

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To: Matthew Fertal
From: Susan Emery
Dept: City Manager
Dept: Community Development
Subject: CONSIDERATION OF A MITIGATED
NEGATIVE DECLARATION, PLANNED
UNIT DEVELOPMENT NO. PUD-123-09
AND DEVELOPMENT AGREEMENT
Date: November 10, 2009

OBJECTIVE

To transmit a request for a Mixed-Use Planned Unit Development (PUD) zoning for the purpose of allowing future development of the 13.9-acre Brookhurst Triangle site consisting of approximately 200,000 square feet of commercial/office space and up to 800 residential dwelling units, which will also include sufficient parking, open space, an urban trail, and related development standards for a mixed-use development. A Development Agreement is included.

BACKGROUND

The General Plan identifies the 13.9-acre Brookhurst Triangle site to be improved with over 200,000 square feet of commercial/office space and up to 800 residential dwelling units. The location of the proposed Planned Unit Development is the Brookhurst Triangle, which is bounded by Brookhurst Street, Garden Grove Boulevard, and Brookhurst Way. The project site will not include the parcel at the northern tip of the triangular site, nor the parcel at the southwest corner of the triangular site. In time, it is anticipated that all existing buildings and businesses on the subject site will be removed in order to accommodate the future development.

The proposed project is to rezone the site to Planned Unit Development in order to facilitate the future development of the site with a mixed-use development, a combination of commercial, office, and residential uses. The proposed PUD is to create a mid-rise and high-rise development, where the main commercial and office space is to occupy ground level and possibly one level above the ground level. The residential units to be housed in the upper floors would reflect building heights of five to seven stories, up to possibly 15 to 23 stories.

The development will provide several public and private amenities. These amenities include public areas such as an urban trail, common open space and private open space, and private recreational elements for the residents and their guests. The urban trail system will be usable by the public, and will wind its way in and around the project. Along with the urban trail, an integrated internal common open space/plaza will be incorporated into the project for the purposes of providing visual relief and enhanced aesthetics, as well as providing a respite for shoppers, visitors, residents, and employees of the site. Water elements, landscaping, seating areas, and sculptures/art work will buffet these areas. Aside from the common open

space areas, the development will also incorporate private recreation spaces and elements for that portion of the development designated for the residential dwelling units.

It is anticipated that the commercial and office space aspect of the development will have a variety of commercial uses and office uses, which will conceivably occupy tenant spaces that will range in lease space from small tenant spaces of 500 to 1,000 square feet up to retail uses having upwards of 30,000 square feet. The residential units are to be a combination of apartment and condominium units having a mix of one-, two-, and three-bedroom units with a majority being one- and two-bedroom units.

The Planned Unit Development is based on a refined concept analysis site plan that has been created to be used as a basis for the analysis, as well as setting the parameters for which an actual development is to follow. An actual site development plan will be subject to and be governed by the approved PUD for this site.

The development is anticipated to have five ingress and egress points. The ingress and egress points are two on Brookhurst Street, two on Brookhurst Way, and one on Garden Grove Boulevard. Access on Garden Grove Boulevard is to align with the main access to the Galleria Mixed-Use project directly south of the subject site. Parking areas are to be three levels with one level below grade, one level at grade, and one level above grade. The proposed parking configuration will provide a sufficient amount of parking, approximately 2,600 parking spaces, to address the demand for the entire mixed-use development.

It should be noted that there are specific concerns about circulation and parking in and around this site due to the magnitude of intensity and density proposed. It is through the PUD that development of the overall site will require the preparation of a traffic and parking analysis to evaluate and determine if on-site and off-site circulation improvements are necessary to address such concerns stemming from this development. Among the matters to be studied are direction of travel for those leaving the site, distribution of parking for the residents and users of the site, and perimeter traffic flow concerns such as dedicated right-turn lanes and bus turn-outs.

The proposed project will comply with the goals and objectives of the Community Design Element of the City's adopted General Plan, including provisions for attractive building design, landscaping, and signage. Although aesthetic impacts are by their nature very subjective, the intent is to create an attractive mixed-use development that would add to the visual interest of the streetscape and maintain a similar ambiance with the surrounding commercial and residential areas. The refined concept analysis site plan has exterior elevations that vary in height from five to seven stories, up to 15 to 23 stories. The initial concept for the building elevations are to be contemporary and modern in a timeless style that lends itself to having both form and function. The placement and design of the proposed Brookhurst Triangle buildings should be that of an experience of not feeling overwhelmed with height, but more of a street level experience of buildings ranging in height from two to four stories.

Staff held two neighborhood meetings on the Brookhurst Triangle development proposal: August 4, 2009, with twelve persons in attendance that were mainly either business owners or property owners within the Brookhurst Triangle; and September 16, 2009, with eighteen persons in attendance. At both meetings, overall support was generally expressed for the proposed Planned Unit Development and future development of the site as proposed.

In both meetings concerns were raised regarding the length of time to complete the project, and how overall construction activities could disrupt traffic flows in the area resulting in possible disruption to the business operations. Also raised as concerns were site access, parking, height of buildings, preference to include all properties within the entire Brookhurst Triangle, circulation, density, construction timing, and overall success of the proposed development.

Planning Commission held a public hearing on October 1, 2009, and voted to recommend approval of the Planned Unit Development and Development Agreement to City Council, along with the recommendation to adopt a Mitigated Negative Declaration for the project. The Planning Commission expressed general support for the proposal, although one commissioner indicated not being in favor of the maximum number of residential dwelling units proposed under this PUD.

DISCUSSION

Planned Unit Development:

The proposed project is to rezone the subject 13.9-acre site to Planned Unit Development in order to facilitate the future development of the site with a mixed-use development. The proposed mixed-use development is identified in the General Plan Update as "Focus Area F" and designated for a combination of commercial, office, and residential uses, specifically to be improved with over 200,000 square feet of commercial/office space and up to 800 residential dwelling units, which the latter equates to approximately 50 dwelling units per acre for the triangular site. The anticipated development of this intensity and density is to create a mid-rise and high-rise development where the main commercial and office space is to occupy ground level and possibly one level above the ground level, and the residential units will be housed in the upper floors that would reflect building heights of five to seven stories, up to possibly 15 to 23 stories.

DEVELOPMENT AGREEMENT

A Development Agreement is proposed between the applicant and the City. The applicant will be guaranteed four years in which to construct the proposed project, and the City will receive a development agreement payment not to exceed that which is prescribed in the Development Agreement provisions based on the total number of dwelling units and commercial square footage proposed for the development of this site.

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, working, and visiting in this development.

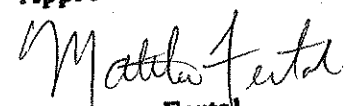
RECOMMENDATION

The Planning Commission recommends that the City Council:

- Adopt a Mitigated Negative Declaration for the proposed Planned Unit Development No. PUD-123-09 and the Development Agreement;
- Conduct the first reading and introduce the attached ordinance for the Development Agreement; and,
- Conduct the first reading and introduce the attached ordinance for Planned Unit Development No. PUD-123-09.


SUSAN EMERY
Community Development Director


By: Karl Hill
Planning Services Manager

Approved for Agenda Listing

Matthew Fertal
City Manager

- Attachment 1: Planning Commission Staff Report dated October 1, 2009
- Attachment 2: Planning Commission Resolution No. 5694
- Attachment 3: Planning Commission Minute Excerpt of October 1, 2009
- Attachment 4: Draft City Council Ordinance for Planned Unit Development
- Attachment 5: Draft City Council Ordinance for Development Agreement

COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: D.1	SITE LOCATION: Triangular site is bounded by Brookhurst Street, Garden Grove Boulevard, and Brookhurst Way, addressed as 12791 through 12861 Brookhurst Street (west side of Brookhurst Street), 10071 through 10151 Garden Grove Boulevard (north side of Garden Grove Boulevard only), and 12882 Brookhurst Way
HEARING DATE: October 1, 2009	GENERAL PLAN: Mixed Use
CASE NOS.: Planned Unit Development No. PUD-123-09 & Development Agreement	ZONE: C-2 (Community Commercial) and Planned Unit Development No. PUD-102-88 (a commercial PUD zone) PROPOSED: PUD (Planned Unit Development-Mixed-Use)
APPLICANT: City of Garden Grove	APN NO.: 089-661-03, 04, 05; 089-071-05, 06, 07, 08, 11, 12, 13, 14, 24, & 25
PROPERTY OWNERS: Garden Grove Agency for Community Development	CEQA DETERMINATION: Mitigated Negative Declaration

REQUEST:

Proposal to establish a Mixed-Use Planned Unit Development zoning for the purpose of allowing future development of the 13.9-acre Brookhurst Triangle site consisting of approximately 200,000 square feet of commercial/office space and up to 800 residential dwelling units, which will also include sufficient parking, open space, an urban trail, and related development standards for a mixed-use development. A Development Agreement is included.

<u>PROJECT STATISTICS:</u>	<u>Provided</u>	<u>Code</u>
<u>Lot Size:</u>	13.9 acres	3 acres
<u>Density:</u>	Up to 800 dwelling units	Maximum 800 dwelling units per General Plan 2030 Update
<u>Parking: Total</u>	2,600 spaces	2,600 spaces
<u>Building Height:</u>	Approx. up to 25 stories	No limit
<u>Building Setbacks:</u>	Varies based on street frontage	Established by PUD

BACKGROUND:

The proposed mixed-use development, under this PUD proposal, is that which is identified in the General Plan 2030 Update as Focus Area F and designated for a combination of commercial, office, and residential uses. The General Plan specifically identified the Brookhurst Triangle under Focus Area F as to be improved with over 200,000 square feet of commercial/office space and up to 800 residential dwelling units, which the latter equates to approximately 50 dwelling units per acre for the triangular site.

The location of the proposed Planned Unit Development is the Brookhurst Triangle, which is bounded by Brookhurst Street, Garden Grove Boulevard, and Brookhurst Way. The project site will not include the parcel at the northern tip of the triangular site, nor the parcel at the southwest corner of the triangular site. In time, it is anticipated that all existing buildings and businesses on the subject site will be removed in order to accommodate the future development.

In 1988, the City adopted a Planned Unit Development zone for the portion of the site that is currently vacant in order to facilitate the development of this area with a commercial center. Subsequently, no development occurred on this site. In 1995, during that year's General Plan Update, the City revisited this site and designated it for Mixed Use development, but no specific implementation guidelines or standards were pursued at that time to assist, facilitate or otherwise pursue development of the entire Brookhurst Triangle. With the recently adopted General Plan 2030 Update in August of 2008, the site's land use designation was maintained as Mixed Use. Along with maintaining the Mixed Use Land use designation, the level of intensity and density was prescribed for the site at 200,000 square feet of commercial/office space and up to 800 residential dwelling units.

The site has the following land uses surrounding it. Across Brookhurst Street to the east, are office and commercial uses, to the south across Garden Grove Boulevard, are commercial uses and a mixed-use commercial/residential development that is currently under construction, and to the west across Brookhurst Way are commercial uses and multi-family residential.

Neighborhood meetings:

Staff held two neighborhood meetings on the Brookhurst Triangle development proposal. In attendance at the first meeting, held on August 4, 2009, were twelve persons that were mainly either business owners or property owners within the Brookhurst Triangle. Although most in attendance expressed general support for the proposal, they did raise concern regarding the length of time to complete the project, and how overall construction activities could disrupt traffic flows in the area resulting in possible

disruption to the business operations for those business operators around the immediate area of the Brookhurst Triangle.

In regard to the second neighborhood meeting, held September 16, 2009, there were eighteen persons in attendance. At this meeting, most persons in attendance expressed support and positive reactions to the project and complimented staff on providing the opportunity to have an open forum with the public to share and discuss such a significant development. Although the general consensus was supportive of the project, there were concerns expressed about site access, parking, height of buildings, preference to include all properties within the entire Brookhurst Triangle, circulation, density, construction timing, and overall success of the proposed development.

DISCUSSION:

Planned Unit Development:

The proposed project is to rezone the subject 13.9-acre site to Planned Unit Development in order to facilitate the future development of the site with a mixed-use development. The proposed mixed-use development is that which is identified in the General Plan Update as Focus Area F and designated for a combination of commercial, office, and residential uses. The General Plan specifically identified the Brookhurst Triangle under Focus Area F as to be improved with over 200,000 square feet of commercial/office space and up to 800 residential dwelling units, which the latter equates to approximately 50 dwelling units per acre for the triangular site. The anticipated development of this intensity (200,000 square feet of commercial/office space) and density (800 residential dwelling units) is to create a mid-rise and high rise development where the main commercial and office space is to occupy ground level and possibly one level above the ground level, and the residential units to be housed in the upper floors that would reflect building heights of five to seven stories up to possibly 15 to 23 stories. The parking areas are anticipated to be three levels with one level below grade, one level at grade, and one level above grade. The proposed parking configuration will provide a sufficient amount of parking to address the anticipated demand for the entire mixed-use development.

The development will provide several public and private amenities. These amenities include public areas such as an urban trail, common open space and private open space, and private recreational elements for the residents and their guests. The urban trail system will be usable by the public, and will wind its way in and around the project. Along with the urban trail, an integrated internal common open space/plaza will be incorporated into the project for the purposes of providing visual relief and enhanced aesthetics as well as providing a respite for shoppers, visitors, residents, and employees of the site. Water elements, landscaping, seating areas, and sculptures/art

work will buffet these areas. Aside from the common open space areas, the development will also incorporate private recreation spaces and elements for that portion of the development designated for the residential dwelling units. This will include recreation rooms, exercise rooms, swimming pools, and other on-site forms of recreational activities for the residents and their guests.

The specific details of the mixed-use development are not known at this time. However, it is anticipated that the commercial and office space aspect of the development will have a variety of commercial uses and office uses, which will conceivably occupy tenant spaces that will range in lease space from small tenant spaces of 500 to 1,000 square feet up to retail uses having upwards of 30,000 square feet. The residential units are anticipated to be a combination of apartment and condominium units having a mix of one, two, and three bedroom units with a majority being one and two bedroom units. It is also anticipated that the project may be built in phases due to the nature of the project as well as the size and scale of the development.

Should the Planning Commission recommend approval of the rezone request, the matter will be forwarded to the City Council for consideration and final action.

Site Design and Circulation:

Although the above discussion under Planned Unit Development does describe the envisioned build-out of the site, it is based on a refined concept analysis site plan that has been created to be used as a basis for the analysis as well as setting the parameters for which an actual development is to follow. An actual site development plan will be subject to and be governed by the approved PUD for this site.

The development is anticipated to have five ingress and egress points. The ingress and egress points are anticipated to be two on Brookhurst Street, two on Brookhurst Way, and one on Garden Grove Boulevard. The access on Garden Grove Boulevard is anticipated to align with the main access to the Galleria Mixed-Use project directly south of the subject site. The parking areas are anticipated to be three levels with one level below grade, one level at grade, and one level above grade. The proposed parking configuration will provide a sufficient amount of parking, approximately 2,600 parking spaces, to address the anticipated demand for the entire mixed-use development.

It should be noted that there are specific concerns about circulation and parking in and around this site due to the magnitude of intensity and density proposed. It is through the PUD that development of the overall site will require the preparation of a traffic and parking analysis. The traffic and parking analysis will evaluate and determine if on-site and off-site circulation improvements are necessary to address such concerns stemming from this development. Among the matters to be studied, are direction of travel for

those leaving the site, distribution of parking for the residents and users of the site, and perimeter traffic flow concerns such as dedicated right turn lanes and bus turn-outs. For example, a specific concern has been raised about the traffic leaving the site that would have the potential to travel east or west on Stanford Avenue. This concern would need to be evaluated to impose measure(s) to restrict cars from proceeding east or west on Stanford Avenue thereby reducing traffic impacts to these areas that lie east and west of Brookhurst Street. In addition to that, the traffic analysis will also assist in determining the parking demand although noting that the concept design is compliant with the zoning code for required parking. The study should also indicate how on-site distribution of parking spaces should be assigned for residents, employees, and visitors/customers.

Building Architecture/Aesthetics:

The physical improvements for the Project Site will be compatible with the Community Design Guidelines as stated in the General Plan and with other modern improvements and developments in the area. The proposed Project would comply with the goals and objectives of the Community Design Element of the City's adopted General Plan, including provisions for attractive building design, landscaping, and signage.

Aesthetic impacts are by their nature very subjective. The intent is to create an attractive mixed-use development that would add to the visual interest of the streetscape and maintain a similar ambiance with the surrounding commercial and residential areas. The refined concept analysis site plan has exterior elevations that vary in height from five to seven stories up to 15 to 23 stories. The initial concept for the building elevations are to be contemporary and modern in a timeless style that lends itself to having both form and function. In regard to such building heights, although the surrounding area has mostly two story buildings with a couple of buildings being four and eight stories, the placement and design of the proposed Brookhurst Triangle buildings should be that of an experience of not feeling over whelmed with height, but more of a street level experience of buildings ranging in height from two to four stories.

Subdivision Map:

No Subdivision Map (Tentative Tract Map or Tentative Parcel Map) is being processed in conjunction with this proposed PUD entitlement. However, when a project is submitted for actual development of the site, a subdivision map(s) will be required. The Map(s) will be processed in accordance with the State Subdivision Map Act and the Municipal Code, and conditioned accordingly to ensure all provisions of Code are complied with. A subdivision map will be required in order to consolidate the parcels and to allow for the subdivision of dwelling units in order to facilitate the sale of the dwelling units as condominiums.

Development Agreement:

The proposed development requires the applicant to enter into a Development Agreement with the City. The applicant will be guaranteed four years in which to construct the proposed project, and the City will receive a development agreement payment not to exceed that which prescribed in the Development Agreement provisions based on the total number of dwelling units and commercial square footage proposed for the development of this site.

Environmental Consideration:

Attached to this report are the Environmental Discussion and Environmental Checklist Form, which address the environmental determination for this proposed project. Along with these two items are the refined concept analysis plans used for discussion purposes and environmental consideration in evaluating the proposed PUD-123-09. The environmental discussion in these two documents is generated from the mixed-use development of equal intensity and density that was evaluated in the General Plan 2030 Update Environmental Impact Report certified in August 2008 (State Clearinghouse No. 2008041079).

RECOMMENDATION:

Staff recommends that the Planning Commission take the following actions:

- Recommend City Council adopt the Mitigated Negative Declaration; and,
- Recommend City Council approve Planned Unit Development No. PUD-123-09, and the Development Agreement.

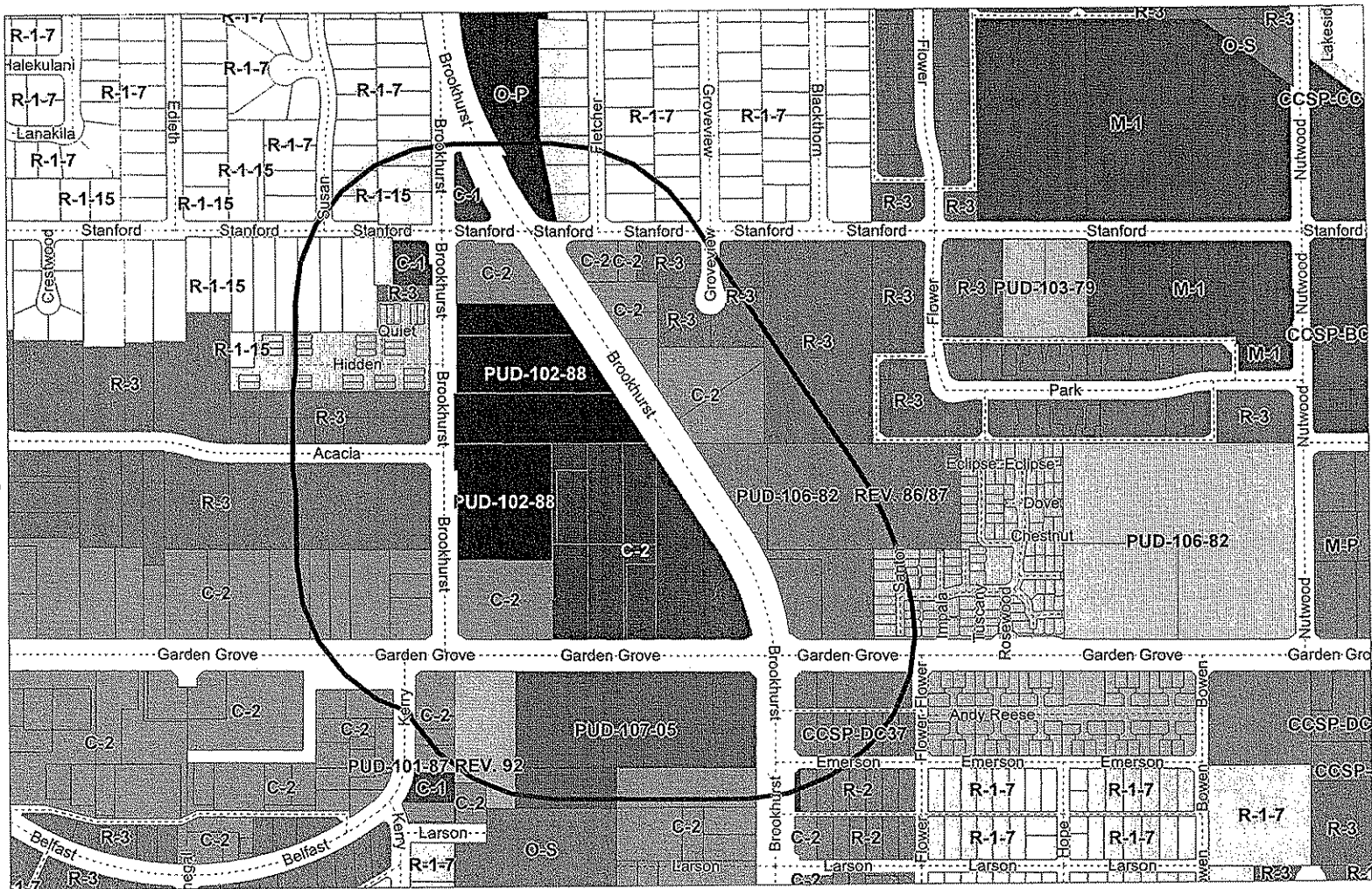


SUSAN EMERY
Community Development Director

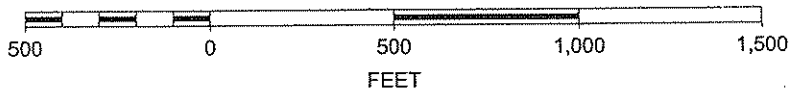


By: Karl Hill
Planning Services Manager

PUD-123-09



SCALE 1 : 6,310



Environmental Discussion
for the
Proposed
Brookhurst Triangle
Mixed-Use Development
Entitlement Request
for
Planned Unit Development No. PUD-123-09

Discussion Prepared
For
Garden Grove Agency
For Community Development

Discussion Prepared
By
The City of Garden Grove
Community Development Department
Planning Services Division

City of Garden Grove
11222 Acacia Parkway
Garden Grove, California
92840

September 1, 2009

1.0 PROJECT DESCRIPTION

1.1 INTRODUCTION

The City Garden Grove ("City") is proposing to establish a Mixed-Use Planned Unit Development zoning for the purpose of allowing future development of the 13.9-acre Brookhurst Triangle site that consists of approximately 200,000 square feet of commercial/office space and up to 800 residential dwelling units. The Planned Unit Development (PUD) will also include sufficient parking to accommodate the intensity and density of the project, common and private open space, an urban trail, and related development standards for a mixed-use development. The location of the proposed Planned Unit Development is the Brookhurst Triangle, which is bounded by Brookhurst Street, Garden Grove Boulevard, and Brookhurst Way. The project site will not include the parcel at the northern tip of the triangular site, nor the parcel at the southwest corner of the triangular site. In time, it is anticipated that all existing buildings and businesses on the subject site will be removed in order to accommodate the future development.

Implementation of the Project includes: consideration by the Planning Commission and City Council of a proposed zone change to Planned Unit Development (PUD) and a Development Agreement. The rezoning of the property from the current zoning designations of C-2 (Community Commercial) and Planned Unit Development No. PUD-102-88 (a commercial PUD zone) to the Mixed-Use PUD zone will facilitate the development of the site as proposed under the General Plan 2030 Update. The new PUD zone will encompass the 13.9-acre site slated for a mixed project primarily consisting of commercial and office uses and residential development. The Development Agreement will ensure the entitlement of the development for a period of four years with the allowance for one-year incremental time extensions.

Although an actual site plan for the development of the site will not be a component of this rezone, a refined concept analysis plan has been created to be used as a basis for the analysis as well as setting the parameters for which an actual development is to follow. An actual site development plan will be subject to and be governed by the approved PUD for this site.

For the purposes of the environmental analysis, the "Project Site" as proposed is defined as the 13.9 acres of improved and unimproved area within the Brookhurst Triangle that is bounded by Brookhurst Street, Garden Grove Boulevard, and Brookhurst Way, which consists of the following parcels addressed as and listed as Assessor's Parcel Numbers respectively: 12791 through 12861 Brookhurst Street (west side of Brookhurst Street only), 10071 through 10151 Garden Grove Boulevard (north side of Garden Grove Boulevard only), and 12882 Brookhurst Way (APN: 089-661-03, 04, 05; 089-071-05, 06, 07, 08, 11, 12, 13, 14, 24, & 25). The entire 13.9-acre site has been primarily utilized as a location for automotive related businesses such as sales, service, repair, and storage. Currently, half of the site is vacant with remnant asphalt pavement remaining from a car dealership that left that portion of the site at least 25 years earlier and has remained vacant since. The other half of the site currently houses various automotive uses and there is a furniture store at the southeast corner of this site.

The site has the following land uses surrounding it. Across Brookhurst Street to the east, are office and commercial uses, to the south across Garden Grove Boulevard are commercial uses and a mixed-use commercial/residential development that is currently

under construction, and to the west across Brookhurst Way are commercial uses and multi-family residential.

This Mitigated Negative Declaration has been prepared pursuant to the California Environmental Quality Act, Public Resources Code Sections 21000, *et seq.* ("CEQA") and the Guidelines for Environmental Quality Act, California Code of Regulations Sections 15000, *et seq.* ("CEQA Guidelines") to determine if the proposed Project has the potential to cause significant effects on the environment and to provide the City as a Responsible Agency with information to use as a basis for determining the adequacy of the proposed Mitigated Negative Declaration.

A mixed-use development of equal intensity and density was evaluated in the General Plan 2030 Update Environmental Impact Report certified in August 2008 (State Clearinghouse No. 2008041079). The General Plan 2030 Update and General Plan 2030 Update Environmental Impact Report were circulated for public comment along with held public meetings and public hearings on these documents and thereby affording the public to provide comment and input on the subject documents, and more specifically, ability to comment on Focus Area F, inclusive of the Brookhurst Triangle intensity and density as proposed. The project, therefore, qualifies for the streamline review under Public Resources Code Section 21083.3 and CEQA Guidelines 15183

1.2 PROJECT DESCRIPTION

The project is to rezone the subject 13.9-acre site to Planned Unit Development in order to facilitate the future development of the site with a mixed-use development. The proposed mixed-use development is that which is identified in the General Plan Update as Focus Area F and designated for a combination of commercial, office, and residential uses. The General Plan specifically identified the Brookhurst Triangle under Focus Area F as to be improved with over 200,000 square feet of commercial/office space and up to 800 residential dwelling units, which the latter equates to approximately 50 dwelling units per acre for the triangular site. The anticipated development of this intensity (200,000 square feet of commercial/office space) and density (800 residential dwelling units) is to create a mid-rise and high rise development where the main commercial and office space is to occupy ground level and possibly one level above the ground level, and the residential units to be housed in the upper floors that would reflect building heights of five to seven stories up to possibly 15 to 23 stories. The parking areas are anticipated to be three levels with one level below grade, one level at grade, and one level above grade. The proposed parking configuration will provide a sufficient amount of parking to address the anticipated demand for the entire mixed-use development.

The development will provide several public and private amenities. These amenities include public areas such as an urban trail, common open space and private open space, and private recreational elements for the residents and their guests. The urban trail system will be usable by the public, and will wind its way in and around the project. Along with the urban trail, an integrated internal common open space/plaza will be incorporated into the project for the purposes of providing visual relief and enhanced aesthetics as well as providing a respite for shoppers, visitors, residents, and employees of the site. Water elements, landscaping, seating areas, and sculptures/art work will buffet these areas. Aside from the common open space areas, the development will also incorporate private recreation spaces and elements for that portion of the development designated for the

residential dwelling units. This will include recreation rooms, exercise rooms, swimming pools, and other on-site forms of recreational activities for the residents and their guests.

The specific details of the mixed-use development are not known at this time. However, it is anticipated that the commercial and office space aspect of the development will have a variety of commercial uses and office uses, which will conceivably occupy tenant spaces that will range in lease space from small tenant spaces of 500 to 1,000 square feet up to retail uses having upwards of 30,000 square feet. The residential units are anticipated to be a combination of apartment and condominium units having a mix of one, two, and three bedroom units with a majority being one and two bedroom units. It is also anticipated the project may be built in phases due to the nature of the project as well as the size and scale of the development. The development will be governed by Conditions, Covenants, and Restrictions (CC&R's).

The development is anticipated to have five ingress and egress points. The ingress and egress points are anticipated to be two on Brookhurst Street, two on Brookhurst Way and one on Garden Grove Boulevard. The access on Garden Grove Boulevard is anticipated to align with the main access to the Galleria Mixed-Use project directly south of the subject site.

1.3 FINANCING

The site is located within the Garden Grove Agency for Community Development's Redevelopment Project Area. Although the proposed development site is located within the Redevelopment Project Area and there is no actual project pending for this site, there is no financial assistance being provided by the Garden Grove Agency for Community Development at this time. However, when an actual project materializes for this site, financial assistance may be considered for related costs and improvements necessary for the development of the site.

1.4 PREVIOUSLY APPROVED PROJECTS IN AREA

The City of Garden Grove (the "City") has two previously-approved mixed-use projects in the area of this proposed project. The approved projects are located as follows:

- 100 dwelling units with first level commercial/office space at the northeast corner of Garden Grove Boulevard and Grove Avenue (Sheldon Group); and,
- 66 condominium units above 126,150 square feet of commercial/office space located on the south side of Garden Grove Boulevard, west of Brookhurst (Garden Grove Galleria). This development is currently under construction.

These projects were approved with Negative Declarations. The impacts generated by the above referenced projects have been included in the analyses of the General Plan 2030 Update EIR along with the proposed PUD project. The first project noted above is approximately one mile from the subject site and the second project noted above is directly across Garden Grove Boulevard from the subject site.

1.5 PROJECT LOCATION

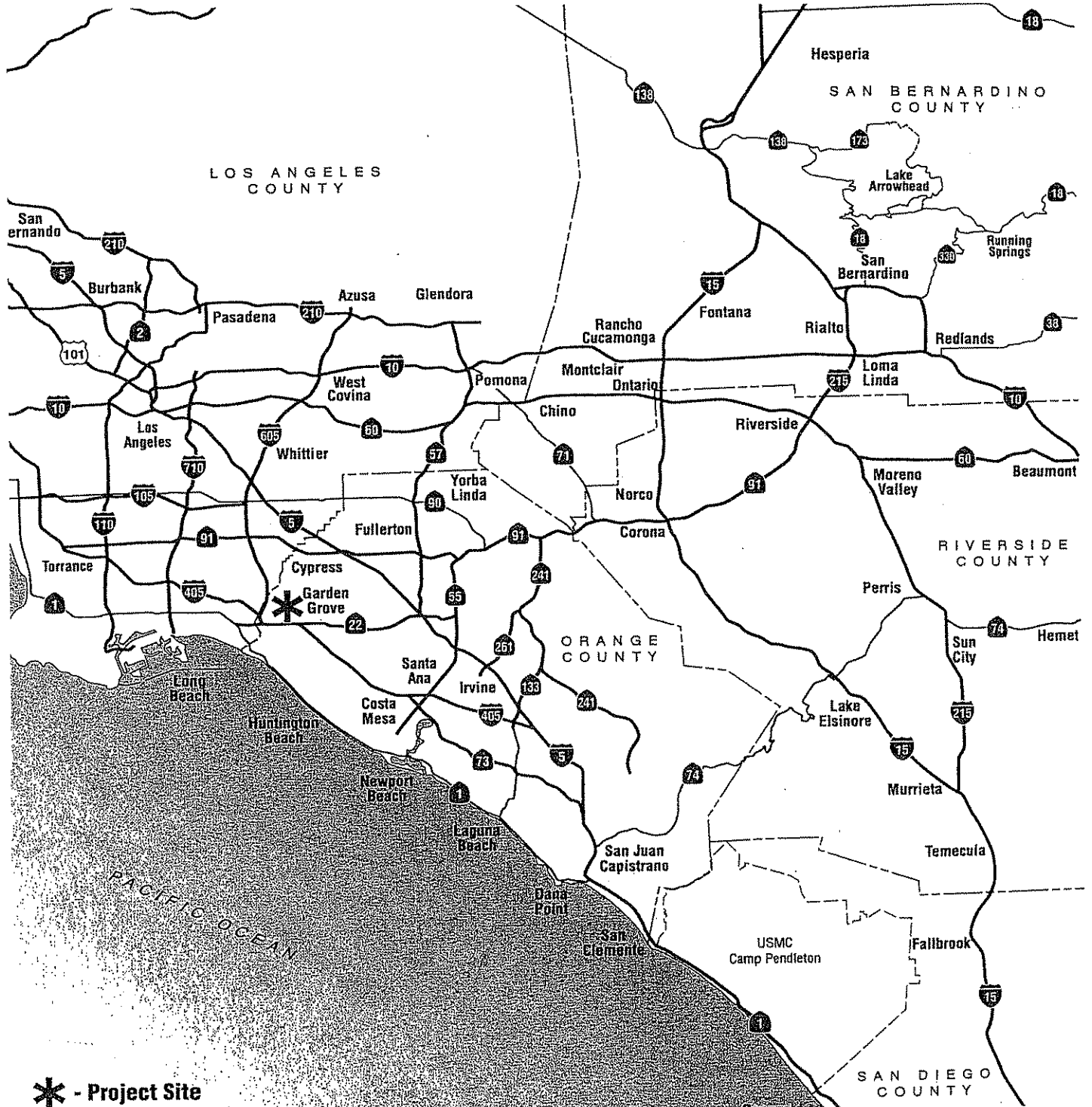
The City of Garden Grove is located in the central portion of Orange County, approximately 30 miles southeast of the City of Los Angeles (see Figure 1 for a general location). Garden

Grove is bordered by the Cities of Anaheim, Stanton, and Cypress to the north, Los Alamitos to the northwest, Seal Beach to the southwest, Westminster and Fountain Valley to the south, Santa Ana to the south and southeast, and Orange to the east.

The City is in close proximity to a number of major Orange County attractions including: Disneyland and the Anaheim Convention Center, which are less than one-half mile to the north, Anaheim Stadium and "The Honda Center," are approximately one-mile to the northeast of the City; the Pacific Ocean is nine miles to the southwest; Orange County "John Wayne Airport," is approximately seven miles to the southeast; and Knott's Berry Farm is six miles to the northwest. The Garden Grove Freeway (SR-22) runs in an east-west direction through the City. The Santa Ana Freeway (I-5) and the Orange Freeway (SR-57), to the northeast, and the San Diego Freeway (I-405), to the southwest, provide connections to the SR-22.

The City is approximately 18.1 square miles (approximately 11,584 acres) of relatively flat topography. The average elevation is 85 feet above sea level. Most of the City is located east of Dale Street; however, there is an area west of Hoover Street, which is connected to the main portion of the City by a narrow strip of land extending along Garden Grove Boulevard. The northern boundary of the City is irregular; the furthest north the City extends is approximately 900 feet north of Katella Avenue. The southern boundary is also irregular, with a narrow strip of land extending as far south as Margarita Avenue, south of McFadden Avenue. To the west, Garden Grove extends past Valley View Street to the Bolsa Chica Channel. Much of the eastern boundary of the City is formed by Lewis Street; however, there is a small section in the southeast corner of the City, which extends beyond Lewis Street to Siemon Street.

FIGURE 1
REGIONAL LOCATION



The proposed Project Site is situated in the central portion of the City, at the location bounded by Brookhurst Street, Garden Grove Boulevard, and Brookhurst Way (the "Site"). (Figure 2 indicates the boundaries of the proposed Project Site).

The proposed Project Site is in an area of Garden Grove that is developed with various residential and commercial uses.

1.6 ENVIRONMENTAL SETTING

The City is virtually built-out with approximately 98.4 percent of the community developed; the remaining 1.6 percent, approximately 121 acres, is vacant.

Demographics/Population

The State Department of Finance estimates that, as of May 2007, the City was home to 172,781 residents. Based on the Southern California Association of Governments, it is estimated that the City's population will be 178,457 in the year 2010 and it is estimated that the population will be 189,445 by the year 2030.

The recent demographic characteristics of the City reflect that the community is made up of approximately 30 percent Caucasian, 30 percent Asian, and 40 percent Hispanic and other.

Housing

The U.S. Census has the total number of housing for the year 2000 at 46,703 and the State Department of Finance estimates that as of May 2007, has the total number of housing units in the City as 47,197. Of these, 31,150 units were considered detached. There are also 14,159 multi-family units and 1,887 mobile home units. The estimated number of residential dwelling units at year 2030 build-out is an additional 6,400 dwelling units.

Geology/Soils

While the City is not within an Alquist-Priolo Zone, the City is subject to ground shaking from a number of active or potentially active faults. Most of the City is considered to be in areas of moderate, high, or very high liquefaction potential. Much of the City is also in areas of moderate and/or high dynamic settlement potential.

Hydrology/Drainage

The eastern and southeastern areas of the City are subject to the 100-year flood. The entire City would also be subject to inundation in the event of the failure of Prado Dam, which is located upstream from the City in the Santa Ana River Channel. The proposed Project Site, however, is not located within a 100-year flood zone as designated on the Flood Insurance Rate Maps (FIRM), dated February 18, 2004.

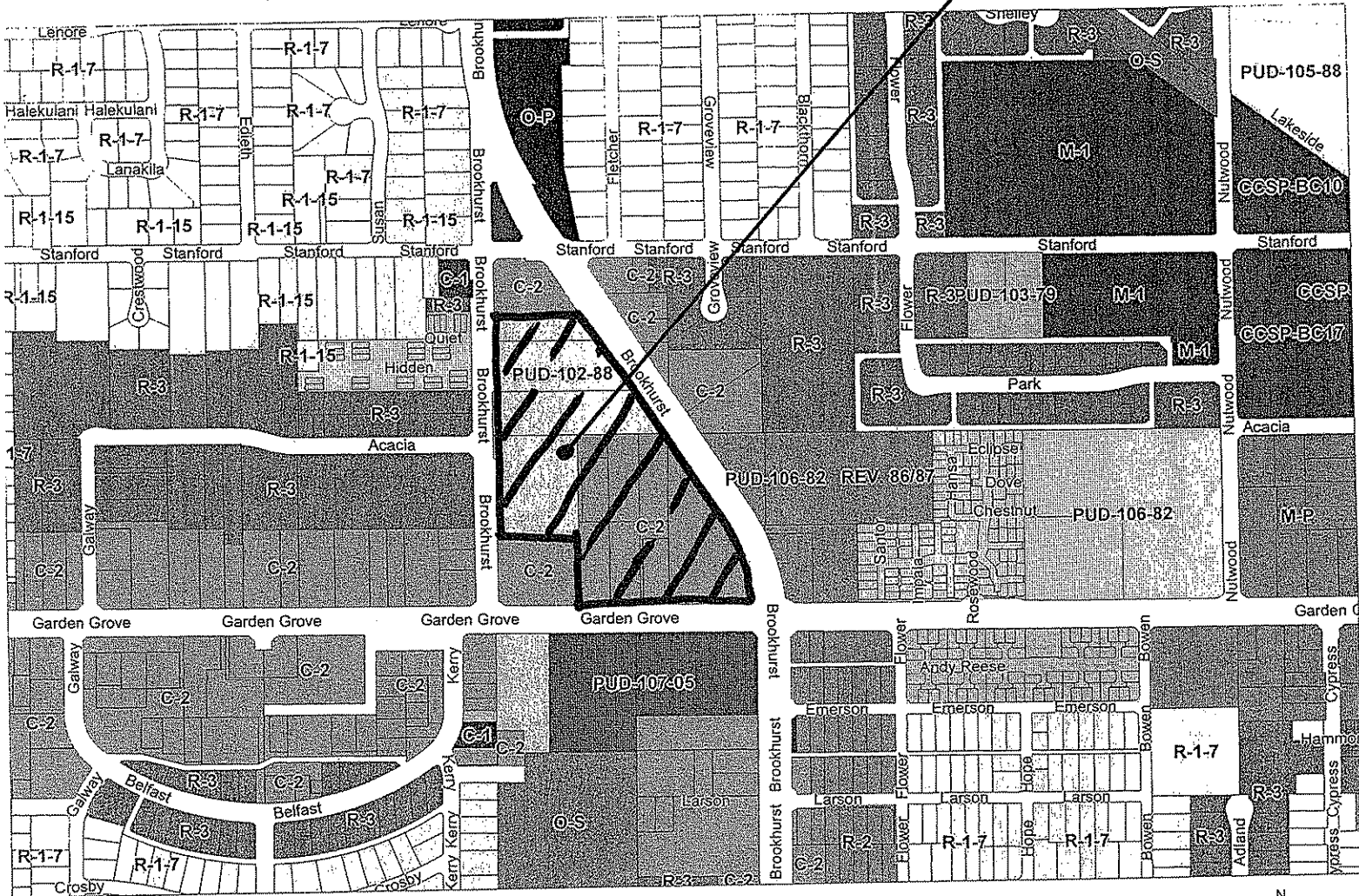
Biological Resources

There are no known significant or endangered species present in the City.

FIGURE 2
GENERAL VICINITY

PUD-123-09

SUBJECT SITE



SCALE 1 : 7,211



Noise

The City is impacted by freeway and roadway noise, as well as noise associated with the operations at the Los Alamitos Air Base and the railroad line (both of which are located on the western portion of the City and would not impact the Project Site).

Air Quality

The City is located in the South Coast Air Quality Basin. There are presently six ambient air pollutants which are of special concern in the Basin: carbon monoxide, ozone, sulfur dioxide, lead, particulate matter, and fine particulate matter. Federal and State standards for sulfur dioxide and lead are met in the Air Basin. The other four pollutants exceed both the State and Federal standards.

Cultural Resources

There is only one known prehistoric archaeological site in the City. This site is not within the general location identified as the prehistoric archaeological site, and therefore, will not be impacted by the proposed project. There are twelve known historic archaeological sites within the City. In addition, there are three existing historic structures that are considered candidates for nomination to the National Register of Historic Places. There are no known historical or cultural resources on the proposed Project Site.

Parks and Recreation

The City currently has nineteen public parks totaling 157 acres. Applying the total park acreage, the City population yields a ratio of parkland to population of .91 acres to 1,000 persons. In addition to the specific parks, the City also has six facilities that can and do incorporate unique recreational and related activities. These facilities are: Community Meeting Center, H. Louis Lake Senior Center, Garden Grove Sports and Recreation Center, Courtyard Center, and Atlantis Play Center.

Public Services

Public services include schools, libraries, and fire and police protection services.

There are seven school districts and three community college districts that serve the City. Most schools in the City are currently at, or may exceed, their designated enrollment capacity. The use of portable classrooms on their campuses helps reduce the overcrowding problems currently experienced.

The City provides fire protection throughout the community. There are currently seven stations located throughout the City, including Fire Station No. 1, which is approximately one mile east of the subject site, Fire Station No. 2, which is approximately one and a half miles north of the site, and Fire Station No. 7, which is approximately one and a half miles to the south of site. The Citywide average response time is approximately 4 minutes 25 seconds with a standard response time of being on the scene in five minutes. Due to the proximity of the Project Site to Fire Stations Nos. 1, 2, and 7, response time can be less than the average noted time.

The City of Garden Grove Police Department provides law enforcement within the community. The Garden Grove Police Department has 162 sworn law enforcement officers, 13 reserve officers, and 40 patrol cars. The current deployment standard for normal patrol conditions is one officer assigned to each patrol car. The average response time for emergency 911 calls within the City is approximately 4 minutes and 24 seconds. The Department has approximately 60 civilian personnel. The Police Department has several

special units and services that support the community. These include neighborhood watch, gang suppression, anti-graffiti program, school resource officers, detective services, and youth services.

The County of Orange operates three libraries within the City. The main branch is located near the intersection of Euclid Street and Garden Grove Boulevard, the two satellite branches are located near the intersections of Chapman Avenue and Brookhurst Street, and Chapman Avenue and Valley View Street.

Public Facilities

Public facilities include water, wastewater, storm drainage as well as utilities such as natural gas and electricity.

The City of Garden Grove Water Services Division is responsible for providing water throughout the City. The Division has a Capital Improvement Program that identifies and prioritizes proposed improvements to the water delivery system. Older facilities are continually replaced with newer facilities, based on priority need. The City of Garden Grove Water Services Division has identified that there is not a deficiency within the existing service infrastructure in the immediate area of the proposed project.

The Garden Grove Sanitary District (GGSD), as a subsidiary district of the City of Garden Grove, is responsible for the collection, treatment and disposal of wastewater within the City. The Sewage Collection System Master Plan identifies a number of deficiencies within the City associated with total build-out of the City. The Garden Grove Sanitary District installed a new sewer line to accommodate future development of this site in October 2007. Aside from this recent sewer installation, the areas that contain deficient sewer capacities would not be impacted by the proposed Project.

The Orange County Flood Control District operates and maintains a number of flood control channels within the City. The City's Public Works Department also operates and maintains several storm drainage facilities. There are areas within the City that are subject to flooding during periods of significant rainfall, none of which would be impacted by the implementation of the proposed project. The City of Garden Grove's Master Plan of Drainage identifies areas where improvements are needed to reduce the impacts from storm drainage.

Solid waste within the City is handled by the City of Garden Grove. Transfer stations in Anaheim and the Olinda/Olinda Alpha Landfill in the City of Brea are used. The City's Source Reduction and Recycling Element (SRRE) addresses waste generation within the community. Additionally, the City has adopted development standards to ensure safe and efficient recycling facilities are provided in each project.

Southern California Edison (SCE) provides electricity within the City. There are currently two SCE 220 kv high voltage easements that traverse the City, neither of which would be impacted by the implementation of the proposed Project.

The Southern California Gas Company provides natural gas within the City. Three companies currently provide cable television services: Time Warner Cable, AT&T, and Verizon. AT&T and Verizon are providers of telephone services in the City.

Hazardous Materials

There are more than 340 businesses that handle hazardous materials within the City. Of these, seven handle acutely or highly hazardous materials. Six of the seven businesses that handle acutely or highly hazardous materials are located within the Central Industrial District. There are no Federal Superfund sites located within the City. The City of Garden Grove Fire Department is responsible for responding to hazardous material releases within the City.

The Project site is more than two miles west of a closed landfill (the former Longsdon Pit). The landfill site was formerly operated by the County of Orange and is now owned by the Garden Grove Sanitary District. When in operation, the Longsdon Pit was licensed to accept ordinary household and commercial refuse, scrap metal, and inert nondecomposable solids. The license specifically prohibited the site from accepting deleterious chemicals or liquids containing such chemicals. The landfill was closed in 1960.

Aesthetics

The City offers a variety of visual images from an aesthetic point of view. Residential areas vary in appearance from well-maintained to run-down and from dense and intense to a more spacious, open character. New residential, commercial, and industrial developments are typically attractive, while many older developments are in need of repair and/or appropriate landscaping enhancements.

Project Site

The project site is the 13.9 acres of improved and unimproved area within the Brookhurst Triangle that is bounded by Brookhurst Street, Garden Grove Boulevard, and Brookhurst Way, which consists of the following parcels addressed as and listed as Assessor's Parcel Numbers respectively: 12791 through 12861 Brookhurst Street (west side of Brookhurst Street only), 10071 through 10151 Garden Grove Boulevard (north side of Garden Grove Boulevard only), and 12882 Brookhurst Way (APN: 089-661-03, 04, 05; 089-071-05, 06, 07, 08, 11, 12, 13, 14, 24, & 25). The entire 13.9-acre site has been primarily utilized as a location for automotive related businesses such as sales, service, repair and storage. Currently, half of the site is vacant with remnant asphalt pavement remaining from a car dealership that left that portion of the site at least 25 years earlier and has remained vacant since. The other half of the site currently houses various automotive uses and there is a furniture store at the southeast corner of this site.

The proposed Project Site is located at a major intersection and is centrally located in a very significant area of the City. The area is characterized with various land uses such as office, retail commercial, restaurants, service commercial, and a variety of residential housing.

In 1988, the City adopted a Planned Unit Development zone for the portion of the site that is currently vacant in order to facilitate the development of this area with a commercial center. Subsequently, no development occurred on this site. In 1995, during the General Plan Update, the City revisited this site and designated it for Mixed Use development but no specific implementation guidelines or standards were pursued at that time to assist, facilitate or otherwise pursue development of the entire Brookhurst Triangle.

The City adopted the recent General Plan Update in August of 2008, and through this action, the site's land use designation was maintained as Mixed Use. This was done in anticipation of the site being developed with residential and commercial development in

the future. However, with this latest General Plan Update, the Brookhurst Triangle was identified with a specific level of intensity and density for future development. And as part of maintaining this land use designation along with the prescribed level of development (200,000 square feet of commercial/office space and up to 800 residential dwelling units), the Environmental Impact Report (EIR) for the General Plan 2030 Update addressed environmental issues regarding this site. The EIR indicates for this site that certain guidelines and policies be applied in order to ensure that there are no negative impacts associated with the development. The EIR indicates, for example, that for this site, that the City:

- Require site specific traffic analysis upon the submittal of an actual development;
- Ensure that the developers contribute their fair share of the required school fees, traffic mitigation fees, and other related fees for this type of development; and,
- That the development incorporate most recently adopted and applied environmental conservation measures such as construction techniques, water conservation, energy saving measures and related aspects concerning the overall development of this site with a mixed-Use project.

1.7 EXISTING PLANS AND POLICIES

The recently adopted General Plan land use designation for the Project Site is Mixed Use. The proposed project to adopt a Planned Unit Development in order to implement a mixed-use development is consistent with the Mixed Use General Plan land use designation.

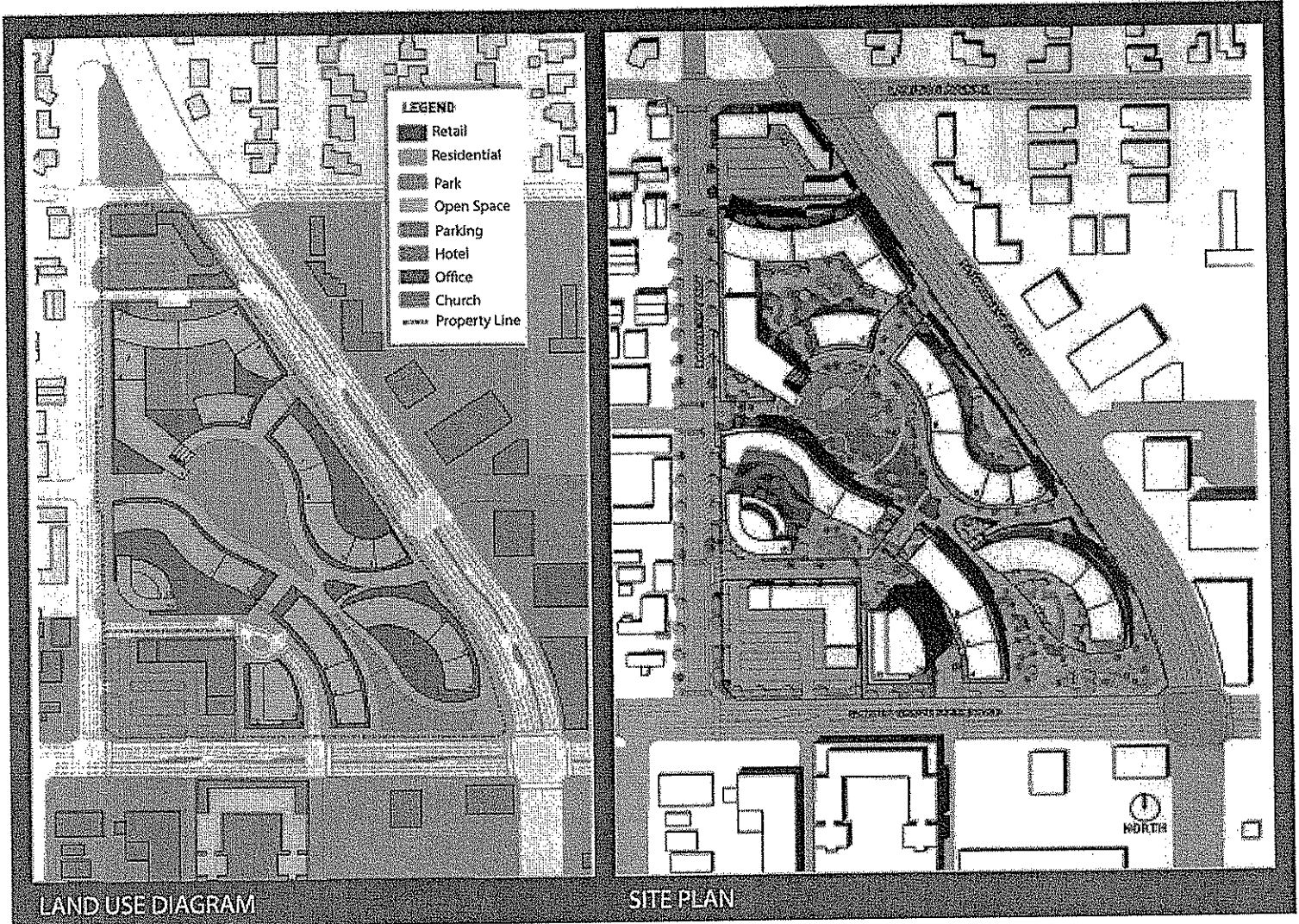
The existing zoning designations for the proposed Project Site are C-2 (Community Commercial) and Planned Unit Development No. PUD-102-88 (a commercial PUD). The current zoning of the proposed 13.9-acre Mixed-Use development is currently inconsistent with the General Plan, and the proposed Planned Unit Development zoning would eliminate the inconsistency. Although the entire Brookhurst Triangle area is referred to under General Plan 2030 Update, this PUD rezone Project is comprised of the 13.9 acres specifically identified by address and parcel number above under "Project Description, Introduction", and the two parcels not included in this proposed PUD will retain the current zoning classification of C-2 (Community Commercial).

1.8 REQUESTED DISCRETIONARY ACTIONS

Proposed Actions

Planned Unit Development approval to rezone the property from C-2 (Community Commercial) and Planned Unit Development No. PUD-102-88 (a commercial PUD) to Planned Unit Development, and a Development Agreement are the only actions being sought by this proposal. It is the intent of the PUD to allow for development of the site, however, other entitlement action such as Subdivision Maps and Conditional Use Permits will be applied as required.

FIGURE 3
SITE PLAN



	Area (SF)	Units	Parking Ratio	Parking Required
Retail	200,000		4 spaces/1000sf	800
Residential	972,000	800	2.25 spaces/unit	1800
Subtotal	1,172,000			2600

Total Parking Provided:
2,640 spaces

Total Parking Requirement:
2,600 spaces

1.9 POSSIBLE ENVIRONMENTAL EFFECTS

The Mitigated Negative Declaration evaluates the potential impacts associated with the implementation of the proposed Project. The Mitigated Negative Declaration provides project-level analysis of all potentially significant environmental issues. The Initial Study evaluated the following environmental disciplines for potential environmental effects with development of the proposed Project:

Land Use	Transportation	Public Services
Population & Housing	Biological Resources	Utilities and Services
Geophysical	Energy and Mineral Resources	Aesthetics
Water	Hazards	Cultural Resources
Air Quality	Noise	Recreation

Upon completion of the Initial Study it was determined that the project could have potential environmental effects on the following disciplines: Transportation, Air Quality, and Aesthetics. As a result, measures have been recommended by the Lead Agency for incorporation into the Project to reduce potential impacts to insignificant levels. The environmental disciplines for which mitigation measures have been recommended include:

Land Use & Planning	Transportation	Noise
Public Services	Utilities and Service Systems	Aesthetics
Air Quality	Geophysical	

2.0 DISCUSSION OF ENVIRONMENTAL EVALUATION

The first step in the environmental evaluation process for the Project is completion of the City of Garden Grove Environmental Checklist Form. Completion of the Checklist identifies those environmental disciplines that could have significant environmental impacts with implementation of the proposed project. Included beside each environmental discipline is a box identifying the level of potential impact associated with that discipline. A box is checked depending upon the degree of potential impact of the Project for that specific discipline.

Once the Checklist is completed, the next step is to fully explain the box that was checked. If the project is anticipated not to have an impact on a specific discipline the explanation will briefly explain why the project will not have an impact. If the project could potentially have a significant impact the explanation will provide information relative to how the project could impact or be impacted by the discipline. For those disciplines where significant potential impacts could occur, measures are recommended that can be incorporated into the project to mitigate the impacts to a level of insignificance.

The completed Environmental Checklist Form for the Project is attached as Appendix A of this Mitigated Negative Declaration. Below are expanded explanations to each environmental discipline listed in the Checklist. Because measures have been recommended to reduce impacts to insignificant levels, a Mitigated Negative Declaration has been prepared for the proposed Project as allowed by the California Environmental Quality Act. Written responses are provided for each discipline checked, including "No Impact."

Proposed mitigation measures, which will reduce any potentially significant impacts identified in this section to a level of insignificance, are set forth in Section 3.3.

2.1 LAND USE AND PLANNING**

The proposed project is not in conflict with the General Plan in that the current land use designation of Mixed Use allows for a combination of uses on this site, which include office, commercial, and higher density residential. The General Plan Update 2030, adopted August 2008, specifically identified the Brookhurst Triangle site to be developed in a manner to be considered mixed-use. Although the General Plan identifies the entire Brookhurst Triangle as the area of mixed-use, for purposes of this environmental analysis, the properties identified as the project site (see project location above) consists of 13.9 acres and this 13.9-acre area is the only area that will be rezoned to Planned Unit Development (PUD) to accommodate the intensity (200,000 square feet of commercial/office space) and density (up to 800 residential dwelling units).

The current site condition has about half of the site vacant unimproved and the other half occupied with automotive related uses. The site is served by two major arterials (Brookhurst Street on the east side, and Garden Grove Boulevard on the south side). The site is bounded by a mixture of land uses that include multi-family residential, commercial and office developments, and currently under construction, a new mixed-use project immediately to the south of the site.

The intent of the proposed zoning, Planned Unit Development (PUD), is to establish development guidelines and standards to facilitate and encourage the future development of the site in a mixed-use manner. The General Plan 2030 Update and accompanying Environmental Impact Report, specifically identified this site for such development in order to encourage recycling of the properties so that optimal use of the land can occur, and thereby combine the various uses that will create an environment of mixed land use activities that are intended to: reduce vehicle trip generations, improve air quality, promote an urban trail system, create new housing opportunities, add common open space, and to become a positive community focal point for the area.

The General Plan 2030 Update and accompanying Environmental Impact Report further indicated and analyzed the triangular site to be improved with up to 200,000 square feet of commercial/office development, up to 800 dwelling units (approximately 50 dwelling units per acre) with related improvements. The means to implement this level of intensity and density for the site is through the adoption of a PUD. The current Municipal Code Section, Title 9 Zoning Code, does not have specific development standards and guidelines to accommodate such development, therefore, to facilitate the implementation of the General Plan and create zoning consistency between the General Plan Land Use designation of Mixed Use and Zoning, the site has to be rezoned to a Planned Unit Development.

The proposed PUD zoning will facilitate the intensity and density type of development identified in the General Plan 2030 Update as well as being consistent with the City's General Plan Land Use designation of Mixed Use. Therefore, a zone change to Planned Unit Development (PUD) will not cause any adverse impacts.

** (General Plan 2030 Update Program EIR Section 5.1, May 2008)

2.2 POPULATION AND HOUSING.**

There are no housing units existing on the site and displacement of residents will not occur as a result of a proposed development facilitated through the implementation of the proposed Planned Unit Development. The proposed PUD development is anticipated to increase population and housing in the immediate area. The General Plan Update 2030 identified this site with an intensity of up to 200,00 square feet of commercial/office space and approximately 800 dwelling units thereby creating an increase in both housing and population to the area. However, the General Plan Update 2030 and accompanying EIR addressed this intensity and density of this site as part of the build out measures as City-wide accumulation. The total City-wide build-out identified in the General Plan Update 2030 and accompanying EIR indicate much higher intensity and density numbers than what this immediate project will generate (overall City-wide intensity at build-out is approximately 7.7 million square feet of commercial/office space and 6,400 residential dwelling units). Although note that the subject site is just part of the ultimate build-out scenario of the City's General Plan, and that the proposed project is located in a highly urbanized area with the necessary infrastructure is already in place.

The intensity and density limits permitted under the General Plan land use designation of Mixed Use for this location is indicated as 200,000 square feet of commercial/office

space and up to 800 residential dwelling units, respectively. The General Plan Update Housing Element indicates the estimated number of persons per household is 3.66. This estimated number of persons per household does not exceed the population growth for the region as indicated in the General Plan.

The proposed Project would not require the development of new housing to accommodate the employment base for the proposed Project. Although it is anticipated that many of the jobs generated by the proposed development would be temporary construction work, there will also be long-term employment opportunities on the site due to the nature of this type of development. It is anticipated that the long-term jobs on site will generate those employment opportunities in fields of retail, office, maintenance, and other related employment fields that are necessary and vital to a development of this nature. It is therefore expected that the employment base in the vicinity of the proposed project can absorb these jobs without significant growth inducement. However, it is anticipated that the new housing on-site will also serve as housing for the various types of employment serving this site. By providing housing to workers of the same site will reduce vehicle miles traveled, significantly reduce commute time, reduce mobile source pollution, and possibly create a better living environment with the added on-site amenities. Therefore, the proposed Project would not create a burden on the existing housing stock in the area

No mitigation is necessary.

** (General Plan 2030 Update Program EIR Section 5.2, May 2008)

2.3 GEOPHYSICAL**

The nearest known major active fault along which a rupture or a major seismic event could occur is the Newport-Inglewood Fault, which is located just west of Dana Point Harbor up through Newport Beach into south Los Angeles County. The seismic parameters of the site are similar to those of other areas in Orange County during the maximum credible event along the Newport-Inglewood Fault Zone, which is estimated to be of 7.6 magnitude. No fault rupture is expected in the immediate vicinity of the Project Site.

Some exposure of the Project Site to seismic-related hazards is expected. This impact is not considered significant because the exposure is no different than the exposure of virtually all new and existing development in Orange County and because the proposed Project does not alter the existing exposure. As required by the General Plan EIR, in order to mitigate any potential impacts, all construction would be required to adhere to the California Building Code (CBC) as it pertains to seismic safety. The proposed Project would be required to incorporate into its design, all applicable CBC seismic safety measures to reduce seismic hazards.

The Project Site, 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 possibly saturated nature of the sandy soils in the area. Based on existing information at the City, the Project Site is located in an area subject to liquefaction. However, the development of the site will require soils testing and proper engineering

assessments in order to design the structural aspects of the project to meet current standards for constructing in an area labeled as being subject to liquefaction.

Seiches and tsunamis are not anticipated to occur in the vicinity of this Project due to its distance from the coast of the Pacific Ocean, approximately nine miles, and the absence of other large water bodies in the area.

The Project Site is relatively flat and would not normally be subject to landslides or mudslides. The construction of the proposed Project may involve excavations that would be required to be made in accordance with all applicable codes and standards to minimize the threat of a landslide, mudslide or slope failure.

Changes in topography of the Project Site would occur during the site preparation and grading. However, this impact is not considered significant as 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. A large portion of the site currently surface drains to southwest, toward Brookhurst Way and Garden Grove Boulevard. To reduce any impacts of surface run-off, as required by the mitigation measures contained in the General Plan EIR, all construction involving excavation and/or grading would be required to adhere to the requirements of the Engineering Services Division. All improvements are required to adhere to applicable codes including the CBC, and State and Federal Occupational Safety requirements.

Vertical displacement 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 known to occur in the area in which the proposed Project would be located. Therefore, the Project would not impact, or be impacted by, subsidence in the area. Thus, no impacts are anticipated. As required by the mitigation measures contained in the General Plan EIR, all new construction would be 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 CBC, and State and Federal Occupational Safety requirements.

Proposed mitigation measures, which will reduce any potentially significant impacts identified in this Section 2.3 to a level of insignificance, are set forth in Section 3.3.

**(General Plan 2030 Update Program EIR Section 5.7, May 2008)

2.4 WATER**

There would be a potential for a change in absorption rates, drainage patterns and in the rate or amount of surface run-off as over-covering of the land would occur which may alter existing drainage patterns. As required by the mitigation measures contained in the General Plan EIR, and to ensure proper drainage would be provided, grading and drainage plans would be 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. The potential run-off for the proposed project would be directed in a way to address Low Impact Development

provisions concerning water run-off thereby minimizing surface water from draining directly into the surrounding roadways and subsequently draining into the storm drains serving the area. The local storm drain system has adequate capacity to handle the increased run-off generated from this project, although again noting that the first storm run-off has to be dealt with in a manner to reduce surface pollutants from entering local storm drains to the extent possible. Therefore, the Project would not significantly impact existing storm drainage facilities.

There are no surface waters within the area that would be impacted by the Project. The Santa Ana River is located east of the Project boundaries. All runoff from the area is, and would continue to be, collected in local and regional storm drain facilities. These waters will be transported with other urban runoff into City and County drainage facilities. Therefore, the Project will not directly affect surface waters.

The Project would 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 would require excavations and other extensive below-grade work, but not anticipated to use of large quantities of water for excavation purposes.

The Project Site does not appear to have a water well(s). However, some locations in the City have had construction sites encounter water wells and/or abandoned wells on their respective properties. In the event a well is discovered (abandoned or otherwise) on the site, it will require that the well be abandoned in place and in an acceptable manner. Properly abandoning the well will require it to be sealed so that water, high in nitrate content or any other possible water contaminants, could not seep into the lower aquifer and impact local ground water quality. In order to mitigate this potential impact, the Project developer shall verify if any well exists or existed and shall be responsible for proper abandonment of the well in compliance with local and State requirements. The Project developer shall be responsible for acquiring all applicable permits from the appropriate agencies in conjunction with the abandoning of the well.

Proposed mitigation measures, which will reduce any potentially significant impacts identified in this Section 2.4 to a level of insignificance, are set forth in Section 3.3.

** (General Plan 2030 Update Program EIR Sections 5.10 & 5.11, May 2008)

2.5 AIR QUALITY**

The proposed development will alter the permitted uses, increase on-site intensity and density, but not beyond that analyzed in the General Plan 2030 Update EIR. Therefore, implementation of the Project is not anticipated to violate any air quality standards. No additional impacts to existing air quality standards that would contribute to an existing or projected air quality violation are anticipated. The Project will not create emissions, which will exceed state or federal air quality thresholds, or thresholds established by local or regional plans as permitted by the General Plan EIR. The implementation of the plan will require that the development adhere to current practices that address air quality, potentially reduce global warming effects, and possibly reduce energy usage. These implementation measures could include, but not be limited to, applying reflective solar glass, insulations reducing energy demands, water conservation measures, landscape application creating shade, and

other applications such as types of construction materials, energy efficiency equipment ratings and energy efficient appliances.

In relation to further reducing emissions, the nature of the development will reduce vehicle miles traveled by providing the following: close access to mass transit; creating on-site jobs for residents living on-site as well as for residents living in the immediate vicinity (within walking distance); providing usable common open space; and, other on-site amenities such as shopping and recreation.

Project related construction activities may contribute to, or increase local air emissions. However, these emissions would not be considered significant due to their short-term nature. As required by the mitigation measures contained in the General Plan EIR, all construction activities shall adhere to SCAQMD Rule 403 regarding Fugitive Dust as well as other construction site applications.

The proposed Project would not significantly increase the exposure of sensitive receptors to pollutants from air emissions. As set forth above, the General Plan EIR addressed a more intense type development for this Project Site. Therefore, the proposed Project would not have a development intensity greater than that analyzed in the General Plan EIR. Therefore, the impacts are not expected to exceed the projections regarding pollutants contained in the General Plan EIR.

The Project and the necessary on-site modifications would not include uses or activities that could have the capability to alter air movement, moisture, temperature, or cause a change in the climate.

Proposed mitigation measures which will reduce any potentially significant impacts identified in this Section 2.5 to a level of insignificance are set forth in Section 3.3.

** (General Plan 2030 Update Program EIR Section 5.5, May 2008)

2.6 TRANSPORTATION**

Regional access to the Project would be provided by Interstate 5 (Santa Ana Freeway), located approximately three and one-half miles to the east of the Project Site; State Route 57 (Orange Freeway) approximately four miles to the east; State Route 22 (Garden Grove Freeway), located approximately one mile to the south; and State Route 39 (Beach Boulevard), which is located approximately two miles to the west.

Emergency access to the Project Site and surrounding areas would not be affected by construction activities. Police and fire services in the area are adequate to accommodate the development provided the Project complies with the conditions of approval included on the Project by the City Police and Fire Departments. These conditions of approval include, but are not limited to, maintaining adequate emergency access to, and around the site. Security for the Project Site is also required during the period of construction.

During the period of construction, barriers around the Project perimeter may have the potential to impact pedestrians or bicyclists traveling along Brookhurst Street, or Garden Grove Boulevard. In accordance with City Municipal Code and California

Traffic Control Manual, the Project developers would be required to submit a traffic control plan to ensure the safety of pedestrians and/or bicyclists for any construction within the public right-of-way.

The proposed Project would not impact existing or proposed policies pertaining to alternative transportation. The proposed Project Site is located adjacent to mass transit stops along Brookhurst Street and Garden Grove Boulevard. These transit stops would be in operation during the construction of the Project and during normal operating hours.

There are no rail or waterborne traffic corridors either on the Project Site or in the immediate area of the Project. Therefore, no impacts are expected to rail, or waterborne traffic.

During construction, increased vehicle trips or traffic congestion may occur along Brookhurst Street, or Garden Grove Boulevard. The congestion related to the construction activities would be temporary in nature and would, therefore, not be considered a significant impact. The Project developer would be required to submit a traffic control plan to minimize traffic congestion for all construction in the public right-of-way. The City's Traffic Engineer prior to the commencement of construction shall approve the traffic control plan.

The Project would likely increase vehicle trips and traffic congestion in the area, but not beyond the scope analyzed in the General Plan EIR. The proposed Brookhurst Triangle site, identified as part of Focus Area F, development was included in the General Plan 2030 Update EIR traffic analysis and the traffic analysis indicates that with this project, the immediate intersections would not operate below Level C during peak periods. The General Plan identifies intersections operating at or above Level Service D is acceptable. Although the General Plan 2030 Update EIR does include this site's specific level of intensity and density of development in assessing both intersection and roadway sections level of service analysis, it does, however, state several implementation measures are to be applied to this specific site when an actual development proposal is submitted. These measures include adhering to Transportation Demand Strategies and Ordinance, site specific traffic analysis, paying required traffic mitigation fees, encouraging other related traffic measures that reduce vehicle miles traveled, reducing roadway and intersection congestion, and promoting the use of other forms of transit.

The site specific traffic study required will likely ensure that there would not be any adverse impacts from the additional traffic generated by the proposed Project in and around the immediate site, and possibly in relation to the existing infrastructure improvements. Aspects of the study will include analysis of the points of ingress and egress to the site, use of on-street parking along Brookhurst Way, restricting north bound traffic on Brookhurst Way from proceeding west at the intersection of Brookhurst Way and Stanford Avenue.

The refined concept analysis plan prepared for this site does indicate the required amount of parking for this type of development is provided. However, the focused traffic study may also analyze a reduction in parking based on the American Planning Association study that supports a minimum of a five to ten percent reduction in overall parking in a mixed-use development.

Proposed mitigation measures, which will reduce any potentially significant impacts identified in this Section 2.6 to a level of insignificance, are set forth in Section 3.3.

**(General Plan 2030 Update Program EIR Section 5.1, May 2008)

2.7 BIOLOGICAL RESOURCES

In general, wildlife diversity in the area in which the Project is proposed to be located is low due to the urbanized nature of the area and its surroundings. Endangered species are not expected to occur in the area due to the lack of suitable habitat. Additionally, the Site for the proposed Project has extensively been used for automotive and commercial purposes that have not been conducive to wildlife habitat. No impacts to Biological Resources are expected.

There are no locally designated rare or endangered plant or animal species on the Project Site or in the surrounding area. There are no locally designated natural communities on the Project Site or in the surrounding area that would be impacted by the Project. There are no wetland habitats in the area of the Project Site or in the surrounding area. The area in which the Project is proposed to be located does not serve as a dispersal and/or migration corridor as it is within a highly urbanized area. Therefore, there will be no impact to wildlife or other biological resources as a result of the Project.

No further mitigation required.

2.8 ENERGY AND MINERAL RESOURCES**

The development of mixed-use development on the Project Site would not be in conflict with adopted energy conservation plans.

All development on the Project Site would be required to adhere to all applicable State and City energy-conservation regulations including energy efficient lighting, ventilation, and heating systems as well as including energy saving appliances and various energy saving insulation applications. Therefore, the Project would not create uses that use non-renewable resources in a wasteful manner. Therefore, the Project will have no impact on energy or mineral resources.

No further mitigation required.

**(General Plan 2030 Update Program EIR Section 5.7, May 2008)

2.9 HAZARDS**

There would be no health hazards or potential for health hazards caused by the proposed Project or uses. The Project would not create any health hazards or increase the potential of exposure to existing hazards. The Project would not increase the risk of accidental explosion, release of hazardous substances, or create an interference with existing emergency response or evacuation plans.

There are no anticipated physical changes that would increase fire hazards within the Project Site or the surrounding area. Any existing improvements would be removed

and new development would be constructed in compliance with all applicable fire and safety codes. Additional landscaping would be installed in conjunction with the implementation of the Project. Said landscaping would be required to be installed per City regulations including irrigation systems, which will reduce Fire Hazards due to the use of low flammable landscaping materials. Therefore, the Project will have no impact on health hazards.

No further mitigation required.

*(General Plan 2030 Update Program EIR Section 5.7, May 2008)

2.10 NOISE**

Construction activities associated with development of the Project or the infrastructure improvements may temporarily increase noise levels to noise-sensitive receptors adjacent to the Project Site. However, due to the temporary nature of these construction-related activities and requirements for contractor compliance with County and City noise ordinances as required by the mitigation measures contained in the General Plan EIR and by the City Municipal Code, noise impacts would be reduced to a level of insignificance.

The Project would increase the existing noise levels in the immediate vicinity of the proposed Project due to the actual development occurring on the Project Site. The design of the Project is reflective of a mixed-use type of development and is not anticipated to generate noise levels above that associated with mixed-use type of developments and as identified in the General Plan and General Plan Final EIR.

The proposed refined concept analysis site plan indicates a couple of private recreation areas in close proximity to the residential units. Normal activities in these areas would likely raise noise levels that may affect the residential units. In order to reduce the potential impacts, loud speakers shall be prohibited, and the pool areas shall be closed between 10 p.m. and 7 a.m. the following day. The center portion of the refined concept analysis site plan shows an area with a large water element that can serve as focal point as well as a gathering place for residents, shoppers, and employees of the site. Although this area may become a hub of activity as it ties into the urban trail, serves as access to the anticipated offices and commercial stores, and is indirect access to the residential units above, noise generated in this area is likely to not be significant. This is due to the positioning of the buildings, typical store and business hours ending by mid-evening, and the C.C.& R.'s for the site are likely to restrict any activities that may occur late into the night.

Proposed mitigation measures, which will reduce any potentially significant impacts identified in this Section 2.10 to a level of insignificance, are set forth in Section 3.3.

** (General Plan 2030 Update Program EIR Section 5.6, May 2008)

2.11 PUBLIC SERVICES**

The City's Fire Department currently provides emergency response service to the area in which the Project is proposed to be located. It is not likely that the Project would induce significant growth or result in substantial new demand for fire protection

services. Garden Grove Fire Station No. 1 is approximately one mile east of the subject site, Fire Station No. 2 is approximately one and a half miles north of the site and Fire Station No. 7 is approximately one and a half miles to the south of site. The Citywide average response time is approximately 4 minutes 25 seconds with a standard response time of being on the scene in five minutes. Due to the proximity of the Project Site to Fire Stations Nos. 1, 2, and 7, response time can be less than the average noted time. The Project would incrementally increase the demand on Fire Protection Services. The Project would not, however, significantly impact the Department's ability to provide Fire Protection Services to the Project. Although the impact to Fire Protection Services would not be significant, in order to reduce any impact of the Project on these services, the Project shall comply with the conditions of approval of the Fire Department including but not limited to providing on-site fire hydrants, relocating existing fire hydrants, and the building construction shall comply with the C.B.C. and the Uniform Fire Code.

The City's Police Department currently provides police protection in the area. Implementation of the proposed project would not result in substantial new demand for police protection services. There are no anticipated physical changes within the area that would significantly affect police protection. However, although the impact is not significant, the Project could increase service calls for burglaries, theft, etc. In order to reduce any impact caused by increased calls for service due to these types of crimes, measures, such as implementation of residential and commercial business security plans, shall be incorporated into the Project. This would include street lighting, security hardware, and related security measures.

The proposed development will increase the number of residential dwelling units within the Garden Grove Unified School District by a maximum of 800 dwelling units. This increase in dwelling units could increase the school age population (elementary, intermediate, and high school) within Garden Grove Unified School District. This projected increase in school age population will be addressed by the school district.

The Garden Grove Unified School District is expected to accommodate the anticipated increase of new students from this development. General Plan 2030 Update Program EIR provides an estimated student generation based on single family and multi-family homes estimated generation of number of students per household for the General Plan 2030 Update build-out. The calculations indicates a conservative upward student range at General Plan build-out of 3,300 students on the low end and 7,562 students on the high end. In averaging between the low end and high end student ranges, it is estimated that the school district could experience an increased in the K through 12 grades, approximately 294 more students dispersed at all grade levels at the ultimate build out of this project with 800 dwelling units. Therefore, the estimated average is well within that range identified in the General Plan 2030 Update Program EIR. It is not anticipated that there will be physical changes beyond the scope of the Project that would affect schools or school districts in any area affected by this project. There is no indication that the Project will induce growth, generate new housing in the area, or attract families with school age children to the area beyond that identified by this analysis. As part of the development process, the developer is required to pay the applied mitigation school fees applicable for this type of project prior to issuance of any building permits, thereby offsetting any environmental concern stemming from this proposal.

It is likely that implementation of the proposed Project, and the additional demand on the infrastructure, would increase maintenance requirements, but not beyond those previously analyzed and accounted for in the General Plan EIR. The existing public facilities appear to be in reasonable condition and adequate to meet the demands of the proposed development. It is not likely that the Project would increase demands on other governmental services other than those addressed in this analysis.

Proposed mitigation measures which will reduce any potentially significant impacts identified in this Section 2.11 to a level of insignificance are set forth in Section 3.3.

** (General Plan 2030 Update Program EIR Sections 5.9, 5.12, 5.13, & 5.14, May 2008)

2.12 UTILITIES AND SERVICE SYSTEMS**

There would be no adverse impacts to power or natural gas caused by this Project. The existing infrastructure is adequate to meet the demands generated by this Project.

There would be no adverse impacts to communications systems caused by this Project. The existing infrastructure is adequate to meet the demands generated by this Project.

There are no deficiencies in the existing water service lines that serve the Project Site. The infrastructure will be adequate to meet the demands generated by this Project.

The Project would be required to comply with all applicable City and State mandated water conservation measures such as low flow toilets and the City's water efficient landscaping ordinance.

The Garden Grove Sanitary District provides sewer services in the area. Existing sewer infrastructure is in place and has the capacity to accommodate the proposed Project. In anticipation of the potential intensity and density planned for this site, in October 2007 the Garden Grove Sanitary District installed a new sewer line to accommodate this site's future development.

The Site is located in a highly urbanized area and storm water drainage facilities are in place and adequate for the Project. As discussed in Section 2.4, run-off for the proposed project would be directed in a manner to address Low Impact Development criteria, which includes providing a Water Quality Management Plan using Best Practices and complying with Drainage Area Master Plan provisions. With these measures in place, the existing storm drain system adjacent to the Project Site has adequate capacity to handle the increased run-off generated from this project. Therefore, the Project will not significantly impact existing storm drainage facilities.

The Garden Grove Sanitary District as a subsidiary district of the City of Garden Grove administers solid waste disposal services. Collection services are provided via a contract with a private trash collection contractor. If the project is approved, the City and the Project applicants shall coordinate with the Garden Grove Sanitary District and their contractor for specific placement of trash receptacles, pickup times, and install and/or construct related trash collection measures as deemed necessary to facilitate the immediate trash demands generated by this type of development.

The City has a Source Reduction and Recycling Element (SRRE), which guides the City toward reducing solid waste generation in compliance with State law. All applicable City required recycling measures as identified in the SRRE will be incorporated into the Project.

Proposed mitigation measures, which will reduce any potentially significant impacts identified in this Section 2.12 to a level of insignificance, are set forth in Section 3.3.

**(General Plan 2030 Update Program EIR Section 5.11, May 2008)

2.13 AESTHETICS**

The area in which the Project is proposed to be located is not adjacent to any scenic vistas or highways. The physical improvements for the Project Site will be compatible with the Community Design Guidelines as stated in the General Plan and with other modern improvements and developments in the area. The proposed Project would comply with the goals and objectives of the Community Design Element of the City's adopted General Plan, including provisions for attractive building design, landscaping, and signage.

Aesthetic impacts are by their nature very subjective. The intent is to create an attractive mixed-use development that would add to the visual interest of the streetscape and maintain a similar ambiance with the surrounding commercial and residential areas. The refined concept analysis site plan has exterior elevations that vary in height from five to seven stories up to 15 to 23 stories. The initial concept for the building elevations are to be contemporary and modern in a timeless style that lends itself to having both form and function.

The project will create additional lighting in the area. The project is required to adhere to all Municipal Code requirements pertaining to minimum lighting levels. A development of this type will likely create unique exterior lighting treatment for aesthetic effects, increase night time safety, creating ease of visibility for pathways such as the on-site urban trail, and the large parking garage structures. Due to this amount of anticipated lighting, increased light spilling onto surrounding properties may occur. In order to mitigate this situation, through the design of the project, efforts will be made to minimize lighting from spilling over to adjoining properties by the type of lighting used, strategic placement of the lights, use of light deflection methods, and other lighting applications that minimize light spillage. Project lighting will be required, as stated in the mitigation measures of the General Plan EIR, to adhere to all Municipal Code requirements pertaining to minimum lighting levels.

Proposed mitigation measures, which will reduce any potentially significant impacts identified in this Section 2.13 to a level of insignificance, are set forth in Section 3.3.

**(General Plan 2030 Update Program EIR Section 5.3, May 2008)

2.14 CULTURAL RESOURCES**

There are no known pale ontological resources in the area. Thus, there would not be a significant impact to pale ontological resources. However, if unanticipated pale

ontological resources are discovered during construction, all attempts will be made to preserve in place or leave in an undisturbed state in compliance with Section 21083.2 and Appendix K of the CEQA Guidelines.

There are no known archaeological resources in the area. Thus, there would not be a significant impact to archaeological resources. However, if unanticipated archaeological artifacts are discovered during construction all attempts will be made to preserve in place or leave in an undisturbed state in compliance with Section 21083.2 and Appendix K of the CEQA Guidelines.

There are no known historical resources on the site. The General Plan EIR notes 13 historically significant or potentially significant sites within the City limits. None of these sites are located on the proposed Project site. Thus, there would not be a significant impact to historical resources.

There are no structures or activities on the Project Site that have unique cultural or ethnic value. Implementation of the proposed Project, therefore, would not have the potential to affect unique ethnic or cultural values.

The proposed Project is not in proximity to any known established religious or sacred facilities that would be affected by this Project. The Project will not restrict religious or sacred uses in the vicinity. Therefore, there would not be a potential to restrict existing religious or sacred uses within the area of the Project.

The Project will have no significant impact on Cultural Resources. No further mitigation required.

******(General Plan 2030 Update Program EIR Section 5.17, May 2008)

2.15 RECREATION**

The Project Site does not contain any dedicated public open space use or otherwise reduce neighborhood or regional park facilities. The developer is required to pay park in-lieu fees that are applied to the City's parks and recreation programs. Although the overall site will be considered private property in nature and is not providing public parkland, the development of the PUD will include an urban trail system usable by the public. The urban trail is intended to serve as an exercise/recreational amenity to the site that visitors and residents can take advantage of. The urban trail is anticipated to be approximately one mile in length, go in and around the subject site, provide sign markers for distance and direction, have landscape treatment to buffer the path along Brookhurst Street, and tie into the shopping areas within and around the project.

Along with the urban trail, an integrated internal common open space/plaza will be incorporated into the project for the purposes of providing visual relief and enhanced aesthetics as well as providing a respite for shoppers, visitors, residents, and employees of the site. The common open space will be designed with enhanced walkways serving the businesses that will encircle a water feature that will double as a water source for fire protection. The water feature is to be a series of shallow pools that will be designed to have the water cascade from one end of the water feature to the other. The water element will also be buffeted by landscape planters and seating areas.

Aside from the common open space areas, the development will also incorporate private recreation spaces and elements for that portion of the development designated for the residential dwelling units. This will include recreation rooms, workout rooms, swimming pools, and other on-site forms of recreational activities. This is anticipated to be a positive impact for the area. Thus, implementation of the proposed Project would not have a significant impact on recreation. No further mitigation required.

** (General Plan 2030 Update Program EIR Section 5.15, May 2008)

2.16 MANDATORY FINDINGS OF SIGNIFICANCE

Based on the above analysis and the mitigation measures set forth in Section 3.0 of this Mitigated Negative Declaration, the Project would 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.

Based on the above analysis and the mitigation measures set forth in Section 3.0 of this Mitigated Negative Declaration, implementation of the proposed Project would not have the potential to achieve short-term, to the disadvantage of long-term, environmental goals.

Based on the above analysis and the mitigation measures set forth in section 3.0 of this Mitigated Negative Declaration, implementation of the proposed Project would not have impacts that are not 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).

Implementation of the proposed Project would not have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

3.0 MITIGATION MONITORING

3.1 INTRODUCTION

In accordance with CEQA Section 21081.6, a Mitigation Monitoring Program has been prepared for the Project. CEQA states that a public agency shall adopt a reporting or monitoring program for the changes to the project that it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The report or monitoring program shall be designed to ensure compliance during project implementation.

The discussion in Section 3.0 recommends several mitigation measures that shall be incorporated into the Project to reduce or eliminate potential adverse effects. Measures described herein are to be applied in addition to Project compliance with all relevant provisions of the California Building Code and applicable State of California and City codes and ordinances.

The Mitigation Monitoring Program contained in this Section 3.0 lists each required mitigation measure categorized by impact area, with an accompanying identification of the factors listed below. Measures are numbered sequentially. For each mitigation measure the following items are specified:

- Implementation mechanism;
- Timing and verification; and
- Responsible Agency

The Mitigation Monitoring Program will serve to document compliance with adopted mitigation measures and conditions of approval required to render insignificant the potential effects on the environment for implementing the proposed Project.

The Agency and Project developer shall demonstrate compliance with each mitigation measure in a written report submitted to the applicable enforcement agency prior to the specified compliance date and provide periodic (at a minimum annual) reports regarding compliance with such conditions.

It is further referenced that any mitigation measure and implementation measure identified in the General Plan 2030 Update Program EIR for the Brookhurst Triangle not listed here, shall still be applied and implemented as part of this mitigation-monitoring program.

3.2 PROJECT SUMMARY

The Project includes: consideration by the Planning Commission and City Council of a zone change to Planned Unit Development and a Development Agreement between the City and the a prospective developer; for the purpose of allowing future development of the 13.9 acre Brookhurst Triangle site that consists of approximately 200,000 square feet of commercial/office space and up to 800 residential dwelling units.

3.3 MITIGATION MONITORING PROGRAM

Mitigation Measure	Verification	Timing	Responsible Party
Use and Planning			
The Project applicant shall apply to the City requesting that the City amend its Zoning Ordinance to bring consistency between the General Plan and Ordinance.	City Council approval	Prior to Project approval	Director of Community Development

Geophysical			
The development of the Project shall conform to the California Building Code to reduce seismic related hazards to an acceptable risk.	Grading and Building Plan Review, Inspections	Prior to issuance of building permits	Director of Community Development
A geotechnical report shall be prepared for the Site and submitted to the City Engineer for approval. All recommendations listed in the geotechnical report shall be incorporated into the Project.	Grading and Building Plan Review Inspections	Prior to issuance of building permits	Director of Community Development
The development of the Project shall conform to the California Building Code to reduce seismic related hazards to an acceptable risk.	Grading and Building Plan Review Inspections	Prior to issuance of building permits	Director of Community Development
The development of the Project shall conform to the California Building Code and Cal-OSHA as it relates to excavations, grading and fill.	Grading and Building Plan Review Inspections	Prior to issuance of building permits	Director of Community Development

Mitigation Measure	Verification	Timing	Responsible Party
Water			
Grading, water, sewer, and approved utility plans will be required.	Grading and Building Plan Review Inspections	Prior to issuance of building permits	Director of Public Works
Reduction of surface run-off shall be provided by, to the extent possible, diverting water from directly running into the area's storm drains. The Project shall comply with NPDES rules and regulations as well as other applications to address this concern, such as complying with Low Impact Development measures, WQMP, and DAMP by applying best practices and obtain applicable permits. Reduce landscape irrigation water and run-off by water conserving irrigation systems, moisture sensing devices and avoidance of excessively mounded landscaped areas.	Grading and Building Plan Review Inspections	Prior to issuance of building permits	Director of Public Works
The Project developer shall verify the location of the water well (if exists) and shall be responsible for proper abandonment of any remaining evidence of said well. The developer shall be responsible for acquiring all appropriate permits from the state and local agencies.	Grading and Building Plan Review Inspections	Prior to issuance of building permits	Director of Public Works

Mitigation Measure	Verification	Timing	Responsible Party
<p>Air Quality</p> <p>The following measures shall be implemented during the construction of the Project:</p> <ul style="list-style-type: none"> • Adherence to SCAQMD Rule 403, Fugitive Dust, as revised, which includes dust minimization measures. • Sweeping of streets near construction area. • Rinsing of wheels on construction vehicles prior to leaving construction area. • Paving of all construction access roads at least 100 feet onto the Project Site from the main access points. • Use of electricity from power poles rather than temporary diesel or gasoline powered generators. • Use of any methanol, natural gas, propane or butane-powered on-site mobile equipment rather than diesel or gasoline powered equipment. <p>The following measures shall be implemented to minimize operation-related stationary source emissions or as required by SCAQMD Rules and Regulations:</p> <ul style="list-style-type: none"> • Use of solar or low-emission water heaters; • Use of energy efficient parking lot lights; • Use of lighting controls and energy-efficient lighting; <p>and</p> <p>Ensure compliance with Title 24 requirements. Create urban trail system with amenities. Use energy efficient/energy saving equipment and appliances. Include new technology as it becomes available in the efforts to reduce air pollution.</p>	<p>Inspection</p>	<p>Building and Grading Inspections</p>	<p>Director of Community Development/ Public Works</p>

Mitigation Measure	Verification	Timing	Responsible Party
Transportation			
Prepare a site specific traffic analysis to address immediate potential site impacts concerning ingress and egress to the subject site, assess roadway width and parking opportunities along Brookhurst Way, restricting north bound traffic on Brookhurst Way from traveling west bound on Stanford Avenue.	Grading and Building Plan Review Inspections	Prior to issuance of building permits	Director of Public Works
Bicycle lanes and walking paths as depicted in the Garden Grove Master Plan of Highways and Master Plan of Parks and Recreation shall be provided concurrent with any public right-of-way improvements.	Grading and Building Plan Review Inspections	Prior to issuance of building permits	Director of Public Works
As required by OCTA, transit amenities including bus turnouts and bus shelters shall be provided concurrently with the Project.	Grading and Building Plan Review Inspections	Prior to issuance of building permits	Director of Public Works
The developer shall be required to contribute their fair share, as required by City Ordinance, to the Traffic Impact Fee program to offset impacts along roadway segments, and any other traffic related fees.	Grading and Building Plan Review Inspections	Prior to issuance of building permits	Director of Public Works
The developer shall provide delineated and properly lighted sidewalks throughout the Project to provide safe pedestrian routes.	Grading and Building Plan Review Inspections	Prior to issuance of building permits	Director of Community Development
A Traffic Safety Plan shall be submitted, and approved by the City's Traffic Engineer, prior to the commencement of any construction in the public right-of-way as required by the California Vehicle Code.	Grading and Building Plan Review Inspections	Prior to issuance of building permits	Director of Public Works
All gated entries shall provide sufficient car stacking depth per the City's Traffic Engineer.	Building Plan Review	Prior to issuance of building permits	Director of Public Works
The entrance on Garden Grove Boulevard shall align with the main access to the mixed-use project directly south of the subject site.	Building Plan Review	Prior to issuance of building permits	Director of Public Works

Mitigation Measure	Verification	Timing	Responsible Party
Noise			
The construction and all uses operated within the Project shall adhere to the City's Noise Ordinance including hours of operation and maximum noise levels.	Inspection	Building and Grading Inspections	Director of Community Development
No outdoor amplification systems shall be permitted at the residential recreation areas. Any sound emitted from any loud speakers in the recreation rooms shall not extend beyond the walls of the building.	Grading and Building Plan Review On going	Prior to issuance of building permits	Director of Community Development
The recreation/pool areas, shall be closed to all patrons between the hours of 10 p.m. and 7 a.m. the following morning.	Grading and Building Plan Review On going	Prior to issuance of building permits	Director of Community Development
The construction and all uses operated within the Project shall adhere to the City's Noise Ordinance including hours of operation and maximum noise levels.	Inspection	Building and Grading Inspections	Director of Community Development

Mitigation Measure	Verification	Timing	Responsible Party
Public Services			
On-site fire hydrants shall be provided as required by the Fire Department. All on-site fire hydrants not incorporated in the buildings shall be operable prior to delivery of combustible material to the site. Fire prevention methods shall be continually in place during all phases of construction.	Grading and Building Plan Review Inspection	Prior to issuance of building permits	Fire Chief
Grading and Building Plan Review	Prior to issuance of building permits	Prior to issuance of building permits	Fire Chief
Commercial and Residential security plans shall be provided.	Building Plan Review Inspection	Prior to issuance of building permits, and prior to final occupancy	Director of Community Development

Mitigation Measure	Verification	Timing	Responsible Party
Utilities and Service Systems			
<p>The Project shall be designed to reduce landscape irrigation waste and run-off by water conserving irrigation systems, moisture sensing devices and avoidance of excessively-mounded landscaped areas as required by the City's Municipal Code and Low Impact Development practices including adhering to WQMP and DAMP.</p>	Grading and Building Plan Review Inspections	Prior to issuance of building permits	Director of Community Development
<p>The project shall comply with water conservation measures such as low flow toilets and the City's water efficient landscaping ordinance.</p>	Grading and Building Plan Review Inspections	Prior to issuance of building permits	Director of Community Development
<p>Sanitary sewer facilities shall be constructed as required by the Public Works Department and connected in the sewer line(s) located in Garden Grove Boulevard and Brookhurst Street per Garden Grove Sanitation District requirements and approvals. Location of sewer lines shall also be shown on the Tract Map for easement purposes.</p>	Grading and Building Plan Review Inspections	Prior to issuance of building permits	Director of Public Works
<p>During the final design phase of this Project, the applicant shall coordinate with the City of Garden Grove Public Works and Sanitary Departments and their contractor for specific type, location(s) for pick-up, and storage of trash receptacles.</p>	Grading and Building Plan Review Inspections	Prior to issuance of building permits	Director of Public Works
<p>All applicable City required recycling measures, as identified in the SRRE, shall be incorporated into the Project.</p>	Grading and Building Plan Review Inspections	Prior to issuance of building permits	Director of Community Development

Mitigation Measure	Verification	Timing	Responsible Party
Aesthetics			
The Project shall conform to all polices, guidelines, and regulations contained in the Land Use Element, Community Design Element, and the Zoning Ordinance.	Grading and Building Plan Review	Prior to issuance of building permits	Director of Community Development
Above-ground utility equipment shall not be located in the street setbacks, or any parking areas. Said utility equipment shall be screened to the satisfaction of the Community Development Department.	Grading and Building Plan Review Inspections	Prior to issuance of building permits	Director of Community Development
The developer shall work with the City in the design and development of the urban trail.	Grading and Building Plan Review Inspections	Prior to issuance of building permits	Director of Community Development
The developer shall work with the City in design, development, and subsequent long term usage of the water feature within the common areas of the project.	Grading and Building Plan Review Inspections	Prior to issuance of building permits	Director of Community Development
The City prior to the implementation of the Project shall approve the landscape plan. The plan shall include a variety of landscape materials including, but not limited to, fast growing specimen trees of varying height, which are compatible and complementary to other new development in the area, and the remaining specimen trees on the perimeter of the Project Site.	Grading and Building Plan Review Inspections	Prior to issuance of building permits	Director of Community Development
The elevations shall be contemporary and modern in a timeless style that lends itself to having both form and function.	Grading and Building Plan Review Inspections	Prior to issuance of building permits	Director of Community Development
All lighting shall comply with the City's zoning ordinance including preventing light from spilling onto adjacent properties or public right-of-ways and minimum lighting levels	Grading and Building Plan Review Inspections	Prior to issuance of building permits	Director of Community Development

4.0 PERSONS CONTACTED AND REFERENCES

4.1 CITY OF GARDEN GROVE

Community Development Department

Susan Emery, Director
Karl Hill, Planning Manager
Ding Victoria, Building Manager
Lee Marino, Senior Planner
Erin Webb, Senior Planner

Economic Development

Greg Blodgett, Senior Redevelopment Manager

Police Department

Kevin Boddy-Sargeant, Intelligence Investigator

Fire Department

Randy Garcia, Senior Fire Protection Specialist

Public Works

Bill Murray, City Engineer
Sid Ashrafnia, Civil Engineer
Dan Candelaria, Traffic Engineer
David Entsminger, Water Services Division Manager
Sam Kim, Water Engineer

4.2 OTHER ORGANIZATIONS AND INDIVIDUALS CONTACTED

RBF and Associates
The Jerde Partnership

4.3 REFERENCES

City of Garden Grove General Plan 2030 Update, August 2008.

City of Garden Grove Existing Conditions Report, August 2008.

City of Garden Grove Final Environmental Impact Report for the General Plan 2030 Update, August 2008, State Clearinghouse No. 2008041079.

State of California, CEQA - California Environmental Quality Act, Statutes and Guidelines

Title 9 of the Garden Grove Municipal Code.

5.0 DISTRIBUTION LIST

Matthew Fertal, City Manager
City of Garden Grove
11222 Acacia Parkway
Garden Grove, CA 92840

City of Garden Grove Fire Department
David Bertka, Fire Chief
11301 Acacia Parkway
Garden Grove, CA 92840

City of Garden Grove Community Development
Susan Emery, Director
11222 Acacia Parkway
Garden Grove, CA 92840

City of Garden Grove Police Department
Joe Polisar, Police Chief
11301 Acacia Parkway
Garden Grove, CA 92840

City of Garden Grove Public Works Department
Keith Jones, Director
13802 Newhope Street
Garden Grove, CA 92843

City of Garden Grove Engineering Division
William E. Murray
11222 Acacia Parkway
Garden Grove, CA 92840

Garden Grove Unified School District
Dr. Laura Schwalm, PhD, Superintendent
10331 Stanford Avenue
Garden Grove, CA 92840

Pacific Bell
13062 Euclid Street
Garden Grove, CA 92841

Southern California Edison Company
Planning Department
1241 S. Grand Avenue
Santa Ana, CA 92706

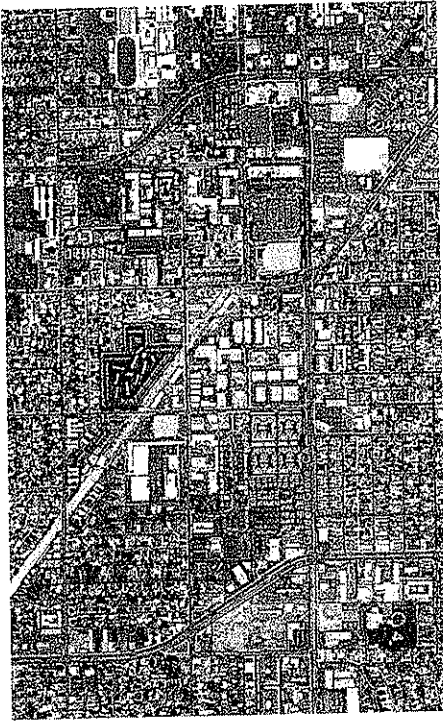
Southern California Gas Company
District Operations Manager
12631 Monarch Avenue
Garden Grove, CA 92841-9998

Time-Warner
General Manager
7441 Chapman Avenue
Garden Grove, CA 92841

Orange County Public Library
Garden Grove Regional Branch
11200 Stanford Avenue
Garden Grove, CA 92840

6.0 EXIBHITS

The following pages are the refined concept analysis plans used for discussion and analysis purposes for this Planned Unit Development proposal (Exhibit 1).

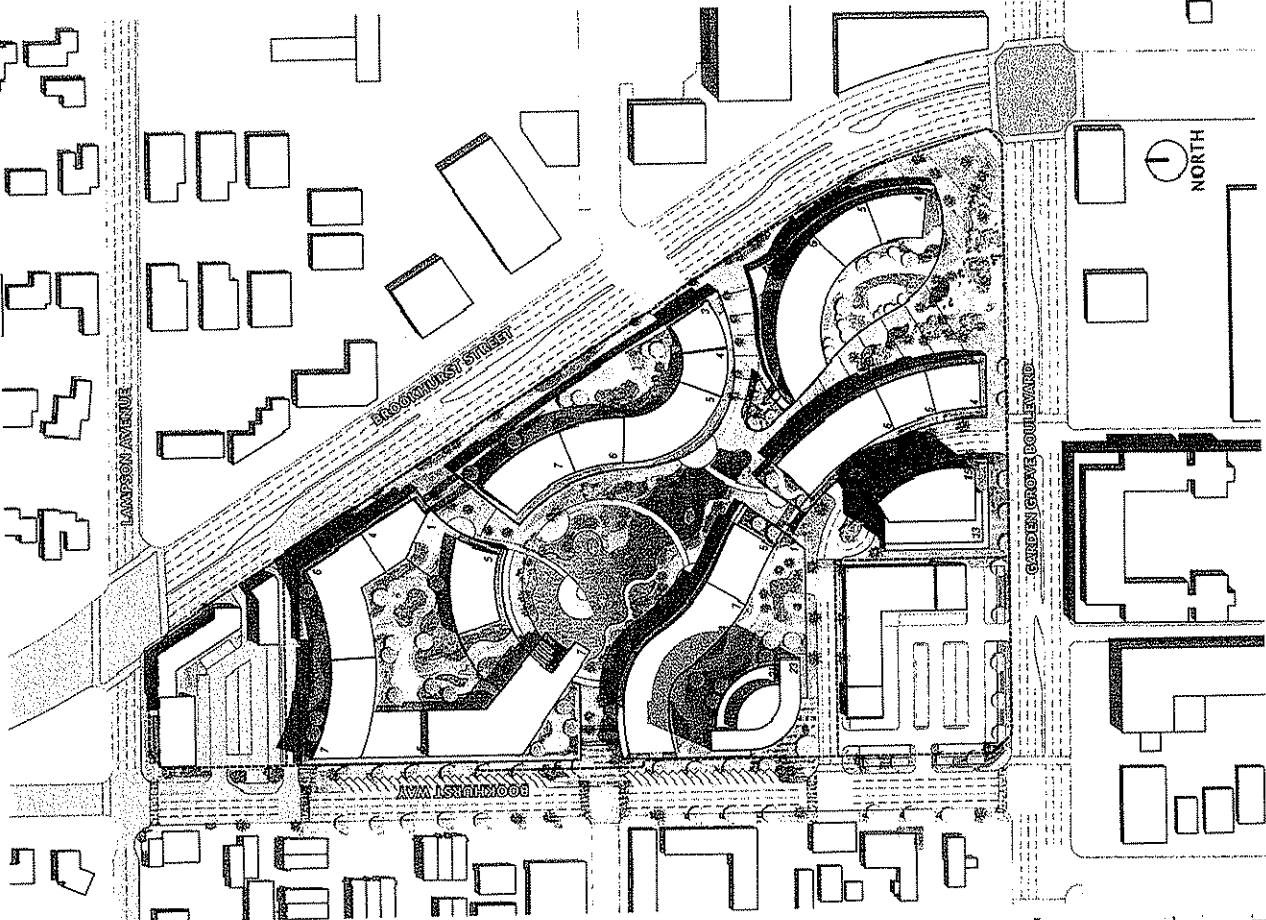
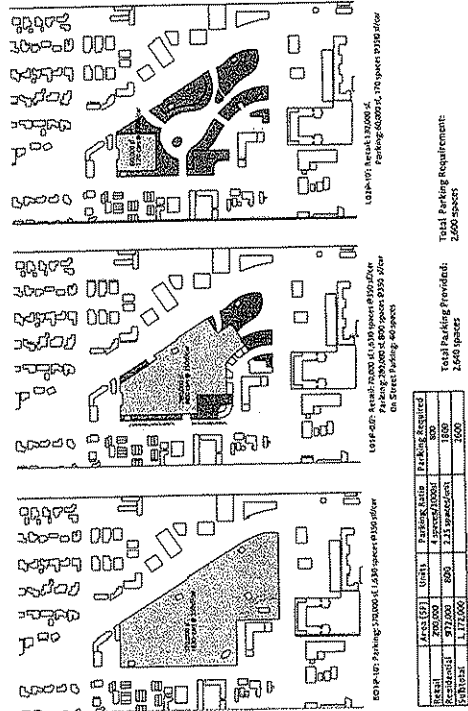


LOCATION MAP

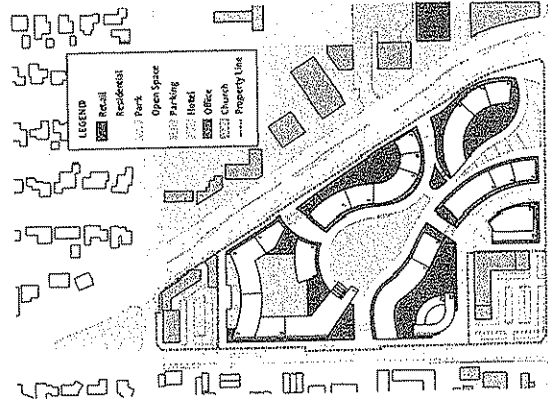
CONCEPT & PROGRAM

The Garden Grove Agency for Community Development seeks a highly qualified developer to undertake the Brookhurst Triangle project located in the heart of Garden Grove, California. The Brookhurst Triangle flagship project will anchor the Garden Grove Boulevard district and upon completion become the portal to the area. This public/private partnership is being entitled to build 800 for-sale residential units and an unparalleled 200,000 square feet of retail, dining, and entertainment experience.

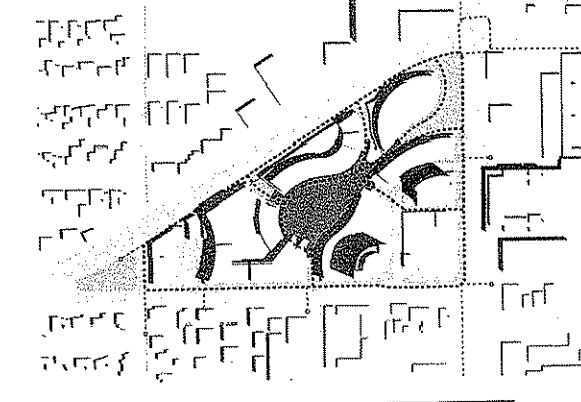
PARKING / RETAIL AREA SUMMARY DIAGRAM



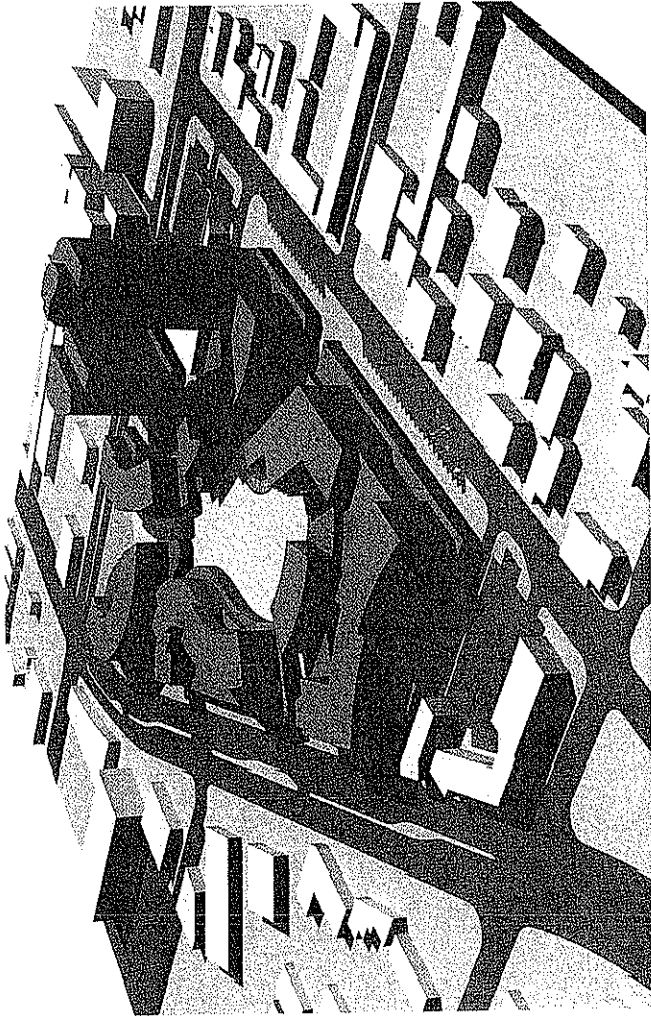
SITE PLAN



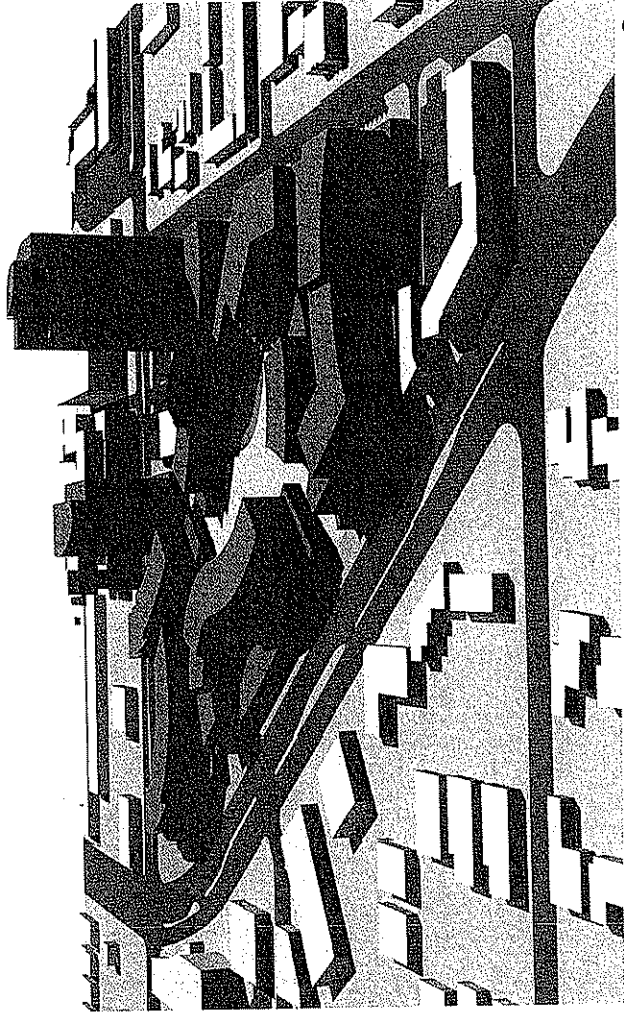
LAND USE DIAGRAM



OPEN SPACE / URBAN TRAIL DIAGRAM



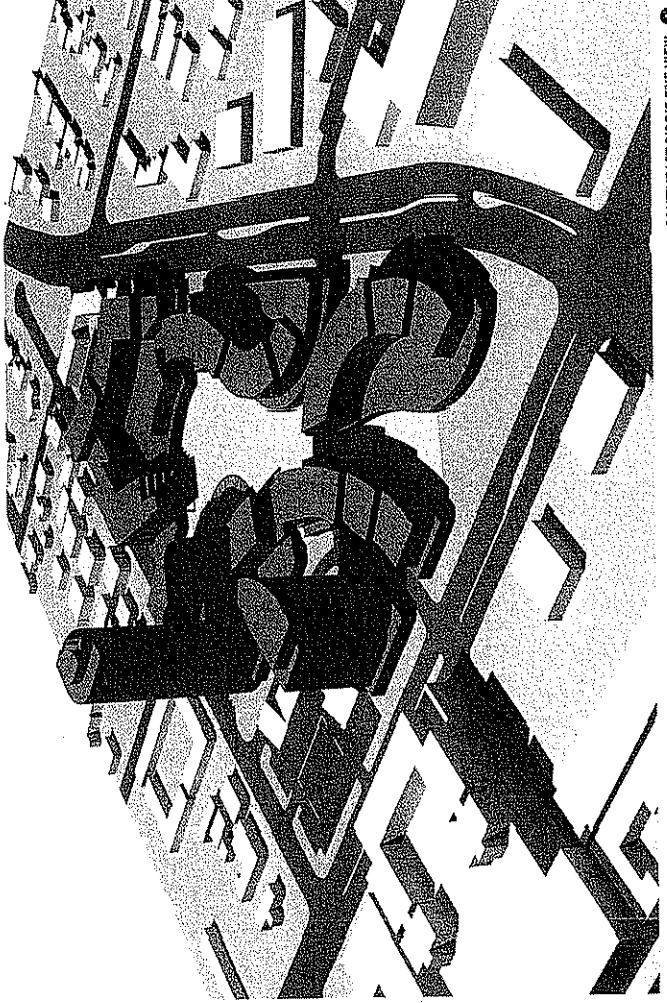
◉ NORTHWEST BIRD'S EYE VIEW



◉ NORTHEAST BIRD'S EYE VIEW



◉ SOUTHWEST BIRD'S EYE VIEW

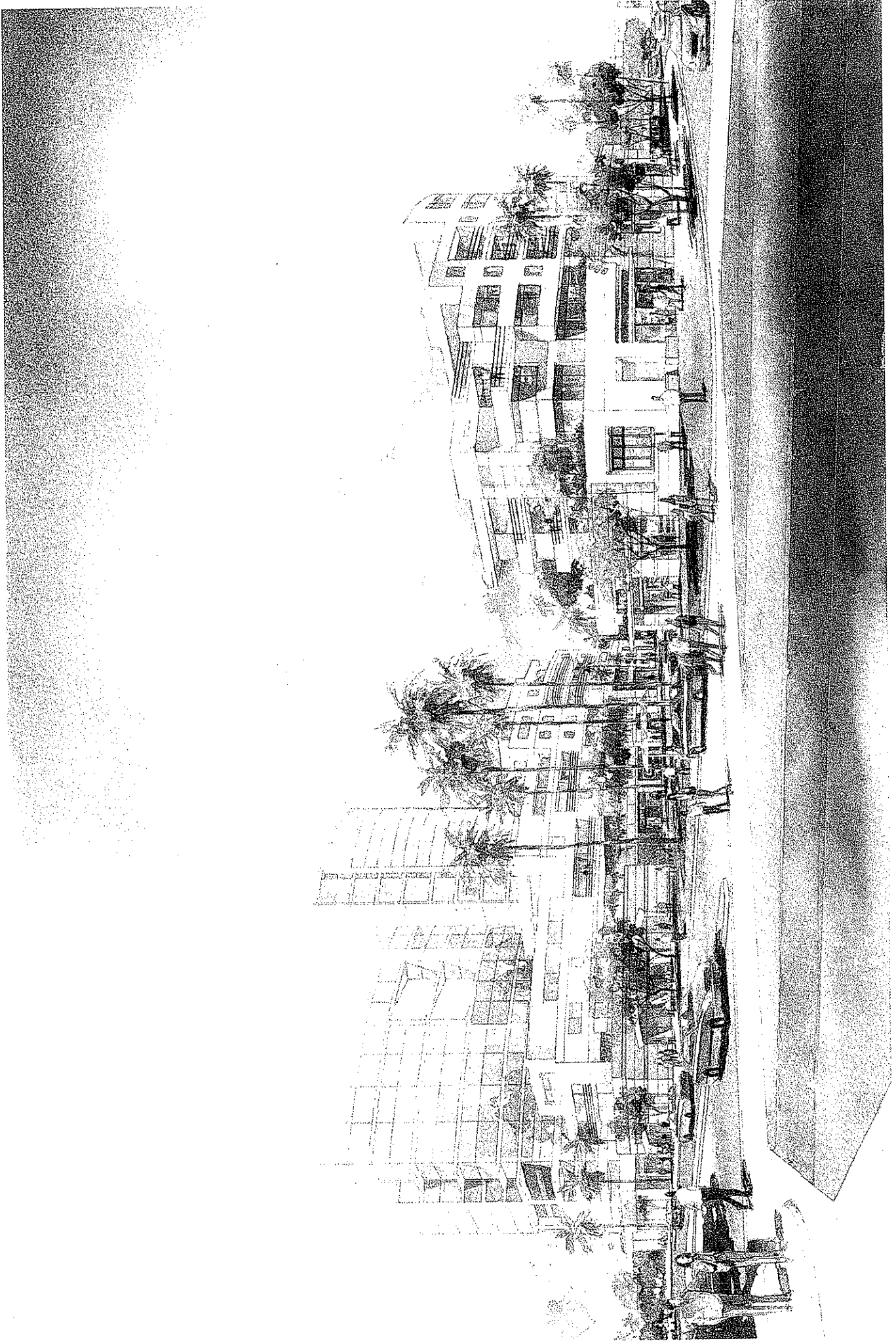


◉ SOUTHEAST BIRD'S EYE VIEW

Brookhurst Triangle



JERDE



Brookhurst Triangle - Garden Grove Boulevard View



JERDE

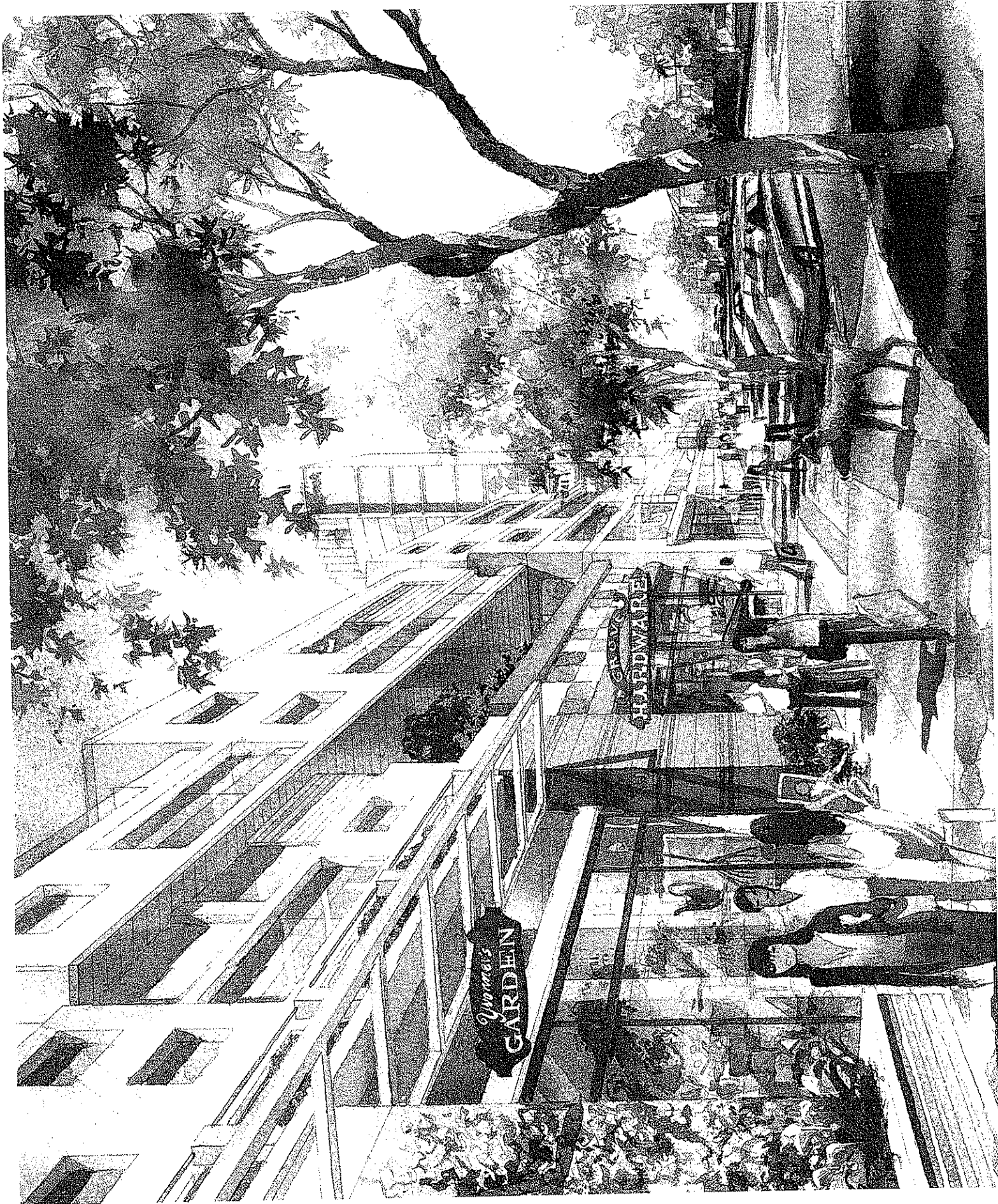


Brookhurst Triangle - Central Park Space



GARDEN GROVE
LANDSCAPE ARCHITECTS

JERDE



ENVIRONMENTAL CHECKLIST FORM

APPENDIX A

1. **PROJECT TITLE:**
Planned Unit Development No. PUD-123-09 Brookhurst Triangle Mixed-Use Development & Development Agreement
2. **LEAD AGENCY:**
City of Garden Grove
11222 Acacia Parkway
P.O. Box 3070
Garden Grove, CA 92840
3. **CONTACT PERSON:**
Karl Hill, Planning Services Manager, City of Garden Grove
4. **PROJECT LOCATION:**
The triangular site is bounded by Brookhurst Street, Garden Grove Boulevard, and Brookhurst Way, addressed as 12791 through 12861 Brookhurst Street (west side of Brookhurst Street), 10071 through 10151 Garden Grove Boulevard (north side of Garden Grove Boulevard only), and 12882 Brookhurst Way (APN: 089-661-03, 04, 05; 089-071-05, 06, 07, 08, 11, 12, 13, 14, 24, & 25).
5. **PROJECT SPONSOR:**
City of Garden Grove.
11222 Acacia Parkway
Garden Grove, CA 92840
6. **GENERAL PLAN DESIGNATION:**
Mixed Use
7. **ZONING:**
Existing Zone: Planned Unit Development PUD-102-88 and C-2 (Community Commercial)
Proposed Zone Change: PUD (Planned Unit Development)
8. **DESCRIPTION OF PROJECT:**
To establish a Mixed-Use Planned Unit Development zoning for the purpose of allowing future development of the 13.9 acre Brookhurst Triangle site that consists of approximately 200,000 square feet of commercial/office space and up to 800 dwelling units, including sufficient parking, open space, an urban trail, and related development standards for a Mixed-Use Development. A Development Agreement is also included.
9. **OTHER AGENCIES WHOSE APPROVAL (AND PERMITS) IS REQUIRED:**
City of Garden Grove Planning Commission.
City of Garden Grove City Council.

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"/> Water Quality	<input type="checkbox"/> Hazards	<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 although the proposed project COULD have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in Section XVII.c at the end of this study have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.

Also, I find that a mixed-use development of equal intensity and density was evaluated in the General Plan 2030 Update Environmental Impact Report certified in August 2008 (State Clearinghouse No. 2008041079). The project, therefore, qualifies for the streamline review under Public Resources Code Section 21083.3 and CEQA Guidelines 15183.

Karl Hill
Signature

September 1, 2009
Date

Karl Hill
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 Significant Impact	Potentially 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: The proposed project is not in conflict with the General Plan in that the current land use designation of Mixed Use allows for a combination of uses on this site which include office, commercial, and higher density residential. The General Plan Update 2030, adopted August 2008, specifically identified the Brookhurst Triangle site to be developed in a manner to be considered mixed-use. Specifically, the proposed mixed-use development is that which is identified in the General Plan Update as Focus Area F and designated for a combination of commercial, office, and residential uses. The General Plan specifically identified the Brookhurst Triangle under Focus Area F as to be improved with over 200,000 square feet of commercial/office space and up to 800 residential dwelling units, which the latter equates to approximately 50 dwelling units per acre for the triangular site. Although the General Plan identifies the entire Brookhurst Triangle as the area of Mixed Use, for purposes of this environmental analysis, the properties identified as the project site (see project location above) consists of 13.9 acres and this 13.9-acre area is the only area that will be rezoned to Planned Unit Development (PUD) to accommodate the intensity (200,000 square feet of commercial/office space) and density (up to 800 residential dwelling units).

The current site condition has approximately half of the site vacant unimproved and the other half occupied with automotive related uses. The site is served by two major arterials (Brookhurst Street on the east side, and Garden Grove Boulevard on the south side). The site is bounded by a mixture of land uses that include multi-family residential, commercial and office developments, and currently under construction, a new mixed-use project immediately to the south of the site.

The intent of the proposed zoning, Planned Unit Development (PUD), is to establish development guidelines and standards to facilitate and encourage the future development of the site in a Mixed Use manner. The General Plan 2030 Update and accompanying Environmental Impact Report, specifically identified this site for such development in order to encourage recycling of the properties so that optimal use of the land can occur, and thereby combine the various uses that will create an environment of mixed land use activities that are intended to: reduce vehicle trip generations, improve air quality, promote an urban trail system, create new housing opportunities, add common open space, and become a positive community focal point for the area.

The General Plan 2030 Update and accompanying Environmental Impact Report further indicated and analyzed the triangular site to be improved with up to 200,000 square feet of commercial/office development, up to 800 dwelling units (approximately 50 dwelling units per acre) with related improvements. The means to implement this level of intensity and density for the site is through the adoption of a PUD. The current Municipal Code Section, Title 9 Zoning Code, does not have specific development standards and guidelines to accommodate such development, therefore, to facilitate the implementation of the General Plan and create zoning consistency between the General Plan Land Use designation of Mixed Use and Zoning, the site has to be rezoned to a Planned Unit Development.

A mixed-use development of equal intensity and density was evaluated in the General Plan 2030 Update Environmental Impact Report certified in August 2008 (State Clearinghouse No.

2008041079). The General Plan 2030 Update and General Plan 2030 Update Environmental Impact Report were circulated for public comment along with public meetings and public hearings on these documents and thereby affording the public to provide comment and input on the subject documents and more specifically, ability to comment on Focus Area F, inclusive of the Brookhurst Triangle intensity and density as proposed. The project, therefore, qualifies for the streamline review under Public Resources Code Section 21083.3 and CEQA Guidelines 15183

The proposed PUD zoning will facilitate the intensity and density type of development identified in the General Plan 2030 Update as well as bring consistency to the City's General Plan Land Use designation of Mixed Use. Therefore, a zone change to Planned Unit Development (PUD) will not cause any adverse impacts.

*(General Plan 2030 Update Program EIR Section 5.1, May 2008)

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

Response: 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 intense type of development for this area with respect to commercial/office and higher density residential and associated potential impacts such as increased traffic in the area, water and sewer concerns, and design issues. Therefore, the project does not have the potential to conflict with environmental plans adopted by agencies with jurisdiction over the project.

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

Response: The proposed changes in land use, and the proposal for development are consistent with the City's adopted General Plan. The project area has approximately half of the site vacant unimproved and the other half occupied with automotive related uses that have occupied the site for more than 30 years. The land uses surrounding the site are multi-family residential, commercial and office uses. The site has had no agricultural activity on it for over 30 years. 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: The project site area has approximately half of the site vacant unimproved and the other half occupied with automotive related uses that have occupied the site for more than 30 years and the automotive uses will be completely removed upon improvement of the site with the intended mixed-use development. The proposed Planned Unit Development zoning designation and subsequent intended development of the site is compatible with the surrounding area in intensity and density, and will not disrupt the physical arrangement of any existing residential, or commercial, or office development in the area. The surrounding land uses are residential and commercial/office uses. During construction there may be disruptions in traffic patterns or an increase in noise. These impacts are considered to be less than significant as these disruptions are temporary in nature and are addressed in the General Plan EIR.

*(General Plan 2030 Update Program EIR Section 5.1, May 2008)

II. POPULATION AND HOUSING*

- a. Cumulatively exceed official regional or local population projections.

- b. Induce substantial growth in an area either directly or indirectly (e.g. through projects in an undeveloped area or extension of major infrastructure).
- c. Displace existing housing, especially affordable housing.

Response: (a, b, & c) There are no housing units existing on the site and displacement of residents will not occur as a result of a proposed development facilitated through the implementation of the proposed Planned Unit Development. The proposed PUD development is anticipated to increase population and housing in the immediate area. The General Plan Update 2030 identified this site with an intensity of up to 200,00 square feet of commercial/office space and approximately 800 dwelling units thereby creating an increase in both housing and population to the area. However, the General Plan Update 2030 and accompanying EIR addressed this intensity and density of this site as part of the build-out measures as City-wide accumulation. The total City-wide build-out identified in the General Plan Update 2030 and accompanying EIR indicate much higher intensity and density numbers than what this immediate project will generate (overall City-wide intensity at build-out is approximately 7.7 million square feet of commercial/office space and 6,400 residential dwelling units). Although note that the subject site is just part of the ultimate build-out scenario of the City's General Plan, and that the proposed project is located in a highly urbanized area with the necessary infrastructure already in place.

*(General Plan 2030 Update Program EIR Section 5.2, May 2008)

III. GEOPHYSICAL

- a. Seismicity: Fault rupture.

Response: The nearest major active fault along which a rupture or a major seismic event could occur is the Newport-Inglewood Fault, which is located just west of Dana Point Harbor up through Newport Beach into south Los Angeles County. The seismic parameters of the site are similar to those of other areas in Orange County during the maximum credible event along the Newport-Inglewood Fault Zone that is estimated to be of 7.5 magnitude. No fault rupture is expected in the immediate vicinity of the project.

Some exposure to seismic-related hazards is expected. This impact is not considered significant because the exposure is no different than the exposure of virtually all new and existing development in Orange County. The proposed project does not alter the existing exposure. To mitigate any potential impacts, all construction shall comply with applicable building codes including, but not limited to, the C.B.C., Fire Code, and City requirements.

- 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 possibly saturated nature of the sandy soils in the area.

Some exposure to seismic-related hazards is expected. However, this impact is not considered significant because the exposure is no different than the exposure of virtually all new and existing development in Orange County. The proposed project does not alter the existing exposure. 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 will likely involve excavations and such excavation work 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 should not create substantial impacts to the soil or topography of the area due to the site's natural drainage pattern. Site drainage will be required to meet Engineering Services Division standards that will require storm water drainage to flow off the site, but yet be in compliance with the WQMP provisions. This will allow the overall drainage pattern to flow to the adjoining streets or storm drains in and around the subject site depending on the magnitude of the project's intensity and density. Drainage easements may be required for storm drain purposes. The location of the easement(s) and the size of storm drains will be determined before site preparation begins. In order to mitigate potential site drainage issues, 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 California Building Code, and State and Federal Occupational Safety requirements.

- f. Subsidence of the land.

Response: Vertical displacement 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 California Building Code, and State and Federal Occupational Safety requirements.

- g. Expansive soils.

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

- h. Unique geologic or physical features.

Response: There are no known unique geologic or physical features in the project area.
*(General Plan 2030 Update Program EIR Section 5.7, May 2008)

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 open space uses. The use of the proposed mixed-use commercial/office and 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 that 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 groundwater flow. The area is urbanized with existing residential and commercial uses. The construction of such a project proposed under the Planned Unit Development zoning designation for the anticipated intensity and density may require substantial excavations and other related below-grade work, but is not expected to use of large quantities of water. Any water pumped out, if necessary, will be subject to discharge requirements of the Regional Water Quality Control Board, the Garden Grove Sanitation District, and Garden Grove Public Works Water Services Division.

- 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 and d) There are no surface waters within the project area. The Santa Ana River is located east of the project site. 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.

- 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?

Response: There will be less than significant change in absorption rates, drainage patterns and in the rate or amount of surface run-off as of 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 building permits and commencement of construction.

- f. Otherwise substantially degrade water quality?

Response: There will be 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 those plans approved by the Engineering Services Division prior to the issuance of any building 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?

Response: The project area is not located within 100-year flood zone. The grading improvement plans will be required to take this into consideration in designing the placement of the building, and related improvements to ensure surface drainage and runoff issues are properly addressed, this includes items under the provisions of WQMP and NPDES requirements.

- h. Place structures within a 100-year flood hazard area which would impede or redirect flood flows?

Response: The project area is not located within 100-year flood zone. The grading improvement plans will be required to take into consideration the placement of the building, the

height of the finished elevation building pad, and related improvements to ensure surface drainage and run-off issues are properly addressed, this includes items under the provisions of WQMP and NPDES requirements.

- i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

Response: The project area is not located within 100-year flood zone. The grading improvement plans will be required to take into consideration the placement of the buildings, the height of the finished elevation building pads, and related improvements to ensure surface drainage and run-off issues are properly addressed, this includes items under the provisions of WQMP and NPDES requirements.

- j. Inundation by seiche, tsunami, or mudflow?

Response: Seiches, tsunamis, and mudflows are not anticipated to occur in the vicinity of this project due to its distance from the coast, absence of large bodies of water, or hilly or mountainous areas that potentially could 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, 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 in that the site area has already been developed and the run-off and absorption rates should not increase and decrease respectively as the new project is developed on the site.

- 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?

Response: There will be less than significant change in absorption rates, drainage patterns and in the rate or amount of surface run-off as of 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 building permits and the commencement of construction.

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

Response: There will be less than significant change in absorption rates, drainage patterns and in the rate or amount of surface runoff as of 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 building permits and commencement of construction.

- o. Create a significant adverse environmental impact

to drainage patterns due to changes in run-off flow rates or volumes.

Response: There will be less than significant change in absorption rates, drainage patterns and in the rate or amount of surface run-off as of 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 building permits and commencement of construction.

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

Response: 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 existing environmentally sensitive areas.

- 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?

Response: 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 already impaired waters.

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

Response: 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 surface water quality.

- s. Have a potentially significant adverse impact on ground water quality?

- t. Cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses?

Response: (s and t) The project will not involve operations that could affect aquifers' recharge capability or alter the direction of groundwater flow. The area is urbanized with existing residential and commercial uses. It is not anticipated that this project will affect surrounding aquifers.

- u. Impact aquatic, wetland, or riparian habitat?

Response: The project will not impact aquatic, wetland, or riparian habitats. No such environments are located within the Project area or in the immediate area. All run-off from the area is, and will 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 and aquatic, wetland, or riparian habitat.

*(General Plan 2030 Update Program EIR Section 5.8, May 2008)

V. AIR QUALITY*

- a. Violate any air quality standard or contribute to

an existing or projected air quality violation.

Response: The permitted uses and operations that are anticipated to occupy the site upon completion of the mixed-use development do not appear to create the potential for significant amounts of air pollutants. Therefore, there will be no violations of any air quality standard. No additional impacts are seen to existing air quality standards nor additional sources created that would contribute to an existing or projected air quality violation. To further the position of addressing air quality from a development of this type, it is anticipated that due to the nature of the project, that there should be less vehicle trips generated. The site will be served by mass transit again reducing potential vehicle trips, will create employment on site that could be filled by residents of the site, and common and private open space, and an urban trail system incorporated into the design will also support reducing amounts of air pollutants. The development will also incorporate construction materials and construction techniques, and where possible, energy conservation measures that will both reduce on-site emissions as well as off-site emissions relating to energy generating sources.

In regard to short-term construction activities, a project of this size could generate increases in air contaminants/pollutants that may violate air quality standards. In this respect, the General Plan 2030 EIR addresses this matter by the fact that this project is specifically identified in the General Plan 2030 EIR, which could be at a level of potentially significant impact to the environment in the short term and may not meet the thresholds. However, the General Plan 2030 EIR does indicate through the goals and polices of the General Plan that implementation measures should reduce or offset the potential impacts. The measures for reducing construction related air quality impacts include, but are not limited to, construction techniques and building materials that reduce air pollutants, site construction work practices, measures adopted by South Coast Air Quality Management District (e.g., Fugitive Dust Control Measures, Rule 403), and other measures such as the types of fuels used in construction equipment as well as keeping such construction equipment in proper working order by doing timely maintenance of the vehicles and equipment.

- b. Expose sensitive receptors to pollutants.

Response: The proposed project will not significantly increase the exposure of sensitive receptors to pollutants. The General Plan EIR addressed similar type development for this site, but at a much higher intensity. The limited scope and intensity of the proposed project is not expected to exceed the projections contained in the General Plan 2030 Update and accompanying EIR.

- c. Alter air movement, moisture, or temperature, or cause any change in climate.

Response: The proposed project, uses, and the necessary on-site modifications would not have the capability to alter air movement, moisture or temperature, or cause a change in the climate.

- d. Create objectionable odors.

Response: No objectionable odors would be created by the proposed development. During construction objectionable odors may occur within the area. This impact is not considered significant due to the temporary nature of these odors. The General Plan EIR addressed odors that may arise as the result of new construction. The project is required to adhere to all mitigation measures pertaining to construction odors.

*(General Plan 2030 Update Program EIR Section 5.5, May 2008)

VI. TRANSPORTATION*

- a. Increased vehicle trips or traffic congestion.
- b. Hazards to safety from design features (e.g., sharp

curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

Response: (a and b) The development is likely to increase vehicle trips and traffic congestion in the area, but not beyond the scope analyzed in the General Plan 2030 Update EIR. The proposed Brookhurst Triangle site (identified as part of Focus Area F) development was included in the General Plan 2030 Update EIR traffic analysis and the traffic analysis indicates that with this project, the immediate intersections would not operate below Level C during peak periods. The General Plan identifies intersections operating at or above Level Service D are acceptable. Although the General Plan 2030 Update EIR does include this site's specific level of intensity and density of development in assessing both intersection and roadway sections level of service analysis, it does state several implementation measures are to be applied to this specific site when an actual development proposal is submitted. These measures include adhering to Transportation Demand Strategies and Ordinance, site specific traffic analysis, paying required traffic mitigation fees, encourage other related traffic measures that reduce vehicle miles traveled, roadway and intersection congestion, and promote the use of other forms of transit.

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.

- c. Inadequate emergency access to nearby uses.

Response: Emergency access to the proposed development and surrounding areas will not be affected. Police and Fire services in the area are adequate to accommodate the development provided the project complies with the conditions of approval included on the project by the Police and Fire Departments.

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

Response: Parking capacities have been examined based on the nature of the use, and the Municipal Code parking requirements. The PUD will ensure that the project provides adequate parking on site to accommodate the proposed development by providing a sufficient number of spaces based on the mix of land uses proposed under this PUD. The initial design plan for the site does provide the number of parking spaces necessary to meet the Municipal Code parking requirements for the proposed commercial/office space and 800 dwelling units (2,600 parking spaces). Although the design plan meets the amount of parking spaces for the site's different uses, a recent report from the American Planning Association (APA) substantiates that large Mixed-Use projects need fewer parking spaces by approximately 5% to 10% less than that prescribed by local zoning codes. In addition, the site will also have access to on-street parking spaces along Brookhurst Way. The site will also be served by local transit. The proposed site design, along with a recent APA study and additional off-site parking spaces, affirms that the site will provide sufficient parking for the proposed uses.

- e. Hazards or barriers for pedestrians or bicyclists.

Response: Barriers for pedestrians or bicyclists may occur during the period of construction. A traffic safety plan shall be approved prior to the commencement of construction in the public right-of-way in order to ensure the safety of pedestrians and/or bicyclists.

- f. Conflicts with adopted policies supporting alternative transportation.

Response: The proposed development would not impact existing or proposed policies pertaining to alternative transportation, and mass transit stops are in close proximity to the development.

- 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 of any airport.

*(General Plan 2030 Update Program EIR Section 5.4, May 2008)

VII. BIOLOGICAL RESOURCES*

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

Response: In general, wildlife diversity in the project area is low due to the urbanized nature of the area and its surroundings. The site has been used for automotive purposes for many years with a portion of the site being vacant unimproved except for remnant asphalt pavement left in place from a former full service car dealership. There are no areas where any type of favorable habitat has existed on the site for at least the past 30 years. Endangered species are not expected to occur in the area due to the lack of suitable habitat. No impacts are expected.
- b. Locally designated species (e.g., heritage trees).

Response: The site is devoid of native vegetation and there are no locally designated species on the project site.
- c. Locally designated natural communities (e.g., oak forest, coastal habitat, etc.).

Response: The site is devoid of native vegetation and there are no locally designated 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 this site is not in conflict with adopted energy conservation plans. All construction will be required to utilize energy conservation measures such as wall and ceiling insulation, dual pane windows, and weather stripping as well as other forms of energy conservation for a development of this type.
- 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. Therefore, the development will not create uses that use non-renewable resources in a wasteful manner.

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.

PUD-123-09 Brookhurst Triangle Mixed Use Development

c. The creation of any health hazard or potential health hazard.

d. Exposure of people to existing sources of potential health hazards.

Response: (a through d) There will be no health hazards or potential for health hazards created by the proposed development or uses. 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 existing 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.

f. Would the project include a new or retrofitted stormwater 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 BMP's that could create an increase in odors or vectors.

X. NOISE*

a. Increases in existing noise levels.

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

The potential increase in noise levels beyond those existing is due to the fact that the proposed development will be a mixed-use development consisting of commercial and office space and residential dwelling units that do not currently exist on the site. The development, and subsequent activities, is subject to the City's noise ordinance.

b. Exposure of people to extreme noise levels.

Response: Construction 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 be less than significant. Noise from the proposed use will not be extreme as the activities are limited and regulated by the Garden Grove Municipal Code.

*(General Plan 2030 Update Program EIR Section 5.6, May 2008)

XI. PUBLIC SERVICES*

a. Fire protection.

Response: The City of Garden Grove Fire Department provides emergency response service to the project area. The project is not likely to induce significant growth and will not result in substantial new demand for fire protection services.

New construction, however, will occur, and due to the nature of the uses, there will be a slight increase in fire protection services. In order to mitigate impacts associated with this development, the development shall comply with the conditions of approval of the Fire Department including but not limited to providing a fire sprinkler system, ensuring clearly unobstructed emergency paths of travel, providing and maintaining a water storage system for fire fighting purposes, and providing other regulations per the Fire Department's specifications that address this type of development.

- b. Police protection.

Response: The Garden Grove Police Department provides police protection in the area. The project is not likely to induce growth beyond that planned for the site and will not result in substantial new demand for police protection services. There are no anticipated physical changes within the area that would significantly affect police protection. However, due to the nature of the proposed use, it is likely that there will be an additional demand for police protection. In order to mitigate the anticipated impacts associated with the project, such as an increase in calls for service, the development shall comply with the conditions of approval of the Police Department.

- c. Schools.

Response: The proposed development may increase the number of children within the Garden Grove Unified School District. This development is subject to the applied mitigation school fees currently applied to new development in the City by 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: It is likely that the project, and the additional demand on the infrastructure, will increase maintenance requirements. The existing public facilities appear to be in reasonable condition and adequate to meet the demands of the proposed development. Should any infrastructure be inadequate to serve the site, then the developer will be required to make such improvements as part of the proposed development.

- e. Other governmental services.

Response: It is not likely that the project will increase demands on other governmental services other than those addressed in this analysis.

*(General Plan 2030 Update Program EIR Sections 5.9, 5.12, 5.13, & 5.14, May 2008)

XII. UTILITIES AND SERVICE SYSTEMS*

- a. Power or natural gas.

Response: There are no 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 communications systems caused by this project. The existing infrastructure is existing and adequate to meet the demands in 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 existing infrastructure is adequate to meet the demands of the area including those generated by this project.

d. Sewer or septic tanks.
Response: According to the Garden Grove Sanitary District, the existing infrastructure will be adequate to meet the demands of the area including those generated by this project.

e. Storm water drainage.
Response: The project area is a highly urbanized area and storm water drainage facilities are in place and adequate to meet the needs for this area including those generated by this project.

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 contractor. As part of the development of this site, the overall coordination of the solid waste disposal system will be to coordinate it with the Garden Grove Sanitary District and their contractor for specific matters such as trash pick-up times, number of trash and types of trash receptacles, and the locations of such trash receptacles. The overall system for solid waste disposal is to be provided in a manner that is of sufficient magnitude for a proposed development of this type.

*(General Plan 2030 Update Program EIR Sections 5.10, 5.11, & 5.16, May 2008)

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 Community Design Guidelines as stated in the General Plan and with other improvements and developments in the area.

b. Have a demonstrable negative aesthetic effect.
Response: The proposed development with recommended conditions of approval, will be compatible with the goals and objectives of the Design Guidelines contained in the City's adopted General Plan, and with the existing improvements and developments in the area. Therefore, there will be no demonstrable negative aesthetic effects caused by the proposed development.

c. Create light or glare.
Response: The project will be required to provide additional lighting in the area. The project is required to adhere to all Municipal Code requirements pertaining to minimum lighting levels. A development of this type will likely create unique exterior lighting treatment for aesthetic effects, increase night time safety, creating ease of visibility for pathways such as the on-site urban trail, and the large parking garage structures. Due to this amount of anticipated lighting, increased light spilling onto surrounding properties may occur. In order to mitigate this situation, through the design of the project, efforts will be made to minimize lighting from spilling over to adjoining properties by the type of lighting used, strategic placement of the lights, use of light deflection methods, and other lighting applications that minimize light spillage.

*(General Plan 2030 Update Program EIR Section 5.3, May 2008)

XIV. CULTURAL RESOURCES*

a. Disturb paleontological resources.
Response: There are no known paleontological 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.

- b. Disturb archaeological resources.

Response: There are no known archaeological resources in the area. If unanticipated archaeological artifacts 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 on the site. The Garden Grove General Plan Update notes 13-historically significant or potentially significant sites within the City limits. None of these sites are located in the project area.
- d. Have the potential to cause physical change that would affect unique ethnic cultural values.

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 potential impact area.

Response: The proposed development, and the use of the property, will not restrict religious or sacred uses. Therefore, there is no potential to restrict existing religious or sacred uses within the area of the project.

*(General Plan 2030 Update Program EIR Section 5.17, May 2008)

XV. RECREATION*

- a. Increase the demand for neighborhood or regional parks or other recreational facilities.
- b. Affect existing recreation facilities.

Response: (a and b) The area to be developed does not contain public open space or otherwise reduce neighborhood or regional park facilities. The developer is required to pay park in-lieu fees that are applied to the City's parks and recreation programs. Although the overall site will be considered private property in nature and is not providing public parkland, the development of the PUD will include an urban trail system usable by the public. Along with the urban trail, an integrated internal common open space/plaza will be incorporated into the project for the purposes of providing visual relief and enhanced aesthetics as well as providing a respite for shoppers, visitors, residents, and employees of the site. Aside from the common open space areas, the development will also incorporate private recreation spaces and elements for that portion of the development designated for the residential dwelling units. This will include recreation rooms, workout rooms, swimming pools and other on-site forms of recreational activities.

*(General Plan 2030 Update Program EIR Section 5.17, May 2008)

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.
- b. The project does not have the potential to achieve short-term, to the disadvantage of long-term environmental goals.

- 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).
- d. The project does not have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

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).

a. EARLIER ANALYSIS:

1. The City of Garden Grove General Plan 2030 Update.
2. The City of Garden Grove Existing Conditions Report.
3. The City of Garden Grove Final Environmental Impact Report for the General Plan 2030 Update, State Clearinghouse No. 200804107.
4. Title 9 of the Garden Grove Municipal Code.

b. IMPACTS ADEQUATELY ADDRESSED:

1. Land Use
2. Population and Housing
3. Geophysical
4. Water
5. Air Quality
6. Transportation
7. Noise
8. Public Services
9. Aesthetics
10. Recreation

c. MITIGATION MEASURES:

All guidelines, development standards, and conditions of approval for Planned Unit Development No. PUD-123-09 shall be adhered to in order to mitigate negative impacts on the property or surrounding area. In addition, any mitigation measures indicated herein are also deemed to be part of the conditions of approval.

RECORDING REQUESTED BY)
AND WHEN RECORDED MAIL TO:)

City Clerk's Office)
City of Garden Grove)
11222 Acacia Parkway)
Garden Grove, CA 92840)
)
)

(Space above for Recorder.)

This document is exempt from payment of a recording fee pursuant to Government Code Section 6103.

Dated: _____

DEVELOPMENT AGREEMENT

PUD-123-09

(Garden Grove Agency for Community Development)

THIS AGREEMENT is made this _____ day of _____, 20____, by the CITY OF GARDEN GROVE, a municipal corporation ("CITY") and Garden Grove Agency for Community Development (PROPERTY OWNERS).

RECITALS

The following recitals are a substantive part of this Agreement:

- A. The CITY and PROPERTY OWNERS desire to enter into this DEVELOPMENT AGREEMENT for Planned Unit Development No. PUD-123-09 in order to allow future development of the 13.9-acre Brookhurst Triangle site that consists of approximately 200,000 square feet of commercial/office space and up to 800 residential dwelling units. The Planned Unit Development (PUD) will also include sufficient parking to accommodate the intensity and density of the project, common and private open space, an urban trail, and related development standards for a mixed-use development for land located at the northwest corner of Garden Grove Boulevard and Brookhurst Street at 12791 through 12861 Brookhurst Street (west side of Brookhurst Street only), 10071 through 10151 Garden Grove Boulevard (north side of Garden

Grove Boulevard only), and 12882 Brookhurst Way (APN: 089-661-03, 04, 05; 089-071-05, 06, 07, 08, 11, 12, 13, 14, 24, & 25).

- B. The Planning Commission recommended City Council approve Planned Unit Development No. PUD-123-09 for the PROJECT, on October 1, 2009, conditioned upon PROPERTY OWNERS entering into a Development Agreement.
- C. The CITY, and PROPERTY OWNERS desire to enter into this DEVELOPMENT AGREEMENT for the construction of the PROJECT pursuant to Article 2.5 (commencing with Section 65864) of Chapter 4 of Division 1 of Title 7 of the California Government Code (the "Development Agreement Statute").
- D. The PROJECT is a development requiring certain discretionary approvals by the CITY before it may be constructed.
- E. The Development Agreement Statute provides the authority for CITY to enter into binding development agreements with a developer having a legal and equitable interest in real property.
- F. PROPERTY OWNERS have an equitable interest in the PROPERTY. In this document PROPERTY OWNERS is synonymous DEVELOPER.

AGREEMENT

THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. DURATION. This Agreement and Land Use Entitlements described in Section 2 shall expire four (4) years from its effective date, unless any duty specified remains executory, in which case this Agreement may be renewed for a successive one year term at discretion of CITY, pursuant to law, until all duties are performed. This renewal shall not unreasonably be withheld.
2. Permitted Uses/Land Use Entitlements. The following uses are permitted on the PROPERTY: Approximately 200,000 square feet of commercial/office space and up to 800 residential dwelling units. The Planned Unit Development (PUD) will also include sufficient parking to accommodate the intensity and density of the project, common and private open space, an urban trail, and related development standards for a mixed-use development. The PROJECT has been granted the following land use entitlement: Planned Unit Development No. PUD-123-09.
3. Density/Intensity. The density or intensity of the PROJECT is as follows: Approximately 200,000 square feet of commercial/office space and up to 800 residential dwelling units. The Planned Unit Development (PUD) will also include sufficient parking to accommodate the intensity and density of the

project, common and private open space, an urban trail, and related development standards for a mixed-use development on a 13.9-acre site.

4. Maximum Height and Building Size. The maximum height and building sizes are as follows: The Building height may range from three stories up to 25 stories, subject to any restrictions by the California Building Code and Uniform Fire Code. Building massing, size, and dwelling unit size shall be limited to that within the 200, 000 square feet of commercial/office floor area and dwelling unit size will be limited up to three bedrooms per unit, both subject to any restrictions by the California Building Code and Uniform Fire Code.
5. Reservation or Dedication. The reservation of easements or dedication of property to the City to allow the construction of the proposed mixed-use development shall be as shown on and/or conditioned in the approved Planned Unit Development No. PUD-123-09 or subsequent Subdivision Map if provided.
6. Improvements. The improvements described in Planning Commission Resolution No. 5694 and shown in subsequent construction plans and/or Subdivision Map(s) shall be constructed prior to the occupancy of the proposed development or the issuance of any certificate of occupancy for any residential dwelling unit or commercial space of the development, all in accordance with the terms and conditions of PUD-123-09.
7. Scope of PROJECT. The PROJECT shall consist of approximately 200,000 square feet of commercial/office space and up to 800 residential dwelling units. The Planned Unit Development (PUD) will also include sufficient parking to accommodate the intensity and density of the project, common and private open space, an urban trail, and related development standards for a mixed-use development on a 13.9-acre site.
8. Resolution/Material Terms. All conditions of approval as per Resolution No. 5694 attached hereto and incorporated herein as "Exhibit A", are material terms of this Agreement. Breach of any condition of approval shall be deemed to be a breach of this Development Agreement.
9. Development Agreement Fee. PROPERTY OWNER(S) shall pay a development fee to the CITY as follows:
 - 9.1 Amount. For all residential dwelling units: \$750 per unit and shall be paid prior to granting occupancy of each unit (total amount will be determined on the final number of dwelling units approved for this development, but not to exceed 800 dwelling units); plus,
 - 9.2 Amount. For all commercial/office space: One percent of the building valuation shall be paid prior to granting any occupancy of any commercial/office space in the proposed development. The one percent

valuation shall be determined at the time the construction drawings are submitted for plan check/building permit issuance, and the valuation is to be determined by the Community Development Department Building Services Division at that time; plus,

- 9.3 Amount. For all residential dwelling units: The Developer shall make a contribution of \$1,166 per unit toward construction of a Fire Station, including, but not limited to, related equipment, furnishings, and fixtures, etc., as part of this Development Agreement and shall be paid prior to granting occupancy of each unit (total: amount will be determined on the final number of dwelling units approved for this development, but not to exceed 800 dwelling units).
- 9.4 Amount. For all commercial/office space: The Developer shall make a contribution of \$0.80 (eighty cents) per square foot of gross floor area toward construction of a Fire Station, including, but not limited to, related equipment, furnishings, and fixtures, etc., as part of this Development Agreement and shall be paid prior to granting occupancy of any tenant space (total: amount will be determined on the final number of commercial/office space approved for this development, but not to exceed 200,000 square feet).
- 9.5 Not to Exceed. Payment under this Agreement shall not exceed the combined total of 9.1, 9.2, 9.3, and 9.4 above.
10. City Agreement. CITY agrees that the sums to be paid to the City, pursuant to Paragraph 9, will reimburse CITY for the cost of certain CITY services required by the PROJECT that are not otherwise being reimbursed to CITY.
11. Payment Due Date. The payment amount indicated above in Section No. 9, shall be due and payable prior to the granting of any occupancy of any dwelling unit and/or commercial space for the PROJECT.
12. Termination Provisions. This Agreement may be terminated upon the happening of any of the following events:
 - A. Failure of Developer to perform any of the provisions of this Agreement, or
 - B. Mutual agreement of the parties.
13. Periodic Review. CITY shall review PROPERTY OWNERS' performance every twelve (12) months at the anniversary of the adoption of this Agreement. PROPERTY OWNERS shall demonstrate good faith compliance with the terms of this Agreement. If as a result of the review CITY finds and determines, based upon substantial evidence, that PROPERTY OWNERS has not complied in good faith with terms or conditions of this Agreement, CITY may terminate the

Agreement. This review shall be conducted by the Director of the Community Development Department.

14. City Discretion. So long as the Agreement remains in effect, PROPERTY OWNERS shall have the full vested right to construct and complete development of the PROJECT and the use of the PROPERTY consistent with the land use entitlements identified in Paragraph 2. Otherwise, CITY retains its right and discretion, under all applicable Codes, to approve or disapprove any item related to this PROJECT that it has not specifically agreed to via this Agreement. PROPERTY OWNERS acknowledges that it shall comply with all CITY requirements for applications and permits of any nature that apply to the PROJECT and the PROPERTY on or before the Commencement Date and that this Agreement does not relieve PROPERTY OWNERS of the necessity of filing applications for and obtaining any such permits.

15. Improvement Schedule. The following improvements shall be constructed by the stated dates:

All repairs and improvements to the public right-of-way required in Planning Commission Resolution No. 5694 shall be completed prior to the issuance of any certificates of occupancy or release of any public utilities.

16. Developer Breach. Failure of DEVELOPER to construct improvements as specified, or to pay amounts specified in a timely fashion, shall result in the withholding of building permits, any other permit or certificate of occupancy until the breach is remedied.

17. Non-Liability of Officials and Employees of the City. No official or employee of CITY shall be personally liable to DEVELOPER in the event of any default or breach by CITY, or for any amount that will become due to PROPERTY OWNERS, or any obligation under the terms of this Agreement.

18. Notices. All notices shall be personally delivered or mailed to the below listed address, or to such other address as may be designated by written notice. These addresses shall be used for delivery of service of process.

A. Address of PROPERTY OWNERS is as follows:
Garden Grove Agency for Community Development
11222 Acacia Parkway
Garden Grove, CA 92840

B. Address of CITY is as follows:
City of Garden Grove
11222 Acacia Parkway
Garden Grove, CA 92840

19. DEVELOPER'S Proposal. The PROJECT shall include PROPERTY OWNERS' proposal, as modified by Planning Commission and City Council, including all conditions of approval contained in Planning Commission Resolution No. 5694, which shall be incorporated herein by this reference. In the event of any inconsistency between terms of the proposal and this Agreement, this Agreement shall govern.
20. Licenses, Permits, Fees, and Assessments. At its sole expense, PROPERTY OWNERS shall obtain all licenses, permits, and approvals as may be required by this Agreement, or by the nature of the PROJECT.
21. Time of Essence. Time is of the essence in the performance of this Agreement.
22. Successor's In Interest. The provisions of this Agreement shall be binding upon and inure to successors in interest of the parties and shall be specifically binding upon and for the benefit of any future lessees or other owners of an interest in PROPERTY.
23. Authority to Execute. The persons executing this Agreement on behalf of the parties warrant that they are duly authorized to execute this Agreement and that by executing this Agreement, the parties are formally bound.
24. Indemnification. PROPERTY OWNERS agree to protect, defend, and hold harmless CITY and their elective or appointive boards, officers, agents, and employees from any and all claims, liabilities, expenses or damages of any nature, including attorneys' fees, for injury or death of any person, or damage to property, or interference with use of property, arising out of, or in any way connected with performance of the Agreement by PROPERTY OWNERS, PROPERTY OWNERS' agents, officers or employees, subcontractors hired by PROPERTY OWNERS.
25. Modification. This Agreement constitutes the entire agreement between the parties and supersedes any previous agreements, oral or written, regarding the subject matter set forth herein. This Agreement may be modified only by subsequent mutual written agreement executed by CITY, and the PROPERTY OWNERS.
26. The City Clerk shall cause this Agreement to be recorded against the PROPERTY when the PROPERTY OWNERS or their permitted successor in interest becomes the owner in fee of the PROPERTY.
27. Remedies. The occurrence of any Event of Default shall give the nondefaulting party the right to proceed with any and all remedies set forth in this Agreement, including an action for damages, an action or proceeding at law or in equity to require the defaulting party to perform its obligations and covenants under this Agreement or to enjoin acts or things which may be

unlawful or in violation of the provisions of this Agreement, and the right to terminate this Agreement.

28. Force Majeure. Subject to the party's compliance with the notice requirements as set forth below, performance by either party hereunder shall not be deemed to be in default, and all performance and other dates specified in this Agreement shall be extended, where delays or default are due to causes beyond the control and without the fault of the party claiming an extension of time to perform, which may include, without limitation, the following: war, insurrection, strikes, lockouts, riots, floods, earthquakes, fires, assaults, acts of God, acts of the public enemy, epidemics, quarantine restrictions, freight embargoes, lack of transportation, governmental restrictions or priority, litigation, unusually severe weather, inability to secure necessary labor, material or tools, acts or omissions of the other party, or acts or failures to act of any public or governmental entity (except that the City's acts or failure to act shall not excuse performance of the City hereunder). An extension of the time for any such cause shall be for the period of the enforced delay and shall commence to run from the time of the commencement of the cause, if notice by the party claiming such extension is sent to the other party within thirty (30) days of the commencement of the cause.
29. Attorney's Fees. In addition to any other remedies provided hereunder or available pursuant to law, if either party brings an action or proceeding to enforce, protect or establish any right or remedy hereunder, the prevailing party shall be entitled to recover from the other party its cost for suit and reasonable attorney's fees.
30. Remedies Cumulative. No right, power, or remedy given by the terms of this Agreement is intended to be exclusive of any other right, power, or remedy; and each other and every such right, power, remedy shall be cumulative and in addition to every other right, power, or remedy given by the terms of any such instrument, or by any statute or otherwise.
31. Waiver of Terms and Conditions. The CITY may, in its sole discretion, waive in writing any of the terms and conditions of this Agreement. Waivers of any covenant, term, or condition contained herein shall not be construed as a waiver of any subsequent breach of the same covenant, term, or condition.
32. Non-Liability of City Officials and Employees. No member, official, employee or agent of the CITY shall be personally liable to the PROPERTY OWNERS, or any successor in interest, in the event of any default or breach by the CITY or for any amount that may become due to the PROPERTY OWNERS or their successors, or on any obligations under the terms of this Agreement.

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IN WITNESS WHEREOF, these parties have executed this Agreement on the day and year shown below.

Date: _____

"CITY"
CITY OF GARDEN GROVE

BY: _____

ATTEST:

CITY CLERK
DATE: _____

" PROPERTY OWNER "
**Garden Grove Agency for
Community Development**

By: _____

Its: _____

Date: _____

(Signature must be notarized.)

APPROVED AS TO FORM:

Garden Grove City Attorney

Date: _____

If DEVELOPER and/or PROPERTY OWNER(s) is a corporation, a Corporate Resolution and/or Corporate Seal is required. If a partnership, Statement of Partnership must be submitted to CITY.

RESOLUTION NO. 5694

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING THAT THE CITY COUNCIL ADOPT A MITIGATED NEGATIVE DECLARATION, AND RECOMMENDING APPROVAL OF PLANNED UNIT DEVELOPMENT NO. PUD-123-09 AND A DEVELOPMENT AGREEMENT.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on October 1, 2009, does hereby recommend that the City Council approve Planned Unit Development No. PUD-123-09 for land located at the northwest corner of Garden Grove Boulevard and Brookhurst Street at 12791 through 12861 Brookhurst Street (west side of Brookhurst Street only), 10071 through 10151 Garden Grove Boulevard (north side of Garden Grove Boulevard only), and 12882 Brookhurst Way (APN: 089-661-03, 04, 05; 089-071-05, 06, 07, 08, 11, 12, 13, 14, 24, & 25), and a Development Agreement.

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 that were not already addressed in the General Plan 2030 EIR certified in August 2008 (State Clearinghouse No. 2008041079). The Planning Commission recommends adoption of the Mitigated Negative Declaration to City Council, subject to Public Resources Code 21083.3 and CEQA Guidelines Section 15183.

BE IT FURTHER RESOLVED in the matter of Planned Unit Development No. PUD-123-09, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The case was initiated by The City of Garden Grove.
2. The applicant is requesting approval to rezone the site to Planned Unit Development No. PUD-123-09 in order to allow future development of the 13.9 acre Brookhurst Triangle site that consists of approximately 200,000 square feet of commercial/office space and up to 800 residential dwelling units. The Planned Unit Development (PUD) will also include sufficient parking to accommodate the intensity and density of the project, common and private open space, an urban trail, and related development standards for a mixed-use development. A Development Agreement is also included.
3. The Community Development Department has prepared a Mitigated Negative Declaration for the project, that (a) concludes that the proposed project can not, or will not, have a significant adverse effect on the environment, (b) and was prepared and circulated in accordance with applicable law, including the

California Environmental Quality Act, Public Resources Code Sections 21000 et seq., and CEQA Guidelines, Title 14, California Code of Regulations Sections 15000 et. Seq.

4. The property has a General Plan Land Use designation of Mixed Use and is currently zoned C-2 (Community Commercial) and Planned Unit Development No. PUD-102-88 (a commercial PUD zone). Approximately half of the 13.9 acre site is currently improved with automotive related businesses such as sales, service, repair and storage, and other half of the site is vacant, all of which has been the condition and use of the site for over 25 years.
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 October 1, 2009, 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 October 1, 2009; and

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

FACTS:

The property is a 13.9-acre site, the location of the proposed Planned Unit Development is the Brookhurst Triangle that is bounded by Brookhurst Street, Garden Grove Boulevard, and Brookhurst Way. The project site will not include the parcel at the northern tip of the triangular site, nor the parcel at the southwest corner of the triangular site.

The property is located in an area improved with commercial/office uses, and residential uses. Across Brookhurst Street to the east, are office and commercial uses, to the south across Garden Grove Boulevard are commercial uses along with a mixed-use commercial/residential development that is currently under construction, and to the west across Brookhurst Way are commercial uses and multi-family residential.

The purpose for the proposed Planned Unit Development zoning is to allow the future development of the 13.9-acre Brookhurst Triangle site consisting of approximately 200,000 square feet of commercial/office space and up to 800 residential dwelling units. The proposed mixed-use development is that which is identified in the General Plan Update as Focus Area F and is designated for a combination of commercial, office, and residential uses. The General Plan specifically identified the Brookhurst Triangle under Focus Area F to be improved with over 200,000 square feet of commercial/office space and up to 800 residential

dwelling units, which the latter equates to approximately 50 dwelling units per acre for the triangular site.

The developer is authorized to enter into a Development Agreement in compliance with Government Code Section 65864.

FINDINGS AND REASONS:

Planned Unit Development:

1. The location, design, and the proposed uses are compatible with the character of the existing development in the vicinity and will be well integrated into its setting.

The subject site is located in an area that is improved with commercial, office, and residential developments. Across Brookhurst Street to the east, are office and commercial uses, to the south across Garden Grove Boulevard are commercial uses and a mixed-use commercial/residential development that is currently under construction, and to the west across Brookhurst Way are commercial uses and multi-family residential.

The entire 13.9-acre site has been primarily utilized as a location for automotive related businesses such as sales, service, repair, and storage. Currently, half of the site is vacant with remnant asphalt pavement remaining from a car dealership that left that portion of the site at least 25 years earlier and has remained vacant since. The other half of the site currently houses various automotive uses and there is a furniture store at the southeast corner.

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

The proposed zoning of the site to a Planned Unit Development to accommodate the proposed intensity and density of the site will create a stable and desirable environment by consolidating the parcels into one site; enhance the opportunity to utilize the site to its fullest intent as prescribed in the General Plan 2030 Update; create new housing opportunities; create commercial and office space; provide sufficient amount of parking to address the anticipated demand for a mixed-use development; will reduce vehicle miles traveled; create a work-live environment; and, create urban development amenities such as common open space, urban trail, and private recreational amenities. Future development of the site will require site specific studies such as a traffic analysis to address site specific issues unique to the site and type of development. Therefore, rezoning the site to accommodate a mixed-use development will not cause undue traffic congestion on surrounding streets.

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

The project has incorporated in the PUD means to assure that both common open space and private open space are provided. The site will have such amenities as an urban trail, water elements, private recreation activities, and ease of access to these elements. The site is anticipated to have a common open space area to serve as an amenity being a visual enhancement to the development as well as an area of respite for visitors, employees, and residents of the site. Private recreation areas for residents in the form of outdoor swimming pools, leisure areas, recreation rooms, exercise rooms and related activities will be provided.

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

Through the conditions of approval, 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 through traditional zoning.

The current zoning designations of C-2 (Community Commercial) and Planned Unit Development No. PUD-102-88 (a commercial PUD zone) cannot provide the level of intensity and density as prescribed in the General Plan 2030 Update. Therefore, in order to allow for the prescribed mixed-use development, a Mixed-Use PUD zone will be necessary to facilitate the development of the site as proposed under the General Plan 2030 Update. The new PUD zone will encompass the 13.9-acre site slated for a mixed project primarily consisting of commercial and office uses and residential development. The anticipated intensity and density along with the uniqueness of the site can be best facilitated through the proposed PUD zoning that will allow for increased building heights, fluctuating setbacks, mixture of uses, and overall development amenities.

The proposed PUD will allow for a project with a superior design than that of the project approved under PUD-102-88, or allowed under the traditional Title 9 zoning of C-2 C (Community Commercial).

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 9.12.020 (Planned Unit Development).
2. The implementation provisions for Planned Unit Development No. PUD-123-09 are as follows:

Planned Unit Development provisions and development standards

Purpose and Intent

The purpose and intent of this Planned Unit Development is to facilitate the development of the 13.9-acre project site, commonly referred to as The Brookhurst Triangle, which is specifically identified above as the site consisting of approximately 200,000 square feet of commercial/office space and up to 800 residential dwelling units. The commercial and office space is to be occupied by those uses typically associated with the Office Professional Zone and the C-1 (Neighborhood Commercial) zone, and other identified uses. The residential dwelling units are to be one, two, or three bedroom units that will either be apartments or condominiums, or a combination thereof, with the site governed by Covenants, Conditions, and Restrictions (CC&R's).

Permitted Uses

- All uses permitted in the Office Professional zone (OP).
- All uses permitted in the Neighborhood Commercial zone (C-1).
- Apartments, inclusive of recreational amenities.
- Condominiums, inclusive of recreational amenities.
- Townhomes, inclusive of recreational amenities.
- Hotels, hotels with convention space, meeting rooms, restaurants, and ancillary uses such as gift shops, coffee and beverage dispensary, swimming pool and fitness room. All hotels are subject to Conditional Use Permit approval.
- Alcohol sales on-site and off-site subject to all provisions of Title 9 Zoning Code.
- Entertainment as limited to the Main Street Historic overlay Zone District.
- Outside vending such as hot dog carts, merchandise carts, and similar free standing/mobile vending carts subject to Conditional Use Permit approval.

- Athletic and health clubs, spas, and public/private gyms subject Conditional Use Permit approval.
- Any proposed use not listed is first subject to the Zoning Administrator's (ZA) review (or their designee) pursuant to Section 9.24.030 of the Municipal Code. If the Zoning Administrator or the designee determine that the proposed use should be subject to further review, the matter will be referred to the appropriate hearing body and processed as a determination of use.

Uses Not Permitted

- Auto repair and servicing.
- Tires sales and/or service.

Site Area Requirements

Minimum lot size is 13.9 acres. Initial development may occur in phases subject to an approved phasing plan by the City.

Due to the nature of the intended development, there is no restriction on lot coverage.

Set backs

1. Minimum building setback from face of curb along Brookhurst Street and Garden Grove Boulevard is 30 feet.
2. Minimum setback from Brookhurst Way is 20 feet from face of curb. Should the traffic study allow for angled parking along this roadway, the setback distance from the closest angle of the parking stall to the building shall not be less than 15 feet.
3. The northern most boundary shall have a minimum setback of 15 feet from property line to building.
4. Building elements such as structural components, architectural features, roof projections, and similar elements may project into any setback up to five feet but may only reduce the street frontage setbacks by no more than 25 percent of the entire length. The northern setback may only reduce by no more than 50 percent of that length.
5. No interior setbacks required other than that prescribed by site design and the California Building Code and Uniform Fire Code.

Maximum Building Height

Building height may range from three stories up to 25 stories, subject to any restrictions by the California Building Code and Uniform Fire Code.

Landscaping

General: The site shall consist of a combination of trees, shrubs and bushes, and ground cover with the allowance for other landscape treatments such as large rocks, water elements, and unique walkway paving, and street furniture. Any area not covered by roadways and buildings, shall have landscape treatment.

Urban Trail: The site shall incorporate an urban trail that measures approximately one mile in length, intertwines in and around the project site, and functions as a recreational amenity to the site. To this end, the design of the urban trail shall incorporate sign markers for distance, unique means of delineated paths such as use of pavement patterns and signs for directions, and include lighting elements that make it for ease of use at night. All aspects and elements of the trail design and system shall be reviewed and approved by the City prior to the beginning of site construction.

Landscape plan: A detail landscape plan shall be prepared and approved prior to site construction. The plan shall be detailed to show all plant material, water elements, pathways, and other landscape treatments. The landscape plan shall be the basis of how the site is to be developed and maintained for the life of the project. Should changes need to occur, revisions, renovations, or changes to the landscaping shall be reviewed by the City to ensure the aesthetics are maintained concerning this element of the overall project.

The landscape plan shall incorporate and maintain for the life of the project those means and methods to address water run-off also identified as Low Impact Development provisions, which address water run-off. This is to also be inclusive of any application of Water Quality Management Plans (WQMP), Drainage Area Management Plans (DAMP) and any other water conservation measures applicable to this type of development.

Boundary: The site's boundary for maintenance, landscaping, and improvements is that area around the project site that is to property line along adjacent properties and where the project is adjacent to public right-of-way, the boundary shall extend to the curb of each street respectively.

Maintenance: The overall site, inclusive of the landscaped areas and other amenities and features (e.g., water elements, irrigation systems, sculptures, street furniture, trash receptacles, common area signage, and lighting) shall be kept in proper working condition, maintained for the life of the project, and have the planted areas to be in a weed free, healthy and growing condition, with overall debris removed on regular basis.

Circulation and Access

The site is limited to two ingress and egress points on Brookhurst Street, one ingress and egress point on Garden Grove Boulevard that shall align with the main access point with the mixed-use project directly south, across Garden Grove

Boulevard from the Brookhurst Triangle site, and two ingress and egress points on Brookhurst Way.

Internal circulation shall allow vehicles ease of access to all parking areas, allow for convenient drop-off and pick-up areas, and meet applicable City standards.

A site specific traffic analysis shall be prepared for City review and approval. Among the components of the Traffic Study, the study shall include analyzing the width and use of Brookhurst Way specifically for the allowance of angle parking on the east side of Brookhurst Way. The study shall address circulation measures to prevent northbound traffic on Brookhurst Way from proceeding west bound on Stanford Avenue, thereby not allowing left turns from Brookhurst Way to Stanford Avenue.

Parking Areas and Requirements

All office and retail space shall be calculated at four parking spaces per 1,000 square feet of gross floor area.

All residential units shall be calculated at 2.25 parking spaces per unit.

The amount of parking required for the final plan incorporating both office and commercial space and residential dwelling units (mixed-use development) may reduce the total amount required by up to ten percent.

All parking areas deemed for resident parking only shall be full size parking stalls and those areas deemed to allow for office and commercial parking may have up to 20 percent in compact parking stalls.

All parking structures shall be painted a white or off-white color, be well illuminated, and designed to meet City parking standards for aisle width, stall sizes, and height clearances. Within the structures, an emergency communication system shall be installed and maintained that allows emergency services such as police, fire, and paramedics, the ability to use communication devices throughout the enclosed areas.

A site-specific traffic analysis is required for this site. Should the site-specific traffic analysis indicate that angled parking is acceptable along Brookhurst Way, the development may incorporate such parking along this side of the development. The parking along Brookhurst Way may be time restricted parking, no long term parking, and not be restricted to residents or employees of the site.

Signs and Graphic Standards

A sign plan shall be provided that governs the overall site signage that is inclusive of business signage, common area signage, sales and lease signs, future tenant signs, and directional signs. The sign plan shall be approved prior to construction

of the site and shall remain in effect for duration of the project. Should changes occur to the approved sign plan, the City shall first grant approval.

All sign calculations for commercial and office businesses shall be calculated per the Title 9 Zoning Code for signage under the C-1 zone. Signs may be mounted flush with the wall surface or perpendicular to the wall (blade sign).

All common area signs, directional signs, and kiosk type signs shall be uniform in lettering, material, and coloring. This also applies to the Urban Trail signage.

Up to three common site identification signs are allowed. These signs shall be monument type or pylon type that are architecturally compatible with the architectural style of the buildings. Location shall not occur in any public right-of-way and shall not exceed a height of fifteen feet or a width of ten feet, not exceeding a sign face area of 100 square feet. These specific signs may include tenant names of up to five tenants. Signs may be double face.

Electronic message board/imaging sign(s) may be permitted on the common site identification signs subject Conditional Use Permit approval. Sign configuration, copy change, messages conveyed, and related electronic sign concerns such as hours of operation, will be considered at the time of submittal for such request.

Utilities

All utility lines shall be underground or placed in locations as to be concealed from view. This includes gas and electrical lines and conduit, Cable TV, and telephone lines and conduit, and any other utility or service lines, including water pipes for domestic use and fire sprinkler systems.

Storage and Refuse Collection

Storage space shall be provided for each residential dwelling unit in the form of not less than 200 cubic feet and in a designated location, either included in the unit's footprint, but separate from typical closets and cabinets, or designated in a separate location on the subject site.

All staging and storage areas for all the businesses on site shall be provided within their respective tenant space. No outside storage area shall be provided nor shall there be any outside storage of goods or merchandise at any time. The site may create designated staging areas (loading/unloading) for general deliveries of goods sold on the site, but maintained as such to not create hindrances to vehicle or pedestrian traffic or create restrictions for emergency vehicles or emergency access. A staging area may be allowed on Brookhurst Way subject to City approval.

Refuse storage and collection areas shall be provided and subject to both Garden Grove Sanitation District (GGSD), and GGSD contracted solid waste handler/hauler approval, and be subject to applicable building and fire codes.

Environmental Mitigation Measures

The overall development and subsequent occupancy and operation of the site shall be subject to those environmental mitigation measures in the General Plan 2030 Update Environmental Impact Report that apply to the Brookhurst Triangle project, PUD-123-09, as identified in the environmental analysis prepared for this PUD development.

Covenants, Conditions, and Restrictions (CC&R's)

In the event that any portion, unit or otherwise, of the subject site is separated and/or subdivided through the means of a subdivision map (Tract Map and/or Parcel Map), the developer/subdivider shall prepare for review and approval by the City a set of Covenants, Conditions, and Restrictions (CC&R's) that is all inclusive of the entire development. The CC&R's shall include, but not be limited to, all provisions of PUD-123-09 development standards, the mitigation measures referenced herein, operational and maintenance provisions of the entire site including the Urban Trail and those areas noted within the boundaries of the project site, and other provisions applicable to the residential dwelling units as well as the office and commercial spaces.

Absence of Provisions and Standards

Any matters pertaining to the development or occupancy or operation of the subject site that is not listed or provided herein shall be subject to the provisions and development standards of the City's Municipal Code, inclusive. This would include, but not limited to, under grounding all existing and new utilities serving the site, complying with all Building, Fire, and Development Codes, and paying all related fees, bonds, and other associated costs.

Development Plans

Should the Zoning Administrator determine that a Developer's submittal of development plans are in substantial compliance with the provisions of this PUD and in similar shape, form and configuration with the refined concept analysis plan, Exhibit 1, the Developer may proceed to securing the appropriate building permits for constructing the development without further entitlement review. However, any entitlement not covered under this PUD, such as a Subdivision Map (Tentative Tract Map and/or Tentative Parcel Map), Conditional Use Permit, or other, shall be processed in accordance with the City's Municipal Code.

Reservations, Dedications, and Improvements

Should a Subdivision Map and/or development plan be processed in accordance with the Municipal Code or per this PUD, and other applicable regulations/requirements, at that time, any required reservation of land, and/or dedication or right-of-way, and/or easement(s), and/or site improvement work in the public right-of-way, shall be properly addressed and shall be fully provided for

and improved prior to completion of the project or completion of any first phase of this development, unless otherwise stated in a subsequent entitlement approval such as a Subdivision Map with conditions of approval, provided that the conditions or requirements addressed and/or completed prior to Map recordation.

ADOPTED this 1st day of October, 2009

/s/ KRIS BEARD
CHAIR

I HEREBY CERTIFY that the foregoing resolution was duly adopted at the regular meeting of the Planning Commission of the City of Garden Grove, State of California, held on October 1, 2009, by the following votes:

AYES:	COMMISSIONERS:	BONIKOWSKI, CABRAL, ELLSWORTH, KIRKHAM
NOES:	COMMISSIONERS:	BEARD
ABSENT:	COMMISSIONERS:	BUI, TRAN

/s/ JUDITH MOORE
SECRETARY

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

A decision becomes final if it is not timely appealed to the City Council. Appeal deadline is October 22, 2009.

MINUTE EXCERPT

GARDEN GROVE PLANNING COMMISSION

PUBLIC HEARING: MITIGATED NEGATIVE DECLARATION
PLANNED UNIT DEVELOPMENT NO. PUD-123-09
DEVELOPMENT AGREEMENT

APPLICANT: CITY OF GARDEN GROVE

LOCATION: TRIANGULAR SITE BOUNDED BY BROOKHURST STREET, GARDEN GROVE
BOULEVARD, AND BROOKHURST WAY, ADDRESSED AS 12791-12861
BROOKHURST STREET (WEST SIDE), 10071-10151 GARDEN GROVE
BOULEVARD (NORTH SIDE), AND 12882 BROOKHURST WAY

DATE: OCTOBER 1, 2009

REQUEST: To establish a Mixed-Use Planned Unit Development zoning for the purpose of allowing future development of the 13.9-acre Brookhurst Triangle site that consists of approximately 200,000 square feet of commercial/office space and up to 800 dwelling units, in addition to sufficient parking, open space, an urban trail, and related development standards for a Mixed-Use Development. The site is in the Planned Unit Development No. PUD-102-88 and C-2 (Community Commercial) zones, and the proposed zone is PUD (Planned Unit Development). A Development Agreement is included.

Staff report was read and recommended approval.

Chair Beard asked staff to clarify the parking structure. Staff responded that the structure would have a below-grade level for residents/ employees/ commercial/ retail, an at-grade level for commercial/ retail parking, and an above-grade level to serve residents; that the number of parking spaces meets code; that per the American Planning Association guidelines, the number could be reduced by 5 or 10 percent for a mixed-use project; that angled parking could be facilitated along Brookhurst Way along with the commercial frontage that would include services to help reduce vehicle miles traveled, which reduces air pollution.

Chair Beard asked for the maximum height for the buildings. Staff replied that one of the residential towers could go up to 23 stories; that height makes the density rise, however, towers could be split to be lower with the same density.

Commissioner Ellsworth commented that the neighborhood meeting went well and agreed that a site-specific traffic and parking study would be good. Staff responded that the study is required as a mitigation measure for the development; and that traffic exiting the site may travel north on Brookhurst Way, then turn right or left on Stanford Avenue, and if so, traffic could be restricted to a right-turn only.

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

Ms. Peggy Bergin approached the Commission and expressed her concerns regarding the intersection's Level of Service; the abundance of these types of projects, with some that have incomplete phasing; the shadow effects from the tower; attracting retailers; the impact on schools; finding a developer; having to shop outside the City; and the amount of parks in the City.

Mr. Rod Powell approached the Commission and expressed that the time is right to develop the Brookhurst Triangle, however, traffic going forward from Brookhurst Way onto Stanford Avenue would not be feasible and should be blocked; that the construction noise would take place for years; that the tower would create a privacy issue; and that the flight path is over the project area.

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

Chair Beard asked staff to clarify the mitigation measures. Staff responded that the mitigation measures address environmental concerns that may arise for this particular project; that the environmental discussion has a list of items to be addressed such as noise, traffic, water quality, and energy conservation.

Vice Chair Kirkham added that mitigation looks at the least impact to the City and its citizens, especially regarding traffic; that this project is the City's vision; that water would be on site to fight fire; and that to comply with the Housing Element, properties need to be recycled.

Staff added that the General Plan Update environmental analysis took this project into consideration; that this is only one component of the built-out General Plan; that Level of Service C at Brookhurst Street and Garden Grove Boulevard is projected for built-out; that the school district is aware of the project and approximately 300 students, from K-Level through 12th grade, would be spread among the schools; and that the City is taking the lead as a developer by doing the legwork up front.

Staff further added that a developer is not needed for action on a PUD as the PUD is a zoning document that would be recommended to the City Council to enact; and that the PUD identifies the maximum densities and uses allowed in the PUD zone, such as for the number of residential dwelling units and square footage for commercial space as studied in the General Plan Environmental Impact Report (EIR).

Chair Beard expressed his support for the commercial aspect of the project, however, he asked for clarification on the maximum density of the residential dwelling units, as more people would mean more traffic.

Staff replied that the occupancy factor would be less than four persons per unit; that this type of project would typically have one developer, however, more than one developer could do the project; and that the tower would be the tallest structure in Garden Grove.

Commissioner Cabral commended staff and reiterated that with regard to density, the project is conceptual and most likely would be reduced in size; that the City has a grand vision; and that this project would attract businesses so that citizens could shop in their own city.

Chair Beard added that he supports the overall project concept, however, he has reservations on the number of residential units.

Vice Chair Kirkham moved to recommend adoption of the Mitigated Negative Declaration, and approval of Planned Unit Development No. PUD-123-09 and the Development Agreement to City Council, seconded by Commissioner Cabral, pursuant to the facts and reasons contained in Resolution No. 5694. The motion received the following vote:

AYES:	COMMISSIONERS: BONIKOWSKI, CABRAL, ELLSWORTH, KIRKHAM
NOES:	COMMISSIONERS: BEARD
ABSENT:	COMMISSIONERS: BUI, TRAN

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING PLANNED UNIT DEVELOPMENT NO. PUD-123-09, CHANGING THE ZONING DESIGNATION FROM C-2 (COMMUNITY COMMERCIAL) AND PLANNED UNIT DEVELOPMENT NO. PUD-102-88 TO PLANNED UNIT DEVELOPMENT NO. PUD-123-09.

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

WHEREAS, the case, initiated by the City of Garden Grove, to establish a Mixed-Use Planned Unit Development zoning for the purpose of allowing future development of the 13.9-acre Brookhurst Triangle site consisting of approximately 200,000 square feet of commercial/office space and up to 800 residential dwelling units, which will also include sufficient parking, open space, an urban trail, and related development standards for a mixed-use development located within the triangular site bounded by Brookhurst Street, Garden Grove Boulevard, and Brookhurst Way, addressed as 12791 through 12861 Brookhurst Street (west side of Brookhurst Street), 10071 through 10151 Garden Grove Boulevard (north side of Garden Grove Boulevard only), and 12882 Brookhurst Way, Parcel Nos. 089-661-03, 04, 05; 089-071-05, 06, 07, 08, 11, 12, 13, 14, 24, & 25; and,

WHEREAS, the Planning Commission, at a public hearing held on October 1, 2009, recommended adoption of a Mitigated Negative Declaration of Environmental Impact pursuant to the California Environmental Quality Act for this project for Planned Unit Development No. PUD-123-09 and Development Agreement; and,

WHEREAS, pursuant to Resolution No. 5694, the Planning Commission, at a public hearing held on October 1, 2009, recommended approval of Planned Unit Development No. PUD-123-09; and,

WHEREAS, pursuant to a legal notice, a public hearing was held by the City Council on November 10, 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 November 10, 2009, does hereby adopt a Mitigated Negative Declaration for land located within the triangular site bounded by Brookhurst Street, Garden Grove Boulevard, and Brookhurst Way, addressed as 12791 through 12861 Brookhurst Street (west side of Brookhurst Street), 10071 through 10151 Garden Grove Boulevard (north side of Garden Grove Boulevard only), and 12882 Brookhurst Way, Parcel Nos. 089-661-03, 04, 05; 089-071-05, 06, 07, 08, 11, 12, 13, 14, 24, & 25.

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 Mitigated 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 Mitigated Negative Declaration reflects the City Council's independent judgment and analysis. Therefore, City of Garden Grove City Council adopts the Mitigated Negative Declaration.

Section 2. Planned Unit Development No. PUD-123-09 is hereby approved, pursuant to the facts and reasons stated in Planning Commission Resolution No. 5694, 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.

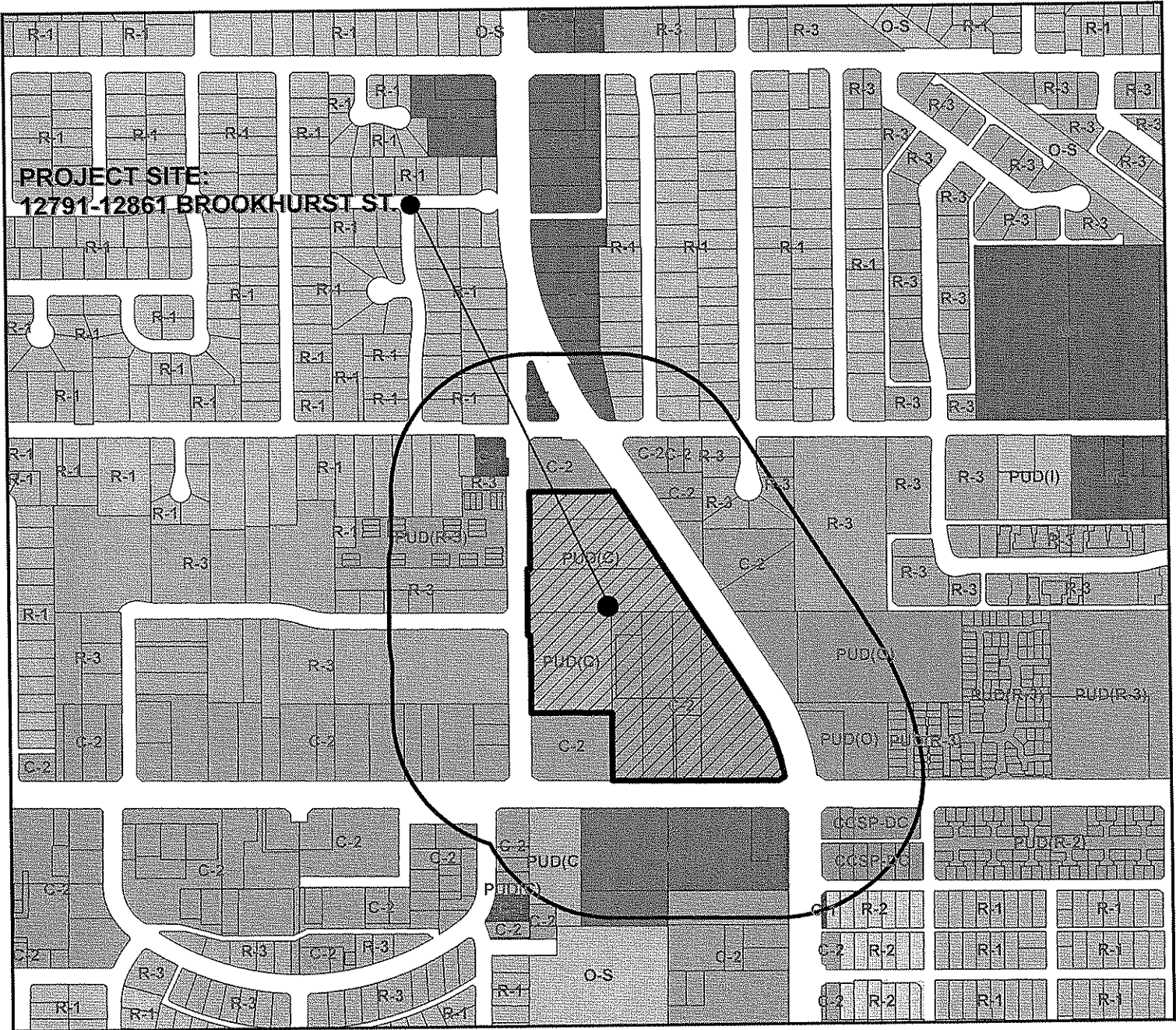
Section 3. The property shown on the map attached hereto is rezoned to the Planned Unit Development No. PUD-123-09 zone as shown thereon. Zone Map part N-12 is amended accordingly.

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-123-09

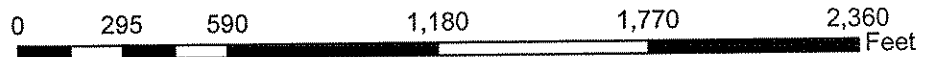
GARDEN GROVE



LEGEND

 PROJECT SITE - 12791-12861 BROOKHURST ST.

 500 FEET RADIUS



NOTES

1. GENERAL PLAN: MIXED USE
2. ZONE: PLANNED UNIT DEVELOPMENT NO. PUD-102-88 & C-2 (Community Commercial)

CITY OF GARDEN GROVE
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
GIS SYSTEM
OCTOBER 2009

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE
ADOPTING A MITIGATED NEGATIVE DECLARATION AND ADOPTING A
DEVELOPMENT AGREEMENT BETWEEN THE CITY OF GARDEN GROVE AND THE
GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT

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

WHEREAS, pursuant to Resolution No. 5694, the Planning Commission, at a public hearing held on October 1, 2009, recommended approval of a Development Agreement between the City of Garden Grove and the Garden Grove Agency for Community Development; and,

WHEREAS, pursuant to a legal notice, a public hearing was held by the City Council on November 10, 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 November 10, 2009, does hereby adopt a Mitigated Negative Declaration, finding a de minimis impact on fish and wildlife resources, for land located within the triangular site bounded by Brookhurst Street, Garden Grove Boulevard, and Brookhurst Way, addressed as 12791 through 12861 Brookhurst Street (west side of Brookhurst Street), 10071 through 10151 Garden Grove Boulevard (north side of Garden Grove Boulevard only), and 12882 Brookhurst Way, Parcel Nos. 089-661-03, 04, 05; 089-071-05, 06, 07, 08, 11, 12, 13, 14, 24, & 25.

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 Mitigated 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. Therefore, City of Garden Grove City Council adopts the Negative Declaration.

Section 2. A Development Agreement is hereby adopted for Planned Unit Development No. PUD-123-09 for land located within the triangular site bounded by Brookhurst Street, Garden Grove Boulevard, and Brookhurst Way, addressed as 12791 through 12861 Brookhurst Street (west side of Brookhurst Street), 10071 through 10151 Garden Grove Boulevard (north side of Garden Grove Boulevard

only), and 12882 Brookhurst Way, Parcel Nos. 089-661-03, 04, 05; 089-071-05, 06, 07, 08, 11, 12, 13, 14, 24, & 25. A copy of the Development Agreement is on file in the City Clerk's Office.

Section 3. 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.