amenities to attain an attractive environment.

Tentative Parcel Map:

1. The Tentative Tract Map for the proposed six, detached, single-family residential dwelling units is consistent with the Garden Grove General Plan, which encourages land subdivision in order to facilitate new development. The site is adequate in size and shape to accommodate the proposed future development of the site.
2. The design and improvements of the proposed six-lot subdivision is consistent with the zoning, Title 9 of the Garden Grove Municipal Code, and the General

Plan provisions for location, proximity to similar uses, lot width and overall depth with the exception of minimum lot size for a Residential Planned Unit Development, which is being processed in conjunction with a Variance in order to deviate from the minimum one-acre lot size for a Residential Planned Unit Development.

3. The site is physically suitable for the proposed development and complies with the spirit and intent of a Residential Planned Unit Development and Title 9 of the City's Municipal Code.
4. The project will not have a significant adverse effect on the environment; therefore, the City of Garden Grove hereby adopts a Negative Declaration of Environmental Impact pursuant to the California Environmental Quality Act.
5. The design of the six, single-family detached, residential dwelling unit subdivision, and the proposed improvements, are not likely to cause public health problems. The conditions of approval for on and off-site improvements will safeguard the public health.
6. The design of the six, single-family residential dwelling unit 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 subdivision; if such easements exist, then alternate easements for access or for use will be provided and these will be substantially equivalent to the ones previously acquired by the public.
7. The design and improvements of the six, single-family residential dwelling unit subdivision are suitable for the existing site improvements and the subdivision can be developed in compliance with the applicable zoning regulations.
8. The design and improvement of the proposed subdivision are suitable for the residential project proposed and the subdivision can be developed in compliance with the applicable zoning regulations.
9. The design of the subdivision, to the extent feasible, does have allowance for future passive or natural heating and cooling opportunities.
10. The design, density, and configuration of the subdivision strikes a balance between the effect of the subdivision on the housing needs of the region and of public service needs, and that the character of the subdivision is compatible with the design of existing structures and lot sizes in the general area.

Variance:

Exceptional circumstance: Yes

The City's General Plan anticipates the development of a small-lot subdivision zoning designation. Since the City has not adopted a new zoning classification and development standards for small-lot subdivision with the single-family residential zones, the PUD (Planned Unit Development) zoning is a mechanism to provide zoning criteria for this project. The limited size of the site prevents the applicant from meeting all of the required development standards found in a typical subdivision. In addition, the acquisition of additional land to meet the minimum one-acre lot size is not feasible. The surrounding properties are currently improved with residential and commercial developments.

Substantial property rights: Yes

The Variance is necessary for the property to be developed with the same property rights that exist for other residential developments located in the City. The limited size and configuration of the property precludes the applicant from subdividing the property and meeting all current development standards of the traditional subdivisions found in the R-1 zone. Moreover, the applicant's request is justifiable due to the limited size, the limited opportunity to acquire additional property, and the fact that other similar developments have occurred in the vicinity. In addition, as part of CalTrans improvements to the Garden Grove (22) Freeway, a portion of the property was purchased for freeway right-of-way purposes, thereby reducing the developable area of the land and making the lot even smaller than is required to for a small lot subdivision.

Materially detrimental: No

The project will be required to comply with all applicable building and safety codes and regulations to ensure that there is not an adverse impact on public health, safety, or welfare. Furthermore, the proposal has been reviewed by all City Departments in order to ensure compliance with all applicable code provisions, with the exception of this Variance request.

Adversely affect the City's General Plan: No

The project complies with all applicable development standards, except for lot size, for which a Variance has been requested. The property has a General Plan designation of Low Density Residential. This designation accommodates detached, single-family, small-lot subdivisions. The proposed project is considered a small-lot subdivision due to the fact that the lot sizes for this development range in size from 3,990 square feet to 4,689 square feet. The net density of 7.5 dwelling units, per net developable acre, is below the density range of the General Plan Low Density

Residential, and the adjoining zoning of R-1, which allows a density range from 1 to 9 dwelling units per acre. Therefore, the approval of the project will be consistent with the goals of the City's General Plan.

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, Variance, and Tentative Tract Map do possess characteristics that would indicate justification of the request in accordance with Municipal Code Sections 9.24.030 (Site Plan and Variance) and 9.32.010 (Subdivisions).
2. In order to fulfill the purpose and intent of the Municipal Code, and, thereby, promote the health, safety, and general welfare, the following conditions of approval, attached as "Exhibit A", shall apply to Site Plan No. SP-445-08, Variance No. V-179-08, and Tentative Tract Map No. TT-17299.

EXHIBIT "A"

Site Plan No. SP-445-08, Variance No. V-179-08, Tentative Tract Map No. TT-17299

8802 Trask Avenue

CONDITIONS OF APPROVAL

General Conditions

1. 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 within 30 days of this approval. All conditions of approval are required to be adhered to for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the Planning Commission.
2. Approval of this Site Plan, Variance, and Tentative Tract Map, shall be contingent upon the approval of Planned Unit Development No. PUD-122-08 and 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.
3. Minor modifications may be approved by the Community Development Department. If other than minor changes are made in the proposed development, a new Site Plan application shall be filed which reflects the revisions made.
4. 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 City's Planning Section. 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.
5. The applicant shall submit detailed plans showing the proposed location of utilities and mechanical equipment to the Community Development Department for review and approval prior to Building Division Plan Check. The project shall also be subject to the following:
 - a. All on-site and off-site utilities within the perimeter of the site and to the centerline of the adjacent streets shall be installed or relocated underground.

- b. Aboveground utility equipment (e.g., electrical, gas, telephone, cable TV) shall not be located in the street setbacks, within the open space areas along Trask Avenue, or any parking areas and shall be screened to the satisfaction of the Community Development Department.
- c. No roof-mounted mechanical equipment, including but not limited to dish antennas, shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community Development Department prior to the issuance of building permits. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
- d. All ground- or wall-mounted mechanical equipment shall be screened from view from any place on or off the site.

Public Work's Engineering Division

The following provisions of the Public Work's Engineering Division shall be complied with:

- 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 in a manner meeting the approval of the City Engineer in concert with the Orange County Health Department. The report shall also make recommendations for pavement design of the interior private street.
- 7. A separate street permit is required for work performed within the public right-of-way.
- 8. Grading plans prepared by a registered Civil Engineer are required. The grading plan shall be based on a current survey of the site, including adjacent properties, and designed to preclude cross-lot drainage. Minimum grades shall be 0.50% for concrete flow lines, 1.25% for asphalt surfaces and 2.0% for landscaped areas. The grading plan shall also include water and sewer improvements.
- 9. The applicant shall be subject to Traffic Mitigation Fees.
- 10. Prior to the issuance of any grading or building permits or prior to recordation upon subdivision of land if determined applicable by the City Building Official,

the applicant shall submit to the City for review and approval a Water Quality Management Plan that:

- a. Addresses Site Design BMPs such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas; and,
 - b. Incorporates the applicable Routine Source Control BMPs as defined in the DAMP.
 - c. Incorporates Treatment Control BMPs as defined in the DAMP.
 - d. Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs.
 - e. Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs.
 - f. Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs.
11. 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 applicant is prepared to implement 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; and,
 - d. Submit for review and approval by the City an Operations and Maintenance (O&M) Plan for all structural BMPs.
12. Prior to issuance of any building permits, the applicant shall prepare and submit for approval a final Tract Map for the proposed subdivision.
13. TIES TO HORIZONTAL CONTROL: Prior to recordation of a final 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

Site Plan No. SP-445-08, Variance No. V-179-08, Tentative Tract Map No. TT-17299
Conditions of Approval

Code and Orange County Subdivision Manual, Sub article 18. The surveyor/engineer shall submit record information to the City on Auto Cad DWG format.

14. DIGITAL MAP SUBMISSION: Prior to recordation of a final 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, Sub article 18. The surveyor/engineer shall submit record information to the City on Auto Cad DWG format.
15. Remove existing driveway approach along Trask Avenue and construct a new driveway approach per City Standard Plan No. B-120.
16. All storm water from the proposed development shall be deposited to a public street via an approved parkway drain.
17. Any new or required block wall(s) and/or retaining walls and trash enclosures shall be shown on the grading plans. Block walls shall be developed to City Standards or designed by a professional registered engineer.
18. Provide hydrology and hydraulic calculations with scaled map. The calculations shall be per Orange County Hydrology manual. Parkway culverts shall be constructed per Orange County PF&RD Standard Plan 1309, Type B or approved equal.
19. Prior to the issuance of a grading permit and recordation of a final map, the applicant shall design a 4'-6" sidewalk on the east side of the private drive extending from Trask Avenue to the fire truck turn-around.
20. Prior to granting occupancy, the applicant is required to restrict parking on the west side of the private driveway and the curbs bordering the fire truck turn-around area in a manner meeting the approval of the City Traffic Engineer.

Garden Grove Fire Department

The following provisions of the Garden Grove Fire Department and the Uniform Fire Code shall be met:

21. Address numbers shall be provided on each building and shall be visible from the street/main drive aisle, and be a minimum of six inches in height and in contrasting colors.

22. Minimum clear access roadway width of twenty feet and minimum vertical height clearance of 14'-0" is required, and shall be shown on plan. Red curbing will be required in all designated fire access lanes as directed by the Fire Department. The private street shall be a minimum of 28'-0" wide.
23. The developer shall install two (2) fire hydrants. One shall be located off of Trask Avenue and one shall be located at the end of the private street. The exact locations shall be coordinated with the Garden Grove Fire Department.
24. All plans including the Tentative Tract Map shall remove any mention of the Orange County Fire Authority (OCFA).

Building Services Division

25. The building plans, site plans and all construction shall comply with the current editions of the California Building Regulations as found in the California Code of Regulations (CCR), Title 24, Parts 2 through 12 as adopted by the City of Garden Grove.

Public Work's Water Services Division

The following provisions of the Garden Grove Public Work's Water Services Division shall be met:

26. A composite utility plan shall be part of the water plan approval.
27. New water service and meter installations, shall be installed by the City of Garden Grove at the owner's/developer's expense. Installation shall be scheduled upon payment of applicable fees, unless otherwise noted. Water meters shall be located within the Trask right-of-way.
28. A Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed of the irrigation 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.
29. Owner shall dedicate all rights to underground water without the right to surface entry.
30. Any new or existing water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.

31. It shall be the responsibility of the 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.
32. The location and number of fire hydrants shall be as required by the Water Services Division and the Fire Department.
33. Owner shall install a new 8" private sewer main system with laterals and clean-outs. Main in public right-of-way shall be 8" min. dia., extra strength VCP with wedgelock joints.
34. Contractor shall abandon any existing unused 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.

Planning Services Division

35. The developer shall submit a complete landscape plan governing the entire development. Said plan shall include type, size, location and quantity of all plant material. This includes enhanced landscaping for the walkway areas. It shall include irrigation plans and staking and planting specifications. The landscape plan is also subject to the following:
 - a. A complete, permanent, automatic remote control irrigation system shall be provided for all common area landscaping shown on the plan. The sprinklers shall be of low flow/precipitation sprinkler heads for water conservation.
 - b. The plan shall provide a mixture of a minimum of ten percent (10%) of the trees at 48-inch box, ten percent (10%) of the trees at 36-inch box, fifteen percent (15%) of the trees at 24-inch box and sixty percent (60%) of the trees at 15-gallon, the remaining five percent (5%) may be of any size. These trees shall be incorporated into the landscaped frontages of all streets. Where clinging vines are considered for covering walls, Boston Ivy or similar fast growing vine shall be used.
 - c. The developer shall be responsible for installing and maintaining the common area landscaping until such time as the project completely sells-out and the Homeowner's Association takes over maintenance responsibility.
 - d. No trees shall be planted closer than five feet (5') from any public right-of-way. Trees planted within ten feet (10') 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. No street trees will be planted in the sidewalk.

- e. Any landscape treatment along the street frontage, including the area designated as public right-of-way, shall incorporate the landscape area between the sidewalk and the dwelling units with ground cover, shrubs and bushes, and trees that highlight the project's entrance as well as enhance the exterior appearance along the street frontages.
 - f. The front of each home shall be landscaped with sodded turf, flowering ground covers, and shrubs planted in a hierarchical design ranging in size from 1 gallon to 5 gallon. A minimum of one (1) 24 inch box tree shall be planted in front of each home facing the private street.
 - g. All landscape areas are the responsibility of the Homeowner's Association and this includes any landscaped area within the street right-of-way on Trask Avenue.
36. All required new utility services shall be underground. All required utility services and equipment, including transformers, gas meters, "J" boxes and similar devices shall be located below grade or shall be screened from view by ornamental masonry walls and/or a row of 15-gallon size (minimum) shrubs. The placement and treatment of all screening devices shall be subject to review and approval of the Planning Division. A preliminary electrical equipment plan, which is prepared by the Southern California Edison Company, shall be reviewed and approved by the City Planning Division prior to the issuance of building permits. The applicant is required to return City approved red line prints to the Southern California Edison Company Planning Department, for preparation of final construction drawings. The location of other utility companies appurtenances and meters shall be submitted to the City Planning Division for review and approval prior to installation.
37. Hours and days of construction and grading shall be as follows as set forth in the City of Garden Grove's Municipal Code Section 8.47.010 referred to as the County Noise Ordinance as adopted:
- a. Monday through Saturday - not before 7 a.m. and not after 8 p.m. (of the same day).
 - b. Sunday and Federal Holidays may work same hours but subject to noise restrictions as stipulated in section 8.47.010 of the Municipal Code.
38. The developer/owner shall prepare Covenants, Conditions, and Restrictions (CC&R's) for review and approval by the City Attorney's office and Community Development Department prior to the issuance of building permits. The

approved CC&R's shall be recorded at the same time that the subdivision map is recorded and two copies of the recorded CC&R's shall be provided to the Planning Division. The CC&R's shall include the following stipulations:

- a. All units shall maintain within the garages, the ability to park two cars at all times. 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. Residents shall not park or store vehicles anywhere on the site except within the designated parking spaces in front of the garages for their dwelling unit. However, the parking spaces along the main drive aisle may be utilized by residents or guests for temporary parking. These parking spaces along the main drive aisle shall be posted with parking signs indicating "Temporary Parking Only"; specify the duration of parking (e.g., maximum 4-hour parking); and shall be spaced a minimum of 75 feet apart, with a minimum of two signs.
- d. Best Management Practices shall be incorporated to detour and/or abate any graffiti vandalism throughout the project and through out the life of the project.
- e. 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.
- f. The CC&R's shall provide provisions for the tenants as 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 common recreation area, and the common landscape area maintenance, etc.
- g. Storage of boats, recreational vehicles, or commercial vehicles on the property is prohibited.
- h. The CC&Rs shall include specific provisions addressing the trash pick up and the application of such. This includes the number of times per week for trash pick-up, arrangements with trash hauler for location of pick-ups on site, keeping of trash containers in yard areas out of view from the common drive aisle.
- i. The CC&R's shall include stipulations that maintenance of the private drive aisles, storm drain, sewer system, and open space areas is the responsibility of the Homeowner's Association, including the common landscaped areas.

Site Plan No. SP-445-08, Variance No. V-179-08, Tentative Tract Map No. TT-17299
Conditions of Approval

- j. The above stipulations shall not be modified without the approval of the City of Garden Grove. The CC&R's shall contain a provision that indicates CC&R's may not be terminated or substantially amended without the consent of the City and the Developer's successor-in-interest.
- k. CC&R's shall include language regarding Homeowner's Association responsibilities under National Pollutant Discharge Elimination System (NPDES) regulations.
- l. The Association shall file with the City Community Development Department the name, address, and telephone number of at least one (1) member of the Association Board, and where applicable, the Association's management company, before January 1st of each year.
- m. The following provisions shall be included within the CC&R's:
 - i. Enforcement: The city is hereby made a party to these Declarations solely for purposes of enforcing its provisions and the Conditions of Approval of Planned Unit Development No. PUD-122-08, Site Plan No. SP-445-08, Variance No. V-179-08, and Tentative Tract Map No. TT-17299. The City, its agents, departments and employees shall have the unrestricted right and authority, but not the obligation, to enforce the provisions of these Declarations and the Conditions of Approval of Planned Unit Development No. PUD-122-08, Site Plan No. SP-445-08, Variance No. V-179-08, and Tentative Tract Map No. TT-17299. 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 Planned Unit Development No. PUD-122-08, Site Plan No. SP-445-08, Variance No. V-179-08, and Tentative Tract Map No. TT-17299 approvals. However, the City shall not be liable for failing or refusing to enforce the provisions of these Declarations or the Conditions of Approval of Planned Unit Development No. PUD-122-08, Site Plan No. SP-445-08, Variance No. V-179-08, and Tentative Tract Map No. TT-17299.
 - ii. Assessments: The City may levy special assessments against the properties in connection with its actions to enforce the conditions of these Declarations or Planned Unit Development No. PUD-122-08, Site Plan No. SP-445-08, Variance No. V-179-08, and Tentative Tract Map No. TT-17299 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 these Declarations in the event that it incurs expenses in the enforcement of the conditions of these Declarations or Planned Unit Development No. PUD-122-08, Site Plan No. SP-445-08, Variance No. V-179-08, and Tentative Tract Map No. TT-17299 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.

iii. 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 Planned Unit Development No. PUD-122-08, Site Plan No. SP-445-08, Variance No. V-179-08, and Tentative Tract Map No. TT-17299 approvals, or to abate the violation thereof.

iv. Public Safety Access: The Police and Fire Department personnel may enter upon any part of the common area for the purpose of enforcing State and Local laws.

39. The developer shall comply with all provisions of the Community Development Department including, but not limited to, the following:

- a. The facades of the units shall be designed with sound attenuation features including the use of dual pane windows and limiting, when possible, the use of windows and vents. These features shall be approved by the Community Development Department prior to the issuance of building permits. The second story windows located along the rear of the homes shall be designed so as to prevent visual intrusion to the properties to the east. The visual intrusion mitigation measures shall include, but not be limited to, the use of high windows, opaque windows, or frosted windows.

- b. Prior to the finalization of working drawings for Planning Division, Engineering Division, and Building Division Plan Check, the developer shall submit to the Community Development Department detailed and dimensioned plot plans, floor plans, exterior elevations, and landscape plans which reflect the above conditions of approval. The plans shall indicate cross sections of all streets within the development, landscape materials, wall materials, and building materials proposed for the project. Each unit shall have phone jacks and cable-TV outlets in all rooms except the laundry area, hallways, and bathrooms. Mechanical equipment, including air conditioning units, Jacuzzi spa equipment, sump pump, etc., shall not be located closer than five feet of any property line. The equipment shall only be located in an enclosed rear or side yard, and only if provided the above distance stipulation is met. Those units not provided an air conditioning condensing unit, shall designate a location on the unit's property that allows for a ground mounted unit, minimizes noise intrusion to adjacent units, and allows for ease of installation per the distance separation requirements noted immediately above. No wall mounted or roof type of air conditioning system is permitted.
40. Any new or required block walls and/or retaining wall(s) 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. Block walls are required along the site's interior property lines and shall be constructed to a minimum height of six feet as measured from highest point of finished grade on the project's side. These walls shall be constructed of concrete block, subject to Community Development Department's approval. This includes walls visible to right-of-ways. All walls shall be constructed with split-face block with columns at equal distance intervals. Any walls used along the street frontages shall not exceed seven feet in height, shall use columns, and have cap at the top of the wall, and the design, location, and material treatment shall be reviewed and approved by the Community Development Department prior to issuance of building permits for block wall construction.
 - b. The applicant shall work with the existing property owners along the project perimeter in designing and constructing the required perimeter block walls. This requirement is to avoid having double walls and to minimize any impact that the wall 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.

41. 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, the use of methanol, natural gas, propane or butane vehicles instead of gasoline or diesel powered equipment, where feasible, the use of solar or low-emission water heaters, and the use of low-sodium parking lot lights, and ensure compliance with Title 24.
42. The entry drive from Trask Avenue shall have enhanced concrete treatment subject to Community Development Department's approval. The depth of the enhanced treatment shall be a minimum of 20'-0".
43. The roofing material used on all the units shall be a clay or concrete tile subject to Community Development Department approval. The type/specifications shall be noted on the construction drawings that are submitted for plan check review.
44. Building color and material samples shall be submitted to the Planning Division for review and approval prior to issuance of building permits. All windows and sliding glass doors shall be multi-paned with decorative trim around windows and doors. Decorative lights shall be provided at the entry to the units with the final design reviewed and approved by the Planning Division prior to issuance of building permits. All front doors shall be decorative paneled doors. Each home shall be provided with paneled roll-up garage doors.
45. Decorative mailboxes shall be provided that include elements that are complimentary to the architectural style of the buildings.
46. In the event any legal action or proceeding is filed against the City and/or applicant, seeking to attack, set aside, void or annul any of the Project entitlements, applicant shall have the right and obligation to either: (1) defend the City with legal counsel mutually selected by the applicant and the office of the City Attorney; legal fees shall be limited so as not to exceed \$250 per hour; or (2) request that the City rescind the entitlement approvals, in which case the applicant would have no obligation to defend or indemnify the City; however, applicant shall reimburse the City for any costs incurred or assessed against the City as a result of the filing of such legal action or proceeding, provided the City acts promptly to rescind the entitlements.

MINUTE EXCERPT

GARDEN GROVE PLANNING COMMISSION

PUBLIC HEARING: NEGATIVE DECLARATION
PLANNED UNIT DEVELOPMENT NO. PUD-122-08
SITE PLAN NO. SP-445-08
TENTATIVE TRACT MAP NO. TT-17299
VARIANCE NO. V-179-08

APPLICANT: VT DESIGN SPECIALTIES, INC.
LOCATION: SOUTH SIDE OF TRASK AVENUE, EAST OF YOCKEY STREET AT 8802 TRASK AVENUE
DATE: NOVEMBER 20, 2008

REQUEST: To rezone a 34,550 square foot lot from R-1 (Single-Family Residential) to Planned Unit Development Residential for the allowance to create a small lot single-family residential development; a Site Plan to construct six detached single-family homes; a Tentative Tract Map to subdivide the lot into six separate lots serviced by a private street; and a Variance to deviate from the code required one acre minimum lot size for a PUD. The site is in the R-1 (Single-Family Residential) zone.

Staff report was read and recommended approval.

Commissioner Kirkham asked staff to clarify the 28'-0" driveway location.

Staff explained that the driveway would be approximately 5'-0" from the property line, heading west toward the freeway.

Commissioner Brietigam asked staff to clarify the guest parking. Staff explained that two spaces are located at the rear in the vehicular turnaround; that the 28'-0" wide street allows for parking on one side of the street; and that each of the four homes toward the front of the project have one parking space in the street, two in the driveway, and two in the garage.

Commissioner Beard asked staff to clarify that if Caltrans had not purchased a section of the property would the property have been a full one acre in lieu of .79 acres? Staff replied that the property would still have been less than one acre. Commissioner Beard asked if there would be a sewer deficiency. Staff replied no, that an 8" sewer line would be required on site.

Commissioner Beard asked if the project was noticed properly. Staff replied yes.

Chair Pierce opened the public hearing to receive testimony in favor of or in opposition to the request.

Mr. Vinnie Tran, the applicant's representative, approached the Commission and stated that the project would be compatible with the neighborhood; that the owners have the capital for the investment; that the project duration would be approximately nine months; and that the likelihood was that the owner's family members would occupy the homes.

Chair Pierce asked Mr. Tran if he had read and agreed with the Conditions of Approval. Mr. Tran replied yes.

Mr. Tu Phung approached the Commission and stated that he lives two blocks from the project and supports the development.

Mr. Dave Quill approached the Commission and asked for clarification of the perimeter wall heights, specifically along the east and south boundaries; and expressed that there is a drainage concern.

Mr. Tran approached the Commission and stated that the grading levels are shown on the Tentative Tract Map; and that the fence would be six foot tall.

Staff added that the new grading would be a few inches higher than the existing grade; that the back wall could be one and a half to two feet higher; that the water would drain to Trask Avenue, from north, to south, to Trask Avenue; and that if the grade is raised by one foot, the existing single-family home side wall could be seven feet high.

There being no further comments, the public portion of the hearing was closed.

Commissioner Beard commented that the project is good and fits in well with the area.

Commissioner Brietigam agreed; however, he would have liked to see more family open space by possibly removing one unit.

Commissioner Kirkham commented that the project would be an improvement; however, he could not support the project due to concerns with the width of the driveway, the lot size, the number of homes, and the difficulty of exiting the property.

Commissioner Nguyen commented that the requirements meet code; that a similar property was approved previously; that the project would be an enhancement; and that he would support the project.

Chair Pierce agreed and stated that the project would be a good use of the land.

Commissioner Brietigam asked staff about the certainty of the driveway width. Staff responded that the Engineering Division had reviewed the project's 28'-0" driveway and staff felt confident with the survey and documentation.

Commissioner Beard moved to recommend adoption of the Negative Declaration and approval of Planned Unit Development No. PUD-122-08 to City Council, and to approve Site Plan No. SP-445-08, Tentative Tract Map No. TT-17299, and Variance No. V-179-08, seconded by Commissioner Nguyen. The motion received the following vote:

AYES:	COMMISSIONERS:	BEARD, BRIETIGAM, NGUYEN, PIERCE
NOES:	COMMISSIONERS:	KIRKHAM
ABSENT:	COMMISSIONERS:	BANKSON, PAK

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING
A NEGATIVE DECLARATION AND APPROVING PLANNED UNIT DEVELOPMENT
NO. PUD-122-08, CHANGING THE ZONING DESIGNATION FROM R-1
(SINGLE-FAMILY RESIDENTIAL) TO PLANNED UNIT DEVELOPMENT
NO. PUD-122-08.

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES ORDAIN AS FOLLOWS:

WHEREAS, the case, initiated by VT Design Specialties, Inc., Vinnie Tran for George Kong, property owner, to rezone approximately 34,550 square feet of land zoned R-1 (Single-Family Residential) to the Planned Unit Development zone in order to facilitate development of the site with a six (6) unit small-lot single-family residential subdivision located on the south side of Trask Avenue, east of Yockey Street, at 8802 Trask Avenue, Parcel No. 097-281-89; and,

WHEREAS, the Planning Commission, at a public hearing held on November 20, 2008, adopted a Negative Declaration of Environmental Impact pursuant to the California Environmental Quality Act for this project for Site Plan No. SP-445-08, Variance No. V-179-08, and Tentative Tract Map No. TT-17299; and

WHEREAS, pursuant to Resolution No. 5657, the Planning Commission, at a public hearing held on November 20, 2008, recommended approval of Planned Unit Development No. PUD-122-08; and

WHEREAS, pursuant to a legal notice, a public hearing was held by the City Council on January 27, 2009, and all interested persons were given an opportunity to be heard; and

WHEREAS, the City of Garden Grove City Council, in regular session assembled on January 27, 2009, does hereby adopt a Negative Declaration for land located on the south side of Trask Avenue, east of Yockey Street, at 8802 Trask Avenue, Parcel No. 097-281-89.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF GARDEN GROVE:

Section 1. The City of Garden Grove City Council has considered the proposed Negative Declaration together with comments received during the public review process. The record of proceedings on which the City of Garden Grove City Council decision is based is located at the City of Garden Grove, 11222 Acacia Parkway, Garden Grove, California. The custodian of record of proceedings is the Director of Community Development. City of Garden Grove City Council finds on the basis of the whole record before it, including the initial study and comments received, that there is no substantial evidence that the project will have a significant

effect on the environment. The City Council further finds that the adoption of the Negative Declaration reflects the City Council's independent judgment and analysis. Therefore, City of Garden Grove City Council adopts the Negative Declaration.

Section 2. Planned Unit Development No. PUD-122-08 is hereby approved, pursuant to the facts and reasons stated in Planning Commission Resolution No. 5657, a copy of which is on file in the Office of the City Clerk and incorporated herein by reference with the same force and effect as if set forth in full.

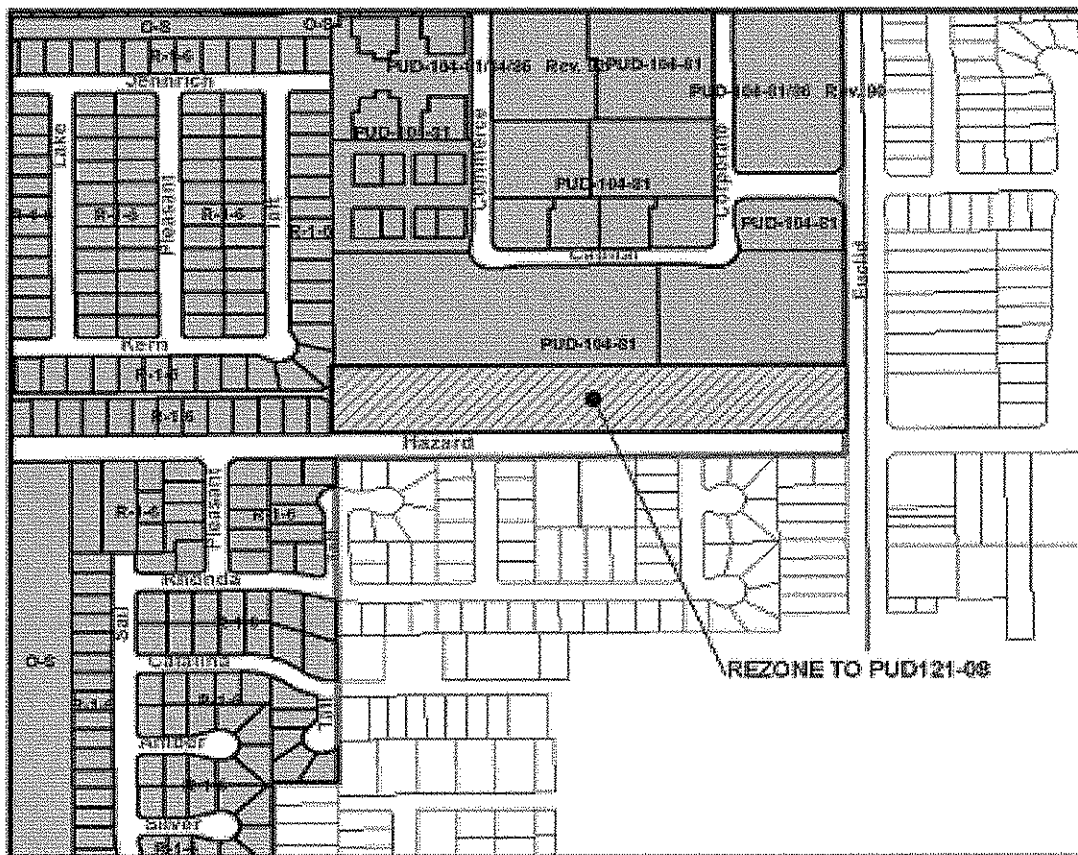
Section 3. The property shown on the map attached hereto is rezoned to the Planned Unit Development No. PUD-122-08 zone as shown thereon. Zone Map part P-14 is amended accordingly.

Section 4. This ordinance shall take effect thirty (30) days after adoption and shall within fifteen (15) days of adoption be published with the names of Council members voting for and against the same in a newspaper adjudicated and circulated in the City of Garden Grove.



PLANNED UNIT DEVELOPMENT NO. PUD-121-08

REZONE FROM PUD-108-81 TO PUD-121-08



LEGEND

 PROJECT SITE

NOTES

1. SITE ADDRESS: 10901 HAZARD AVENUE



0 125 250 500 750 Feet

CITY OF GARDEN GROVE
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
GIS SYSTEM
OCTOBER 2008

PLANNING DIVISION OF GARDEN GROVE