

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To: Matthew Fertal Dept: City Manager Subject: CONSIDERATION OF A NEGATIVE DECLARATION, PLANNED UNIT DEVELOPMENT NO. PUD-124-10 AND DEVELOPMENT AGREEMENT NO. DA-180-10	From: Susan Emery Dept: Community Development Date: April 13, 2010
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OBJECTIVE

To transmit a Planning Commission recommendation for approval to change the zoning designation for the properties located at 13531, 13551, 13581, and 13585 Fairview Street, Garden Grove, from R-1 (Single-Family Residential) to PUD (Planned Unit Development) to allow the development of a twenty (20) unit single-family residential small-lot subdivision along with a Development Agreement.

BACKGROUND

The subject property site is located on the west side of Fairview Street, south of Trask Avenue, with a land area of 2.48 acres. The site is comprised of four parcels that have a General Plan Land Use designation of Low Density Residential and are zoned R-1 (Single-Family Residential). The site is developed with four single-family homes. The properties to the north are Zoned R-2 (Limited Multiple-Family Residential) and C-1 (Neighborhood Commercial) and are developed with single-family and multi-family residential units, as well as a small scale commercial development. The property to the west is zoned O-S (Open Space) and is developed with Doig Intermediate School. The properties to the south are zoned R-1 and R-3 (Multiple-Family Residential) and are developed with a single-family home and condominiums. The properties to the east, across Fairview Street, are located within the City of Santa Ana boundaries and are developed commercially and with multiple-family residential units.

The applicant is proposing to construct a twenty (20) unit single-family residential small-lot subdivision with two different two-story floor plans. Plan 1 is a three-bedroom, two and a half bath, 1,628 square foot unit, and Plan 2 is a four-bedroom, three-bathroom, 2,139 square foot unit. The site's main point of access is from Fairview Street with a secondary access from an alleyway that is located toward the rear of the project that provides access to Avalon Street, which is south of the project. The project provides a total of 76 parking spaces, which is one space over the City Code's minimum parking requirements. Parking will be provided within the units' garages, on the individual driveways, and with guest parking spaces dispersed throughout the project, on the street.

The site design includes both private and common useable open space areas. An active common open space area has been provided toward the rear of the project with a passive open space area located toward the front of the project. Each home will be provided with private rear yards that range in depth from 15 feet to 18 feet.

The designs of the homes are contemporary exhibiting stucco exteriors, decorative window and door trim, stone veneers, building pop-outs, shutters, and varied rooflines. The design and color schemes of the homes are diverse to provide a varied appearance to the homes.

At their March 4, 2010, public hearing, the Planning Commission approved Site Plan No. SP-455-10 and Tentative Tract Map No. TT-17353, and recommended that City Council approve the subject Planned Unit Development No. PUD-124-10 and Development Agreement No. DA-180-10.

DISCUSSION

Planned Unit Development:

A Planned Unit Development (PUD) is a zoning designation that establishes development standards and uses that are specific to a particular project. The rezoning of the property to PUD is necessary to accommodate the proposed twenty (20) unit single-family residential small-lot subdivision. Although the City recently adopted small-lot residential subdivision standards, the standards only apply to the R-2 (Limited Multiple Residential) and R-3 (Multiple-Family Residential) zones. Therefore, it is necessary to implement the project through the PUD zoning designation.

Since Title 9 of the Municipal Code does not provide development standards for small-lot residential developments within the single-family residential zone, the proposed development has been designed to be in conformance with the adopted small-lot subdivision standards as they relate to building setbacks, building height, common and private open space, parking, and access. Additionally, the project proposes a density of 8 units per acre, which is within the General Plan's allowable density of 1-9 units per acre.

In regard to the Development Agreement, Government Code Section No. 65864 et. seq. provides authority to the City to enter into a Development Agreement. The Development Agreement will ensure that the applicant can build the project as approved within a period of four years. In return, the City will receive a development fee payment not to exceed \$38,320. Payment will be required at the time of building permit issuance.

FINANCIAL IMPACTS

None.

RECOMMENDATION

It is recommended that the City Council:

- Introduce and conduct the first reading of attached ordinances regarding Planned Unit Development No. PUD-124-10 and Development Agreement No. DA-180-10 including the adoption of a Negative Declaration.



SUSAN EMERY
Community Development Director



By: Lee Marino
Senior Planner

Approved for Agenda Listing



Matthew Fertal
City Manager

- Attachment 1: Planning Commission Staff Report dated March 4, 2010
Attachment 2: Planning Commission Resolution Nos. 5708 and 5709 with Exhibit "A" Conditions of Approval
Attachment 3: Planning Commission Minute Excerpt of March 4, 2010
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.: C.2.	SITE LOCATION: West side of Fairview Street, south of Trask Avenue at 13531, 13551, 13581, & 13585 Fairview Street.
HEARING DATE: March 4, 2010	GENERAL PLAN: Low Density Residential
CASE NOS.: Planned Unit Development No. PUD-124-10, Site Plan No. SP-455-10, Tentative Tract Map No. TT-17353, and Development Agreement No. DA-180-10	EXISTING ZONE: R-1 (Single-Family Residential) PROPOSED ZONE: Planned Unit Development No. PUD-124-10
APPLICANT: Brandywine Homes	APN: 101-652-04, 05, 06, & 11
PROPERTY OWNER: Brett Whitehead	CEQA DETERMINATION: Negative Declaration

REQUEST:

A request to rezone a 2.48 acre site from R-1 (Single-Family Residential) to Planned Unit Development Residential for the allowance to create a small-lot single-family residential subdivision; a Site Plan to construct twenty (20) detached single-family homes; and a Tentative Tract to subdivide the site into twenty (20) separate lots serviced by a private street. A Development Agreement is also proposed.

PROJECT STATISTICS:

	<u>Provided</u>	<u>Code</u>
<u>Lot Size:</u>	2.48 acres	1 acre
<u>Density:</u>	8 units/acre	1-9 units/acre
<u>Parking:</u>		
Enclosed Garage	40	40
Open/Guest	<u>36</u>	<u>35</u>
Total	76 spaces	75 spaces
<u>Common Open Space:</u>	8,560 sq.ft.	4,000 sq.ft.
<u>Building Height:</u>	24'-0"	30'-0"

<u>Building Type Summary</u>	<u>Number of Bedrooms/Baths</u>	<u>Unit Size</u>	<u>Total Units</u>
Plan 1	3 Bed, 2 ½ Bath	1,628 sq.ft.	6
Plan 2	4 bed, 3 bath	2,139 sq.ft.	14

BACKGROUND:

The subject property is an irregular shaped site consisting of four properties located on the west side of Fairview Street, south of Trask Avenue. Combined, the site maintains an approximately 273 foot lot width and a land area of 2.48 acres.

The site has a General Plan of Low Density Residential and is zoned R-1 (Single-Family Residential). The site is developed with four single-family homes. The properties to the north are zoned R-2 (Limited Multi-Family Residential) and C-1 (Neighborhood Commercial) and are developed with single-family homes, multiple family residential units, and a small-scale commercial development. The property to the West is zoned O-S (Open Space) and is developed with Doig Intermediate school. The properties to the south are zoned R-1 and R-3 (Multiple-Family Residential) and are developed with a single-family home and a condominium development. The properties to the east, across Fairview Street, are located within the City of Santa Ana boundaries and are developed commercially and with multiple-family residential units.

DISCUSSION:

ZONE CHANGE:

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

The applicant is proposing to change the zoning designation of the property to Planned Unit Development Residential in order to develop the site with twenty (20), two-story, detached, small-lot, single-family, residential units. Although the City recently adopted small-lot residential subdivision standards, they only apply to the R-2 (Limited Multiple Residential) and R-3 (Multiple-Family Residential) zones. Therefore, it is necessary to implement the project through the PUD zoning designation. Since Title 9 of the Municipal Code does not provide development standards for small-lot residential developments within the single-family residential zone, the proposed development has been designed to be in conformance with the adopted small-lot subdivision standards.

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

SITE PLAN:

The project consists of twenty (20), two-story, single-family residential units on individual lots. The site's main point of vehicular ingress and egress is from Fairview Street. Additionally an alley way is located toward the rear of the project that provides access to the portion of the property that does not have direct access to Fairview Street. An emergency vehicle turn-around area has been provided toward the rear of the project to allow for emergency access, as required by the City of Garden Grove Fire Department. Each home will be serviced by 16 foot wide driveways that gain direct access from the private road system. Private rear yards have been provided for each home and range in depth from 15 feet to 18 feet. Two common open space areas that total 8,500 square feet have been provided for both active and passive recreation, which exceeds the Code's minimum common open space requirement of 4,000 square feet for the development.

Parking

The project provides a total of 76 parking spaces, which exceeds the Code's parking requirement by one space. The parking is provided as follows: forty (40) enclosed garaged parking spaces, twenty (20) open parking spaces on the driveways, and sixteen (16) street guest parking spaces dispersed through out the development.

Perimeter Walls and Landscaping

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

Unit Design

The project consists of twenty (20) detached, single-family residences, with two different floor plans. The units are all two-stories, each having an attached two-car garage. Plan 1 is 1,628 square feet and provides a great room, kitchen/dining room and powder room on the first floor and three bedrooms, two bathrooms, and a laundry room on the second floor. Plan 2 is 2,139 square feet and provides a great room, dining room, kitchen, bedroom and bathroom on the first floor and three bedrooms, two bathrooms, a laundry room, and loft area on the second floor.

Building Architecture

The designs of the homes are contemporary exhibiting stucco exteriors, decorative window and door trim, building pop-outs, shutters, decorative window boxes, stone veneers, and varied roof lines with hipped and gabled roof systems with concrete tile roofing material. Two different facades with differing color schemes have been provided for each house plan.

TENTATIVE TRACT MAP:

In accordance with the State Subdivision Map Act, the developer has filed a Tentative Tract Map for the project. The map creates an individual lot for each residential unit for a total of twenty (20) lots and a private street. The residential lots range in size from 2,888 square feet to 3,770 square feet. The proposed Tentative Tract Map is consistent with the City's General Plan, the City's Zoning Code, the City's Subdivision Ordinance, and the State Subdivision Map Act.

DEVELOPMENT AGREEMENT:

The applicant is required to enter into a Development Agreement with the City. The applicant will be guaranteed four years in which to construct the project and the City will receive from the developer a development agreement fee not to exceed \$38,320. Development Agreement payments are designed to reduce the economic costs of new projects to the public and mitigate development-related concerns on the community. The Planning Commission recommendation on the Development Agreement will be forwarded to the City Council for final action.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following actions:

1. Adopt the Negative Declaration;
2. Approve Site Plan No. SP-455-10 and Tentative Tract Map No. TT-17353, subject to the recommended Conditions of Approval; and,
3. Recommend adoption of a Negative Declaration and approval of Planned Unit Development No. PUD-124-10 and Development Agreement No. DA-180-10 to the City Council.

Karl Hill
Planning Services Manager

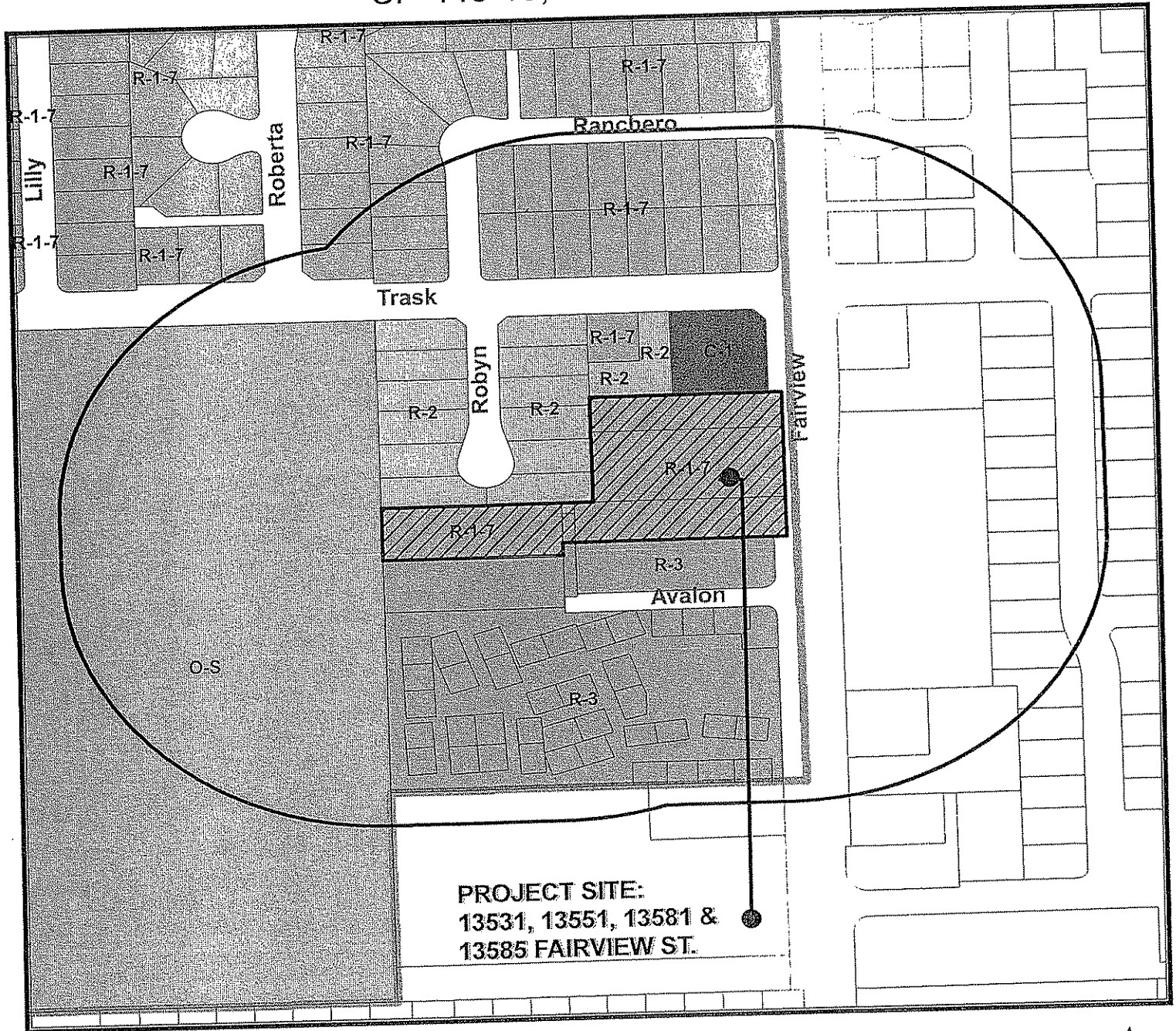
By: Lee Marino
Senior Planner




GARDEN GROVE


PLANNED UNIT DEVELOPMENT NO. PUD-124-10

SP-445-10, TT-17353, DA-180-10



LEGEND

 PROJECT SITE - 13531, 13551, 13581, and 13585 FAIRVIEW ST.

 500 FOOT RADIUS

NOTES

1. GENERAL PLAN: LOW DENSITY RESIDENTIAL
2. ZONE: R-1 (SINGLE-FAMILY RESIDENTIAL)
3. PURPOSE ZONE: PUD (PLANNED UNIT DEVELOPMENT)



CITY OF GARDEN GROVE
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
GIS SYSTEM
MARCH 2010

TRASK AVENUE

FARVIEW STREET

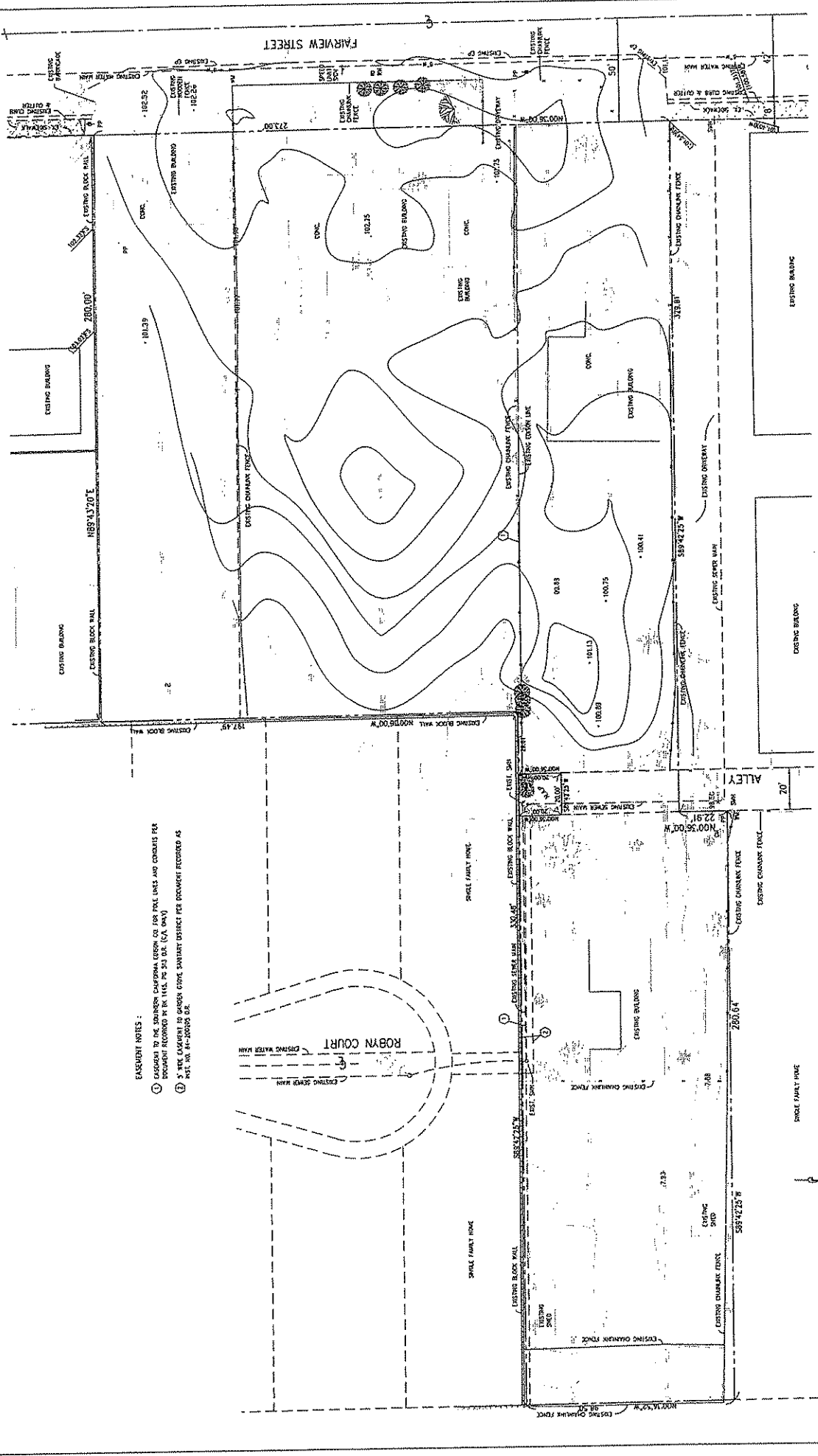


EXHIBIT NOTES :

- ① ACCORDING TO THE SOUTHERN CALIFORNIA GROUND WATER ACT FOR PILE DRILLS AND CONTAINS PER DOCUMENT REFERENCED IN THE NOTES ON SHEET 042 (CALIFORNIA)
- ② AS THE CLASSIFICATION OF GROUND WATER SAMPLING RESULTS FOR DOCUMENT REFERENCED AS PER SHEET 042 ON SHEET 042.



SCALE: 1"=20'

CITY OF GARDEN GROVE
EXISTING FACILITIES
TENTATIVE TRACT 17393

PLANS PREPARED FOR:
BRANDYWINE
ROBINS

OWNER:
POMELA LLC.

PROJECT NO: **D33**

ENGINEER
DMS CONSULTANTS, INC.
SANTA ANITA, CALIFORNIA

DATE: 07/15/10

PHONE: (949) 254-1100 FAX: (949) 254-1110

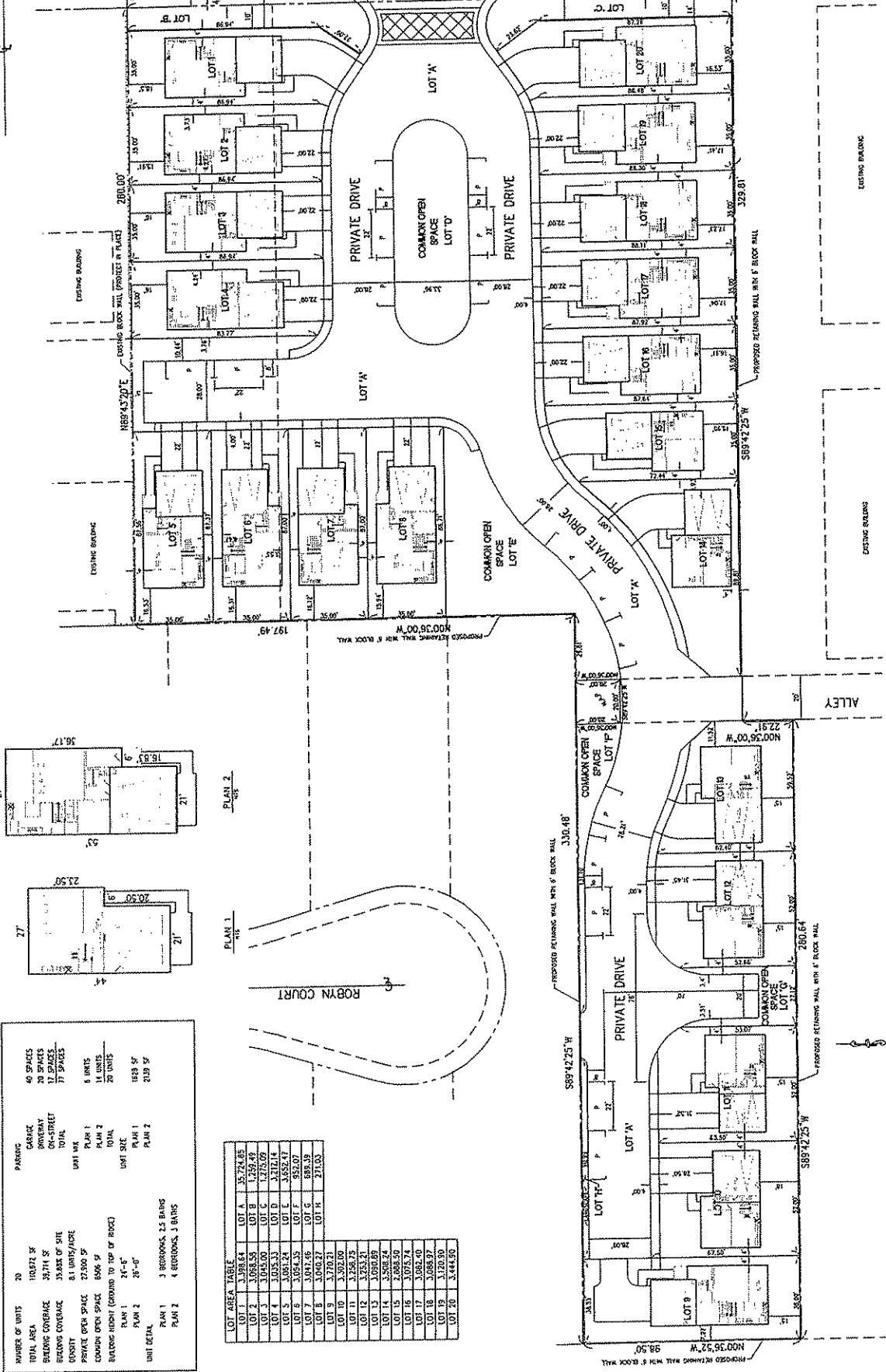
PHONE: (949) 254-1100 FAX: (949) 254-1110

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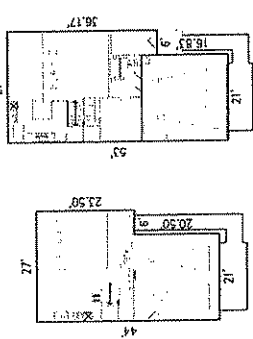
SHEET 2 OF 3

TRASK AVENUE



NUMBER OF UNITS		TOTAL AREA		BUILDING COVERAGE		COMMON OPEN SPACE		PRIVATE OPEN SPACE		COMMON OPEN SPACE		BUILDING HEIGHT (GROUND TO TOP OF ROOF)		UNIT DETAIL	
20	10	10,872 SF	10,872 SF	3,271 SF	3,271 SF	81 UNITS/100%	81 UNITS/100%	27,500 SF	27,500 SF	6,906 SF	6,906 SF	24'-0"	24'-0"	3 BEDROOMS, 2.5 BATHS	4 BEDROOMS, 3 BATHS
PLAN 1	PLAN 2	PLAN 1	PLAN 2	PLAN 1	PLAN 2	PLAN 1	PLAN 2	PLAN 1	PLAN 2	PLAN 1	PLAN 2	PLAN 1	PLAN 2	PLAN 1	PLAN 2

LOT AREA TABLE	
LOT 1	3,398.84
LOT 2	3,085.58
LOT 3	3,085.58
LOT 4	3,053.33
LOT 5	3,085.24
LOT 6	3,054.45
LOT 7	3,041.46
LOT 8	3,042.27
LOT 9	3,719.21
LOT 10	3,202.09
LOT 11	3,248.79
LOT 12	3,248.79
LOT 13	3,050.69
LOT 14	3,262.24
LOT 15	2,004.50
LOT 16	3,075.74
LOT 17	3,064.40
LOT 18	3,064.97
LOT 19	3,120.90
LOT 20	3,444.50



CITY OF GARDEN GROVE

PLOT PLAN
TENTATIVE TRACT 17368

PLANS PREPARED FOR:
BRANDYWINE HOMES
14 (07) 247-1100 Fax: (07) 247-1410

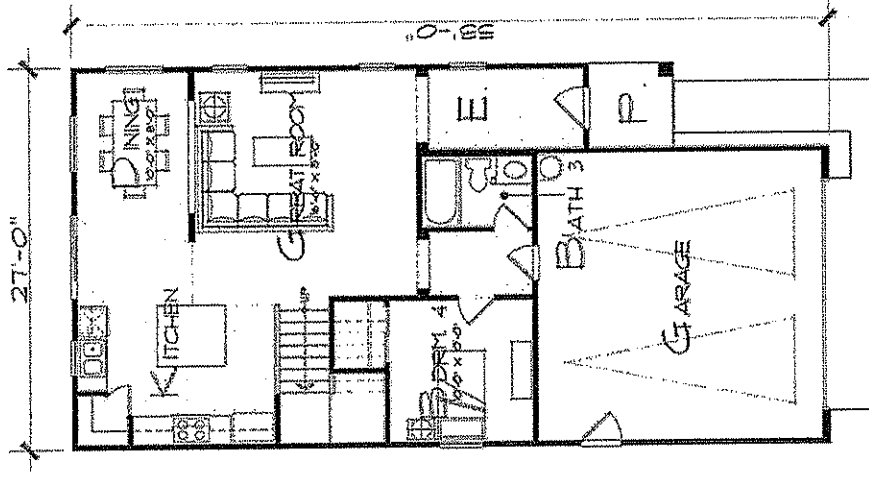
OWNER:
POMELA LLC.
16550 Alvarado Ave. Chatsworth, CA 91311
Tel: (07) 247-1100 Fax: (07) 247-1410

PROJECT:
D33
RECY AND PLANNING
18 Garden Grove
Lot 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20

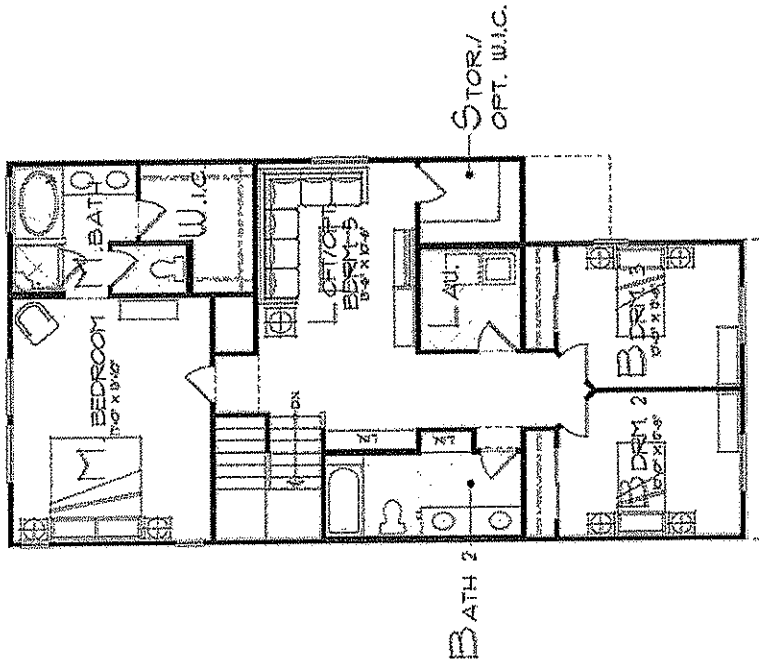
PREPARED BY:
DMS CONSULTANTS, INC.
21111 E. 15th Street, Suite 200, Chatsworth, CA 91311
Tel: (07) 247-1100 Fax: (07) 247-1410

DATE: 07/13/10

SHEET 3 OF 3



FIRST FLOOR



SECOND FLOOR

PLAN 3 - 2,139 S.F.

Fairview Street Infill

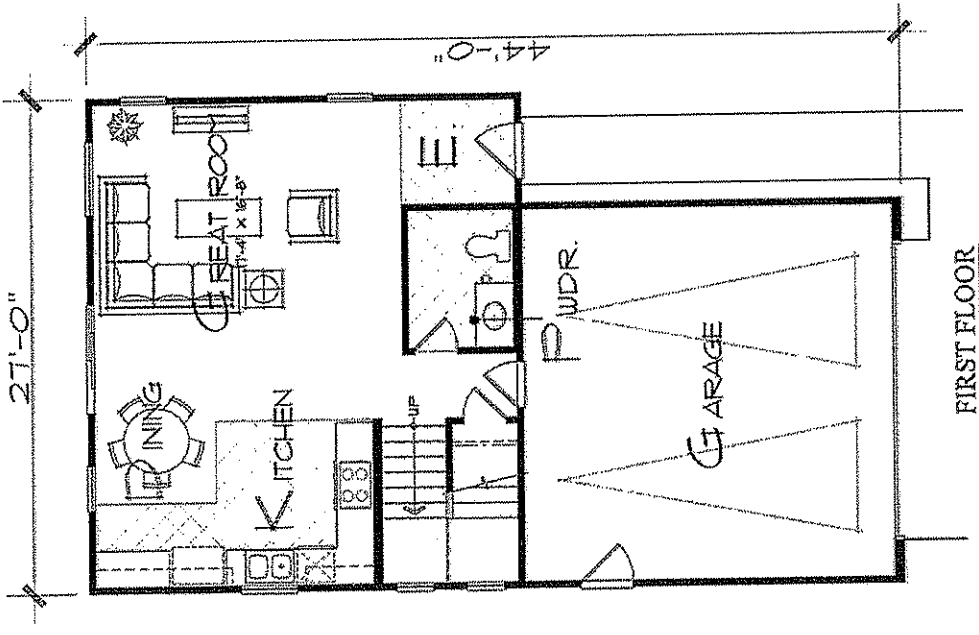
Garden Grove, California

BRANDYWINE
 ARCHITECTS
 10000 S. GARDEN GROVE AVENUE
 SUITE 100
 GARDEN GROVE, CA 92643
 TEL: (714) 261-1111
 FAX: (714) 261-1112

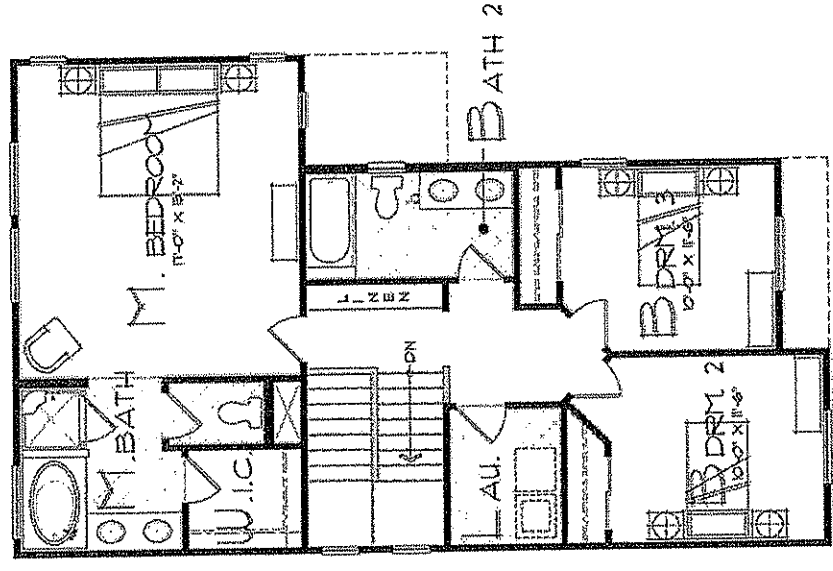
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 EXHIBIT A/AS/SS
 PG. 14/20/21



PROJECT NO. 2009023
 12-14-2009



FIRST FLOOR



SECOND FLOOR

PLAN 1 - 1,628 S.F.

Fairview Street Infill

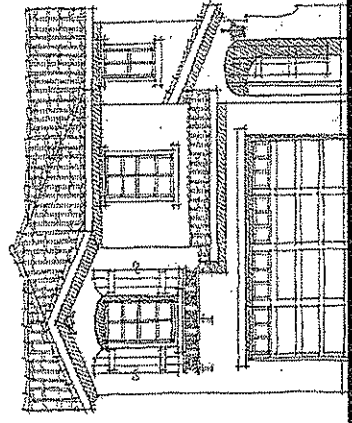
Garden Grove, California

D33
DESIGN AND PLANNING
P.O. BOX 206
FAIRVIEW, CA 92625
TEL: 949-236-6337

BRANDYWINE
ARCHITECTS
16350 S. 103RD ST. SUITE 100
FAIRVIEW, CA 92625
TEL: 949-236-6337 FAX: 949-236-3128

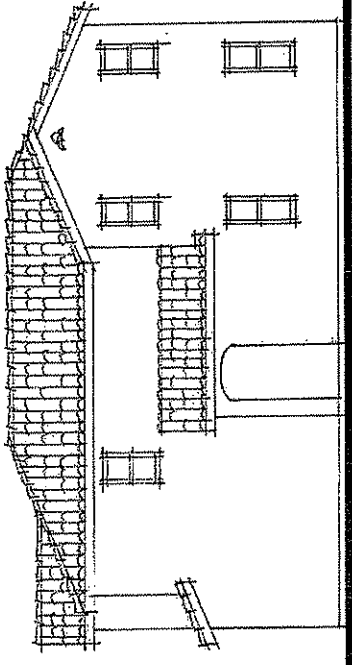


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12-14-2009

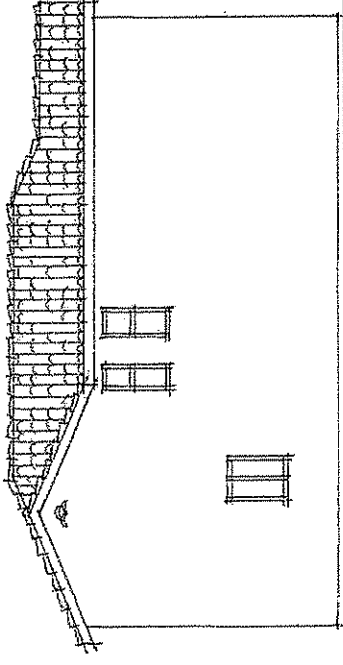


Front Elevation

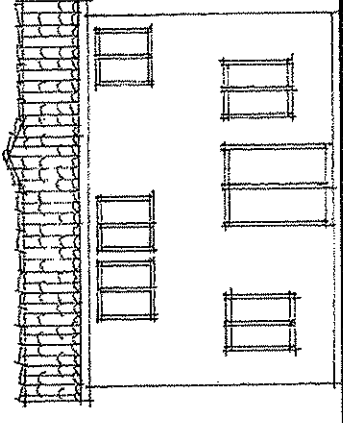
- ELEVATION LEGEND:**
- Concrete 'S' Tile roof
 - Stucco exterior
 - Shucco over trim at windows
 - Decorative shutters
 - Roll-up garage door
 - Decorative clay pipe vent at gable end
 - Wrought iron detail
 - Optional earring light



Right Elevation



Left Elevation



Rear Elevation



Plan 1A - Spanish

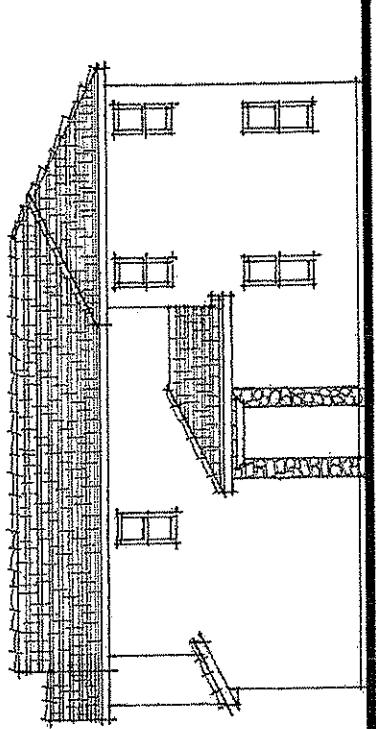
Fairview Street Infill

Garden Grove, California

BRANDYWINE
ARCHITECTS • INTERIORS
141 WEST 24TH AVENUE • DENVER, CO 80202
TEL: 303.733.1111

D33
ISSUED FOR PERMITTING
BY 20090314337

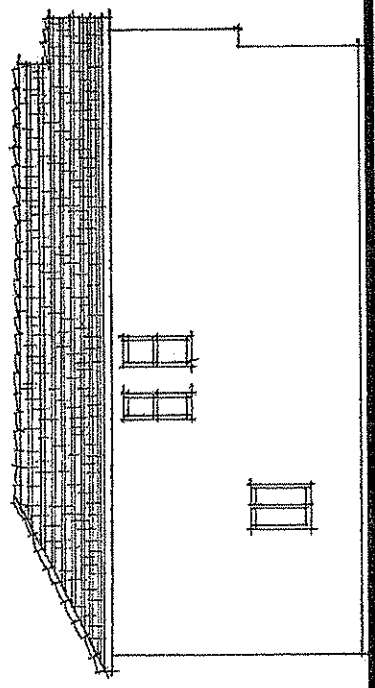
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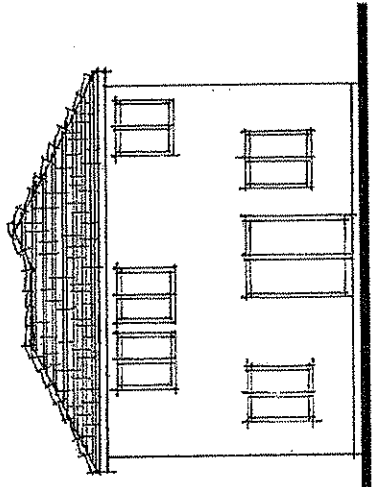
Front Elevation

- ELEVATION LEGEND.
- Concrete Flat Tile roof
 - Stucco exterior
 - Shesco over trim at windows
 - Decorative shutters
 - Roll-up garage door
 - Bead & batten at gable ends
 - Decorative stone
 - Decorative pot shelf

Right Elevation



Left Elevation



Rear Elevation



Plan 1B - French

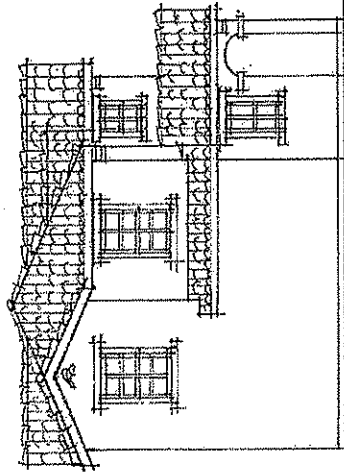
Fairview Street Infill

Garden Grove, California

D33

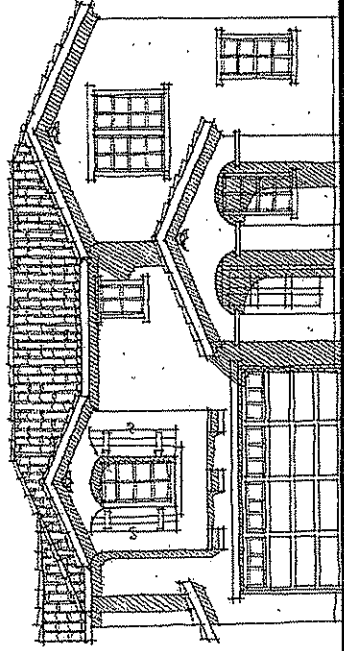
BRANDYWINE
ARCHITECTURE
15000 - BEACH ROAD
VAN NUYS, CA 91411
TEL: 818.224.5237

PROJECT NO. A999933
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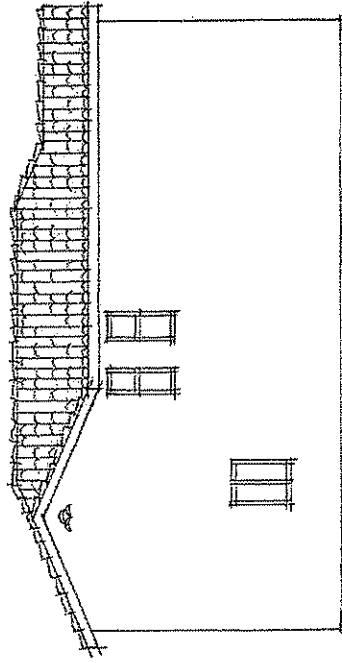


Front Elevation

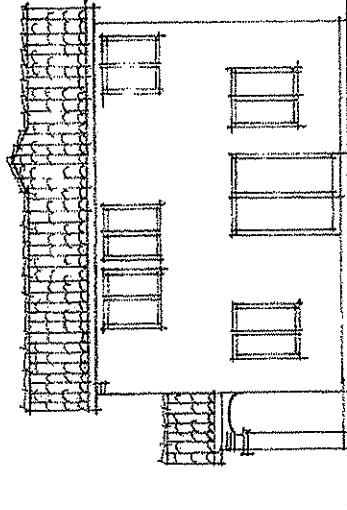
- ELEVATION LEGEND
- Concrete S' Tile roof
 - Stucco exterior
 - Stucco over trim at windows
 - Decorative shutters
 - Roll-up garage door
 - Decorative clay pipe vents at gable end



Right (Side Entry) Elevation



Left Elevation



Rear Elevation



Plan 1C - Spanish

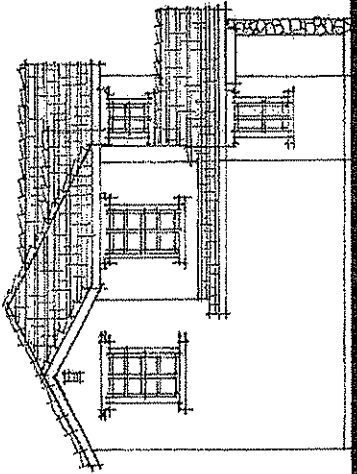
Fairview Street Infill

Garden Grove, California

BRANDYWINE
 ARCHITECTURE
 14111 BIRCHWOOD DRIVE
 GARDEN GROVE, CA 92646
 (714) 261-2200

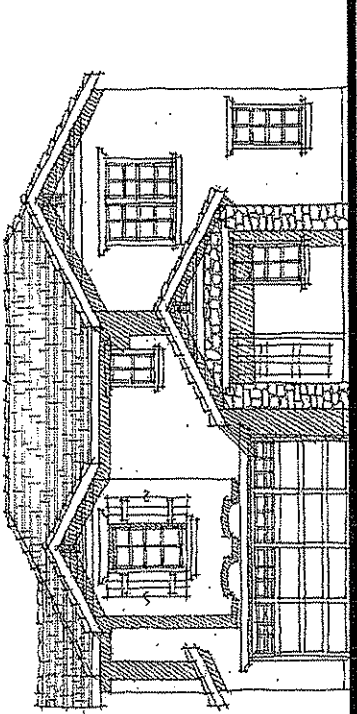
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PROJECT NO. 2009023
 04.15.2010

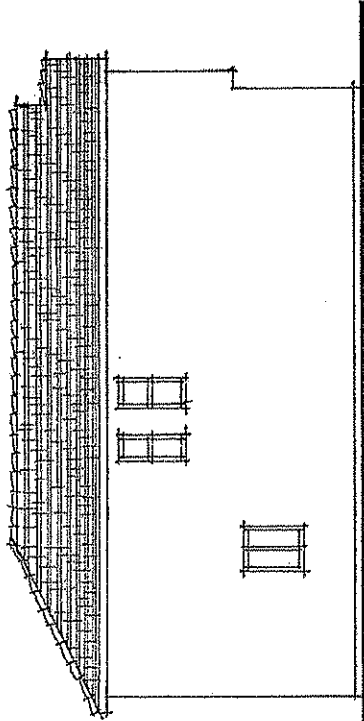


Front Elevation

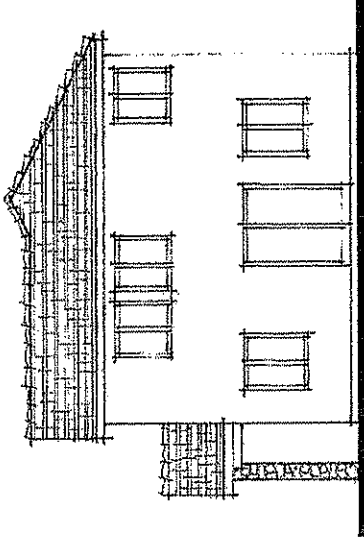
- ELEVATION LEGEND**
- Concrete Flat Tile roof
 - Shuccop exterior
 - Shuccop over trim at windows
 - Decorative shutters
 - Roll-up garage door
 - Board & batten at gable ends
 - Decorative stone



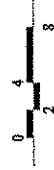
Right (Side Entry) Elevation



Left Elevation



Rear Elevation



Plan 1D - French

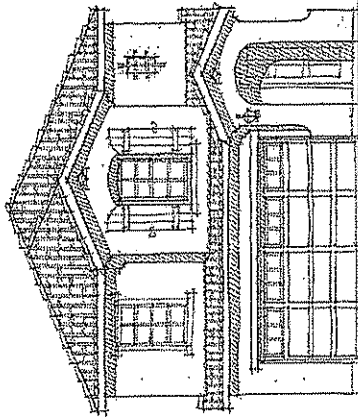
Fairview Street Infill

Garden Grove, California

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 14150 BIRCHWOOD DRIVE
 GARDEN GROVE, CA 92643
 TEL: 714.261.1111

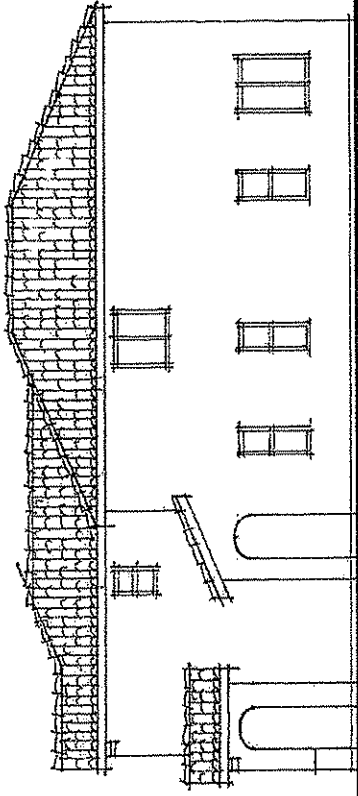
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 01-15-2019

PROJECT NO. 2019093
 01-15-2019

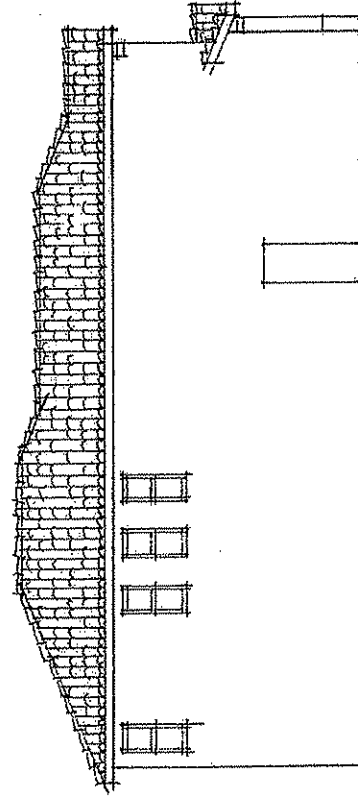


Front Elevation

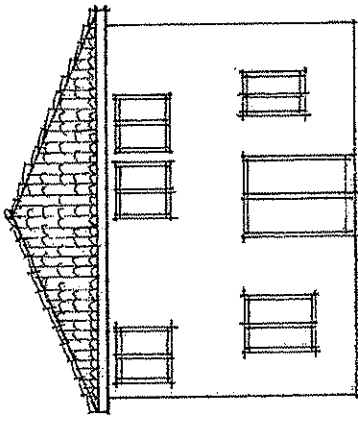
- ELEVATION LEGEND**
- Concrete 3/4" Tile roof
 - Stucco exterior
 - Stucco over trim at windows
 - Decorative shutters
 - Roll-up garage door
 - Decorative clay pipe vents at gable end
 - Wrought iron detail
 - Decorative stucco recess
 - Optional carriage light



Right Elevation



Left Elevation



Rear Elevation



Plan 2A - Spanish

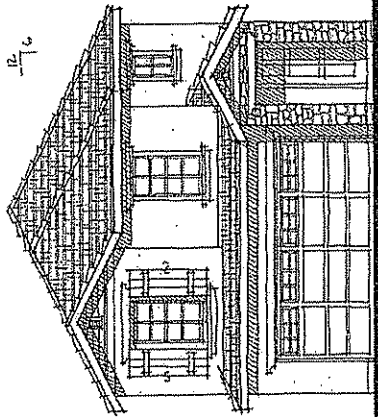
Fairview Street Infill

Garden Grove, California

BRANDYWINE
 ARCHITECTS
 11111 S. LA BREA AVE., SUITE 100
 GARDEN GROVE, CA 92643
 TEL: 714.261.1111 FAX: 714.261.1112
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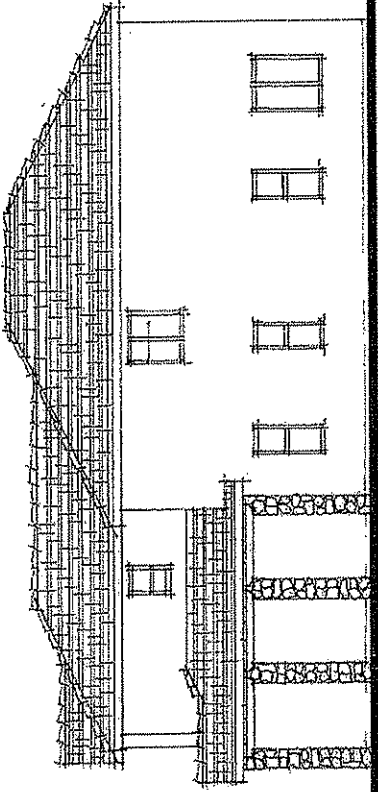
D33
 EXCEPT AS NOTED
 THIS DOCUMENT IS UNLESS OTHERWISE SPECIFIED

PROJECT NO. 10095023
 01-15-2010

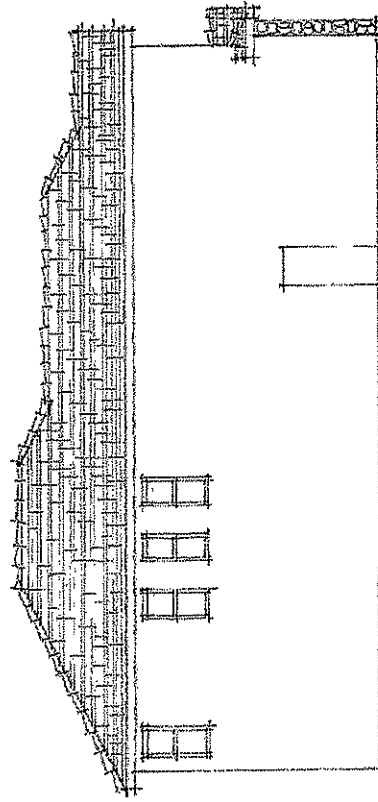


Front Elevation

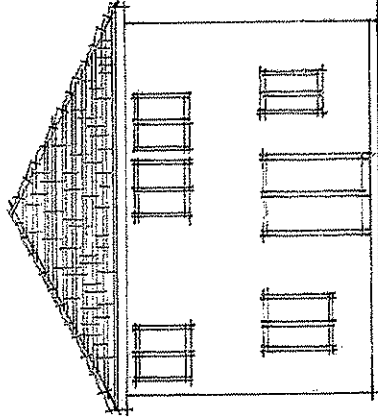
- ELEVATION LEGEND**
- Concrete Flat Tile roof
 - Stucco exterior
 - Stucco over trim at windows
 - Decorative shutters
 - Roll-up garage door
 - Board & batten at gable ends
 - Decorative stone
 - Decorative pot shelf



Right Elevation



Left Elevation



Rear Elevation



Plan 2B - French

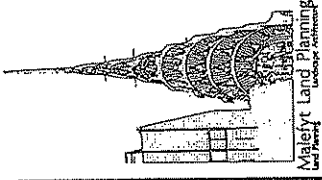
Fairview Street Infill

Garden Grove, California

BRANDYWINE
ARCHITECTURE
10000 S. UNIVERSITY AVENUE
SUITE 100
DANFORTH, CALIFORNIA 92620
TEL: 949.261.1000

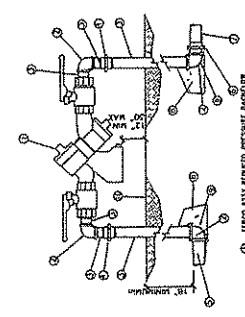
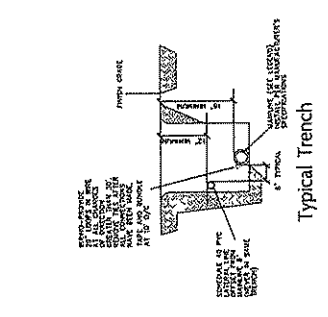
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01-15-2010

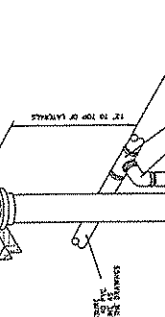
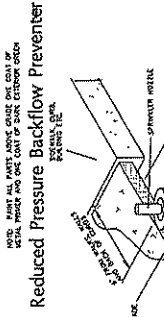


Malesiy Land Planning
Landscape Architecture
2324 Van Ness
San Francisco, CA 94109
(415) 399-2324
FAX (415) 399-2321
mplan@comcast.net

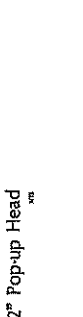
Malesiy Land Planning is a member of the International Association of Landscape Professionals (IALA) and is a member of the National Association of Landscape Professionals (NALP). We are committed to providing high quality landscape architecture services to our clients.



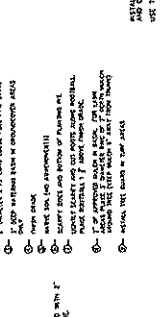
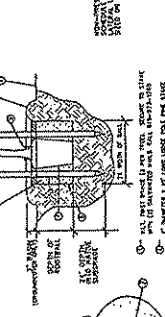
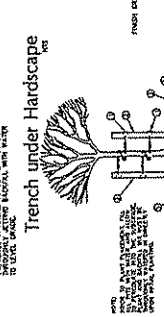
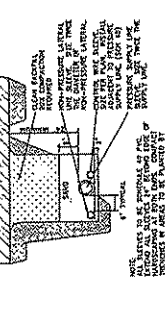
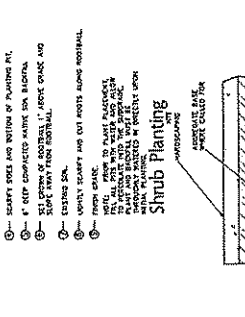
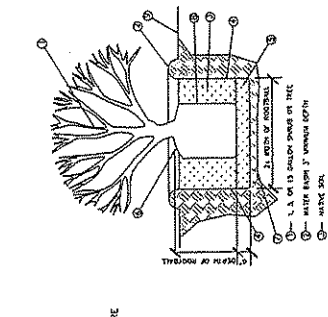
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2. BRASS WHEEL
3. PRESSURE SUPPLY LINE
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7. PRESSURE SUPPLY LINE
8. BRASS WHEEL



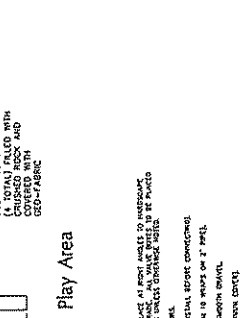
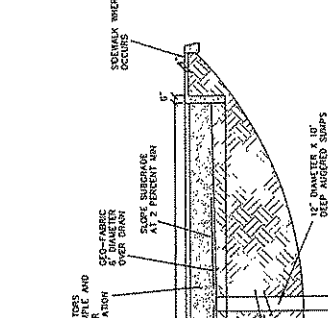
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2. STAKES
3. MULCH
4. SOIL
5. ROOT BALL



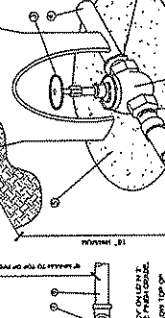
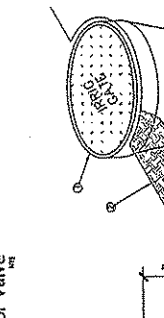
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2. HANDLE
3. BODY
4. SEALS



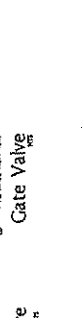
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2. SOIL
3. ROOT BALL



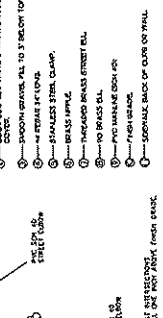
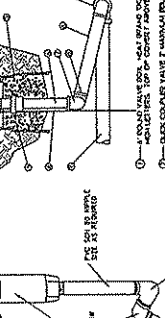
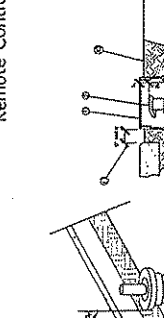
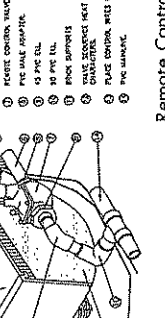
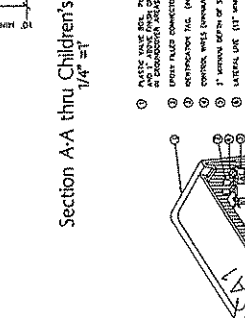
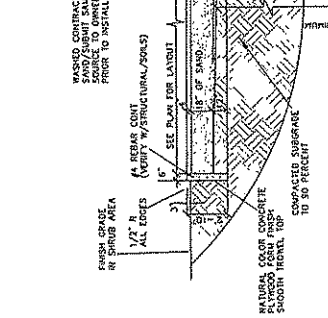
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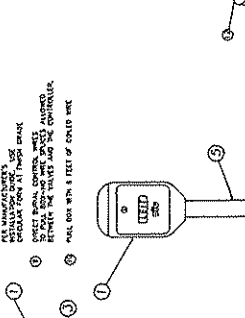
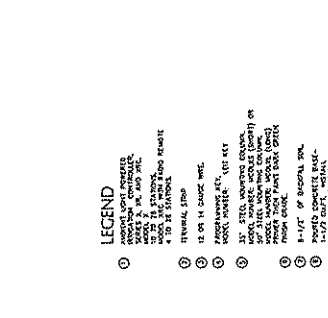
1. TREE
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3. MULCH
4. SOIL
5. ROOT BALL



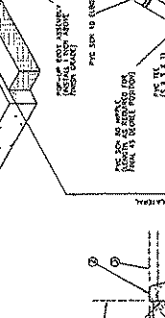
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2. HANDLE
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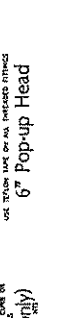
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2. SOIL
3. ROOT BALL



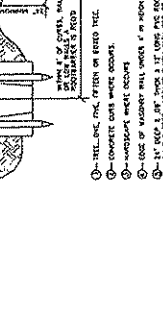
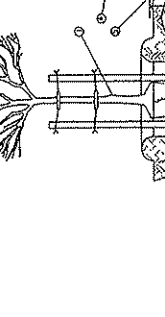
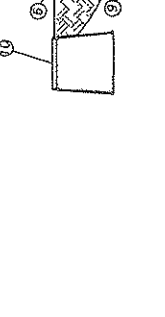
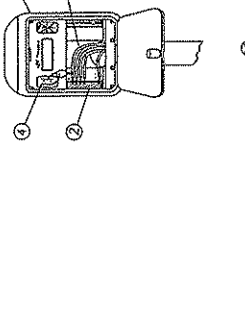
1. PRESSURE SUPPLY LINE
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5. PRESSURE SUPPLY LINE
6. BRASS WHEEL



1. TREE
2. STAKES
3. MULCH
4. SOIL
5. ROOT BALL



1. GATE VALVE
2. HANDLE
3. BODY
4. SEALS



1. ROOT BARRIER
2. SOIL
3. ROOT BALL

ENVIRONMENTAL CHECKLIST FORM

1. **PROJECT TITLE:** Planned Unit Development No. PUD-124-10; Site Plan No. SP-455-10; Tentative Tract Map No. TT-17353, and Development Agreement No. DA-180-10.

2. **LEAD AGENCY:**
City of Garden Grove
11222 Acacia Parkway
Garden Grove, CA 92640

3. **CONTACT PERSON:**
Lee Marino, Senior Planner

4. **PROJECT LOCATION:**
13531, 13551, 13581, 13585 Fairview Street, Garden Grove, CA 92844

5. **PROJECT SPONSOR:**
Brandywine Homes
16580 Aston
Irvine, CA 92606

6. **GENERAL PLAN DESIGNATION:**
Low Density Residential

7. **ZONING:**
R-1 (Single-Family Residential)

8. **DESCRIPTION OF PROJECT:**
A proposal to rezone a 2.48 acre site from R-1 (Single-Family Residential) to Planned Unit Development Residential for the allowance to create a small-lot single-family residential development; a Site Plan to construct twenty (20) detached single-family homes; a Tentative Tract Map to subdivide the lot into twenty (20) separate lots serviced by a private street; and a Development Agreement.

9. **OTHER AGENCIES WHOSE APPROVAL (AND PERMITS) IS REQUIRED:**
None.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

DETERMINATION:

On the basis of this initial evaluation:

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

Signature

January 28, 2010
Date

Lee Marino
Printed Name

For:
City of Garden Grove

EVALUATION OF ENVIRONMENTAL IMPACTS:

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

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

I. LAND USE AND PLANNING

- a. Conflict with General Plan designation or zoning.

Response (a-b): The property currently has a General Plan Land Use designation of Low Density Residential and is zoned R-1 (Single-Family Residential). The Low Density Residential designation allows densities that range from 1 to 9 dwelling units per acre. The project, which proposes to change the zone from R-1 to Residential Planned Unit Development, will provide a density of 8 units per acre, which is below the maximum density allowed by the Low Density Residential designation.

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

The proposal will involve the demolition of the on-site improvements, which include four single-family homes, and the construction of a twenty (20) unit small-lot single-family home development. The maximum number of units allowed on the subject property, based on its lot size is twenty (20) units. While the Planned Unit Development zoning designation sets its own standards based on the proposed developments configuration, the project complies with the setbacks, landscaping, parking, and building height requirements of the City’s adopted small-lot subdivision ordinance. The project is compatible with the existing neighborhood, which includes single-family homes, apartments, condominiums, and a commercial development. The proposed project will be an enhancement to the area. Therefore, the project, complies with the General Plan designation.

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

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

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

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

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

Response: The existing four (4) single-family homes will be removed to allow the construction of twenty (20) single-family homes. The proposal is located in an

	Potentially			
	Significant	Unless	Less than	No
	Impact	Mitigated	Impact	Impact

area that is developed with existing single homes and multiple family residential units. The project has been designed to be compatible with the existing neighborhood. The proposed project will improve the site and the neighborhood, and will not disrupt or divide the physical arrangement of the established community.

II. POPULATION AND HOUSING

- a. Cumulatively exceed official regional or local population projections.
- 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-c): The site is currently developed with four single-family homes that are slated to be demolished to accommodate the proposed development. As a result, the existing residents will be displaced. However, the existing residential units will be replaced with twenty (20) new dwelling units, which will help to increase the availability of housing units within the immediate area.

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

III. GEOPHYSICAL

- a. Seismicity: Fault rupture.

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

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

Negative Declaration for PUD-124-10/SP-455-10/TT-17353/DA-180-10

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

- b. Seismicity: Ground shaking or liquefaction.

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

- c. Seismicity: Seiche or tsunami.

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

- d. Landslides or mudslides.

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

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

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

- f. Subsidence of the land.

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

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

- h. Unique geologic or physical features.

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

IV. HYDROLOGY AND WATER QUALITY

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

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

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

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

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

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

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

Negative Declaration for PUD-124-10/SP-455-10/TT-17353/DA-180-10

	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
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- e. Create or contribute run-off water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted water?

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

- f. Otherwise substantially degrade water quality?

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

- g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

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

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

Response (g, h, i): The project area is located within the Regular Flood Hazard Zone "X", as determined by the Federal Emergency Management Agency Flood Insurance Rate Map No. 06059C0143H (Community No. 060220, Panel No. 0143H), issued on December 3, 2009. Flood Zone "X" includes areas of 500 year flood; with average depths of less than one foot, or with drainage areas less than one square mile; and areas protected by levees from 100-year floods. Flood Zone "X" is not subject to the flood hazard ordinance.

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

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

- k. Result in an increase in pollutant discharges to receiving waters? Consider water quality parameters

Negative Declaration for PUD-124-10/SP-455-10/TT-17353/DA-180-10

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

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.

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

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

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

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

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

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

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

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

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

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

Response (p, q, r): All run-off from the area is, and will continue to be, collected in local and regional storm drain facilities. These waters will be transported with

	Potentially			
	Significant	Unless	Less than	No
	Impact	Mitigated	Impact	Impact

other urban run-off into City and County drainage facilities. Therefore, the project will not affect existing environmentally sensitive areas or 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, t): No impact is anticipated to occur to groundwater, as the project will not involve operations that could affect aquifers' recharge capability or alter the direction of flow of groundwater. The area is urbanized with existing residential uses. The construction proposed will not require substantial excavations or other extensive below-grade work or the use of large quantities of water.

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

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

V. AIR QUALITY

- a. Violate any air quality standard or contribute to an existing or projected air quality violation?

Response: The project area, like all of the South Coast Air Quality Management District, is located in an extreme non-attainment area, with regard to Federal air quality standards. During the construction phase of the project, increased dust and odor levels are anticipated in the immediate project area. This type of impact is considered insignificant due to the temporary nature of the impact. Construction will be required to adhere to all mitigation measures, as addressed in the General Plan EIR, to minimize the impacts from increased odors and dust.

- b. Expose sensitive receptors to pollutants?

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

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

Response: The proposed project is not large enough in scale to alter air movement, moisture or temperature, or cause a change in the climate.

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

- d. Create objectionable odors.

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

VI. TRANSPORTATION

- a. Increased vehicle trips or traffic congestion?

Response: The development is likely to increase vehicle trips and traffic congestion in the area as the existing single-family homes will be replaced with twenty (20) units. However, the number of trips generated by the proposed residential project will increase, but will not exceed that which has been identified in the General Plan. The Traffic Engineering Division has reviewed this project and finds that no significant traffic-related on-site, or off-site improvements for this project are necessary beyond that conditioned for right-of-way improvements.

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

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

Response: The property is currently improved with four (4) single-family homes. The project proposes demolition of the existing improvements and the construction of twenty (20) single-family homes. The Traffic Engineering Division and the Fire Department have reviewed this project and finds that the drive aisles, pathways, and emergency vehicle access and back-up areas are sufficient to serve and safeguard the project and surrounding properties.

- c. Inadequate emergency access to nearby uses?

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

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

Response: The project has been designed to comply with the minimum number of parking spaces required by the Municipal Code. City Code requires a total of 75 parking spaces to accommodate the use. The project provides a total of 76 parking spaces, which includes 40 garaged parking spaces and 36 open guest parking spaces.

Negative Declaration for PUD-124-10/SP-455-10/TT-17353/DA-180-10

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

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

- f. Conflicts with adopted policies supporting alternative transportation?

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

- g. Rail, waterborne or air traffic impacts?

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

VII. BIOLOGICAL RESOURCES

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

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

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

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

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

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

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

- e. Wildlife dispersal or migration corridors?

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

VIII. ENERGY AND MINERAL RESOURCES

- a. Conflict with adopted energy conservation plans.

Response: The development of a twenty (20) unit residential development on this site is not in conflict with adopted energy conservation plans. All residential units

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

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

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

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

IX. HAZARDS

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

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

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

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

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

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

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

X. NOISE

- a. Increases in existing noise levels?

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

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

- b. Exposure of people to extreme noise levels?

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

XI. PUBLIC SERVICES

- a. Fire protection?

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

- b. Police protection?

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

- c. Schools?

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

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

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

- d. Maintenance of public facilities, including roads?

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

- e. Other governmental services?

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

XII. UTILITIES AND SERVICE SYSTEMS

- a. Power or natural gas?

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

- b. Communication systems?

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

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

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

- d. Sewer or septic tanks?

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

- e. Storm water drainage?

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

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

- f. Solid waste disposal?

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

XIII. AESTHETICS

- a. Affect on a scenic vista or scenic highway?

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

- b. Have a demonstrable negative aesthetic effect?

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

- c. Create light or glare?

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

XIV. CULTURAL RESOURCES

- a. Disturb paleontological resources?

- b. Disturb archaeological resources?

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

- c. Affect historical resources?

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

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

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

- e. Restrict existing religious or sacred uses within the

	Potentially			
	Significant	Unless	Less than	No
Significant	Impact	Mitigated	Impact	Impact

potential impact area?

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

XV. RECREATION

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

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

XVI. MANDATORY FINDINGS OF SIGNIFICANCE

- a. The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.
- 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 which 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).

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

a. EARLIER ANALYSIS:

1. The City of Garden Grove General Plan Update
2. The City of Garden Grove Existing Condition Report
3. The City of Garden Grove Final Environmental Impact Report for the General Plan Update, State Clearinghouse No. 2008041079
4. Title 9 of the Garden Grove Municipal Code

b. IMPACTS ADEQUATELY ADDRESSED:

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

c. MITIGATION MEASURES:

All conditions of approval for Planned Unit Development No. PUD-124-10, Site Plan No. SP-455-10, Tentative Tract Map No. TT-17353, and Development Agreement No. DA-180-10 shall be adhered to, in order to mitigate negative impacts on the property or surrounding area.

RESOLUTION NO. 5708

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING CITY COUNCIL ADOPTION OF A NEGATIVE DECLARATION AND RECOMMENDING APPROVAL OF PLANNED UNIT DEVELOPMENT NO. PUD-124-10, AND DEVELOPMENT AGREEMENT NO. DA-180-10.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on March 4, 2010, does hereby recommend adoption of a Negative Declaration and recommends approval of Planned Unit Development No. PUD-124-10 and Development Agreement No. DA-180-10 for land located on the west side of Fairview Street, south of Trask Avenue, at 13531, 13551, 13581, and 13585 Fairview Street, Parcel Nos. 101-652-04, 05, 06, & 11.

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. Therefore, the Planning Commission recommends that City Council adopt the Negative Declaration for this project.

BE IT FURTHER RESOLVED in the matter of Planned Unit Development No. PUD-124-10 and Development Agreement No. DA-180-10, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Brandywine Homes.
2. The applicant requests approval of a Zone Change from R-1 (Single-Family Residential) to PUD-124-10 to allow the development of a single-family residential small-lot subdivision; a Site Plan approval in order to construct twenty (20) single-family homes with associated site improvements that include parking facilities and open space areas; and a Tentative Tract Map to subdivide the site into twenty (20) separate lots serviced by a private street. A Development Agreement is also proposed.
3. The Community Development Department has prepared a Negative Declaration for the project that concludes that the proposed project can not, or will not, have a significant adverse effect on the environment; was prepared and circulated in accordance with applicable law, including the California Environmental Quality Act (CEQA), Public Resources Code of Regulations section

21000 et. seq., and the CEQA guidelines, 14 California Code of Regulations Sec. 15000 et. seq. and includes mitigation measures.

4. The property has a General Plan Land Use designation of Low Density Residential and is currently zoned R-1 (Single-Family Residential). The 2.48-acre site currently consists of four (4) single-family homes.
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 March 4, 2010, 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 March 4, 2010; and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Sections 9.08.30.020 and 9.32.30, are as follows:

FACTS:

The site is 2.48 acres in area and is currently developed with four (4) single-family homes.

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

The minimum site requirement for a Planned Unit Development Residential zoning is one (1) acre. The proposed site area is 2.48 acres.

The Planned Unit Development would facilitate the development of the site with twenty (20) single-family residential units.

The application for the Planned Unit Development and the Development Agreement is being processed in conjunction with Site Plan No. SP-455-10 and Tentative Tract Map No. TT-17353.

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

The project is designed to be an attractive, modern single-family Residential small-lot subdivision community that is within the allowable density for the General Plan Land Use Designation. The proposed development includes both passive and active open space along with private rear yards for the individual property owners. The main entry into the development is from Fairview Street and includes decorative paving, enhanced landscaping, and fencing. The new development will improve the site and is in keeping with well-designed modern residences. The property is surrounded by single-family residential development, multiple-family residential units, and a small scale commercial development to the north; a single-family home and condominiums to the south; a school to the west; and across Fairview street, in the City of Santa Ana both commercial and multiple-family units. The design of the project provides a community of single-family units on the site that will improve the appearance of the neighborhood.

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

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

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

The project has been designed in accordance with City Code provisions for providing an adequate amount of public and private open spaces as required by both the Planned Unit Development and Small Lot Subdivision Ordinance standards. The site provides both passive and active open space/recreation areas for the prospective residents.

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

Through the conditions of approval for the project all necessary agreements for the protection and maintenance of private areas reserved for common use

will be in place prior to the start of construction and will be required to be adhered to for the life of the project.

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

The site is 2.48-acres in size. The project was designed to create a residential community with a combination of both active and passive open space areas, landscaped streets and guest parking areas on the site. The PUD zoning allows the project to be designed as an integrated community on a network of streets and driveways. The project meets City Code's Small Lot Subdivision standards for parking, vehicle access and circulation, open space, setbacks, building height, and landscaping. The PUD zoning allows the project to have an overall quality that is greater than the current zoning as it allows a more integrated design of residential buildings. The design creates a sense of neighborhood with sidewalks, tree-lined streets, shared drive aisles with decorative paving, and conveniently located common open space areas. Furthermore, the project will comply with the development standards of the City's Small Lot Subdivision Ordinance (Section 9.12.40.060; Special Requirements-Small Lot Subdivisions of Title 9 of the City's Municipal Code) and the base zoning and R-2 (Limited Multiple Residential).

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 and Development Agreement possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.30 (General Plan Amendment and Planned Unit Development) and with Government Code Section 65864 et. seq, provisions for Development Agreements.
2. The implementation provisions for Planned Unit Development No. PUD-124-10 are found under Planning Commission Resolution No. 5709 for Site Plan No. SP-455-10 and Tentative Tract Map No. TT-17353.

ADOPTED this 4th day of March, 2010

/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 March 4, 2010, by the following votes:

AYES:	COMMISSIONERS:	BEARD, BONIKOWSKI, BUI, CABRAL, TRAN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	ELLSWORTH
VACANCY:	COMMISSIONERS:	ONE

/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 March 25, 2010.

RESOLUTION NO. 5709

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE ADOPTING A NEGATIVE DECLARATION AND APPROVING SITE PLAN NO. SP-455-10 AND TENTATIVE TRACT MAP NO. TT-17353.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on March 4, 2010, does hereby adopts a Negative Declaration and approves Site Plan No. SP-455-10 and Tentative Tract Map No. TT-17353, for land located on the west side of Fairview Street, south of Trask Avenue, at 13531, 13551, 13581, and 13585 Fairview Street, Parcel Nos. 101-652-04, 05, 06, & 11.

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. Therefore, the Planning Commission adopts a Negative Declaration for this project.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-455-10 and Tentative Tract Map No. TT-17353, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Brandywine Homes.
2. The applicant requests approval of a Zone Change from R-1 (Single-Family Residential) to PUD-124-10 to allow the development of a single-family residential small-lot subdivision; a Site Plan approval in order to construct twenty (20) single-family homes with associated site improvements that include parking facilities and open space areas; and a Tentative Tract Map to subdivide the site into twenty (20) separate lots service by a private street. A Development Agreement is also proposed.
3. The Community Development Department has prepared a Negative Declaration for the project that concludes that the proposed project can not, or will not, have a significant adverse effect on the environment; was prepared and circulated in accordance with applicable law, including the California Environmental Quality Act (CEQA), Public Resources Code of Regulations section 21000 et. seq., and the CEQA guidelines, 14 California Code of Regulations Sec. 15000 et. seq.

4. The property has a General Plan Land Use designation of Low Density Residential and is currently zoned R-1 (Single-Family Residential). The 2.48 acre site currently consists of four (4) single-family homes.
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 March 4, 2010, 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 March 4, 2010; and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Sections 9.08.30.020 and 9.32.30, are as follows:

FACTS:

The site is 2.48 acres in area, and currently consists of four (4) single-family homes.

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

The minimum site requirement for a Planned Unit Development Residential zoning is one (1) acre. The proposed site area is 2.48 acres.

The Planned Unit Development would facilitate the development of the site with twenty (20) single-family residential units.

The application for Site Plan No. SP-455-10 and Tentative Tract Map No. TT-17353 is being processed in conjunction with Planned Unit Development No. PUD-124-10 and Development Agreement No. DA-180-10.

FINDINGS AND REASONS:

Site Plan:

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

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

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

The drive aisles and maneuvering areas are adequate for vehicle access. Sufficient parking is provided, and adequate pedestrian access is provided within the project.

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

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

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

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

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

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

Tentative Parcel Map:

1. The Tentative Tract Map for the proposed Twenty (20) single-family residential dwelling units is consistent with the Garden Grove General Plan, which encourages land subdivision in order to facilitate new development. The site is adequate in size and shape to accommodate the proposed future development of the site.
2. The design and improvements of the proposed small-lot subdivision is consistent with the zoning, Title 9 of the Garden Grove Municipal Code, and the General

Plan provisions for location, proximity to similar uses, lot width and overall depth required for a residential Planned Unit Development.

3. The site is physically suitable for the proposed development and complies with the spirit and intent of a Residential Planned Unit Development and Title 9 of the City's Municipal Code.
4. The project will not have a significant adverse effect on the environment; therefore, the City of Garden Grove hereby adopts a Negative Declaration of Environmental Impact pursuant to the California Environmental Quality Act.
5. The design of the twenty (20) unit single-family small-lot residential subdivision, and the proposed improvements, are not likely to cause public health problems. The conditions of approval for on and off-site improvements will safeguard the public health.
6. The design of the twenty (20) single-family residential dwelling unit subdivision, and the proposed improvements, will not conflict with easements of record or easements established by court judgment acquired by the public-at-large for access through or use of property within the subdivision; if such easements exist, then alternate easements for access or for use will be provided and these will be substantially equivalent to the ones previously acquired by the public.
7. The design and improvements of twenty (20) unit single-family residential dwelling unit subdivision are suitable for the existing site improvements and the subdivision can be developed in compliance with the applicable zoning regulations.
8. The design and improvement of the proposed subdivision are suitable for the residential project proposed and the subdivision can be developed in compliance with the applicable zoning regulations.
9. The design of the subdivision, to the extent feasible, does have allowance for future passive or natural heating and cooling opportunities.
10. The design, density, and configuration of the subdivision strikes a balance between the effect of the subdivision on the housing needs of the region and of public service needs, and that the character of the subdivision is compatible with the design of existing structures and lot sizes in the general area.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Site Plan and Tentative Tract Map do possess characteristics that would indicate justification of the request in accordance with Municipal Code Sections 9.32.30 (Site Plan) and 9.40.10 (Subdivisions).
2. In order to fulfill the purpose and intent of the Municipal Code, and, thereby, promote the health, safety, and general welfare, the following conditions of approval, attached as "Exhibit A", shall apply to Site Plan No. SP-455-10, and Tentative Tract Map No. TT-17353.
3. Approval of this Site Plan and Tentative Tract Map shall be contingent upon the approval of Planned Unit Development No. PUD-124-10.

ADOPTED this 4th day of March, 2010

/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 March 4, 2010, by the following votes:

AYES:	COMMISSIONERS:	BEARD, BONIKOWSKI, BUI, CABRAL, TRAN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	ELLSWORTH
VACANCY:	COMMISSIONERS:	ONE

/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 March 25, 2010.

EXHIBIT "A"

Site Plan No. SP-455-10, Tentative Tract Map No. TT-17353

13531, 13551, 13581, and 13585 Fairview Street

CONDITIONS OF APPROVAL

General Conditions

1. The applicant shall record a "Notice of Agreement with Conditions of Approval and Discretionary Permit of Approval," as prepared by the City Attorney's Office, on the property. Proof of such recordation is required within 30 days of this approval. All conditions of approval are required to be adhered to for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the Planning Commission.
2. Approval of this Site Plan, and Tentative Tract Map shall be contingent upon the approval of Planned Unit Development No. PUD-124-10 and shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply, the development standards of the City's Small Lot Subdivision Ordinance (Section 9.12.40.060; Special Requirements-Small Lot Subdivisions of Title 9 of the City's Municipal Code) and the base zoning and R-2 (Limited Multiple Residential).
3. Minor modifications may be approved by the Community Development Department. If other than minor changes are made in the proposed development, the proper entitlements shall be filed which reflects the revisions made.
4. All lighting structures shall be placed so as to confine direct rays to the subject property. All exterior lights shall be reviewed and approved by the City's Planning Division. Lighting adjacent to residential properties shall be restricted to low decorative type wall-mounted lights, or a ground lighting system. Lighting shall be provided throughout all private drive aisles and entrances to the development per City standards for street lighting. Lighting in the common areas shall be directed, positioned, or shielded in such manner so as not to unreasonably illuminate the window area of nearby residences.
5. The applicant shall submit detailed plans showing the proposed location of utilities and mechanical equipment to the Community Development Department for review and approval prior to Building Division Plan Check. The project shall also be subject to the following:

- a. All on-site and off-site utilities (off-site refers to the areas within public right-of-way to the center line of the streets adjacent to the subject property) within the perimeter of the site and to the centerline of the adjacent streets shall be installed or relocated underground.
- b. Above-ground utility equipment (e.g., electrical, gas, telephone, cable TV) shall not be located in the street setbacks, within the common areas along Fairview Street, or any parking areas and shall be screened to the satisfaction of the Community Development Department.
- c. No roof-mounted mechanical equipment, including but not limited to dish antennas, shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community Development Department prior to the issuance of building permits. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
- d. All ground- or wall-mounted mechanical equipment shall be screened from view from any place on or off the site.

Public Work's Engineering Division

The following provisions of the Public Works Engineering Division shall be complied with:

6. Prior to issuance of any building permits, the applicant shall prepare and submit for approval a final Tract Map of the proposed subdivision.
7. Ties to horizontal control: Prior to recordation of a Final Tract Map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Sub article 18. The surveyor/engineer shall submit record information to the City on Auto Cad DWG format.
8. Digital map submission: Prior to recordation of a Final Tract Map, the surveyor/engineer preparing the map shall submit to the County Surveyor a digital graphics file of said map in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Sub article 18. The surveyor/engineer shall submit record information to the City on Auto Cad DWG format.
9. The applicant shall be subject to Traffic Mitigation Fees.

10. The developer shall provide a 20'-0" wide access over the existing county easement.
11. A geotechnical study prepared by a registered geotechnical engineer is required. The report shall analyze the liquefaction potential of the site and make recommendations for mitigating any adverse health and safety findings. The report shall analyze sub-surface issues related to the past uses of the site, including sub-surface tanks, basement and septic facilities. Should contaminants be found, the site will require Environmental Clearance that will usually involve site remediation. The report shall make recommendations for pavement design based on a Traffic Index to be supplied by the City Traffic Engineer. The report shall also test and analyze soil conditions for LID (Low Impact Development) principles and implementations, including soil compaction, saturation, permeability and groundwater levels.
12. The applicant shall provide hydrology and hydraulic calculations with scaled map. The calculations shall be per Orange County Hydrology manual. The Hydrology study shall include existing and post construction storm water runoff quantities of the entire subdivision. The additional storm water runoff, if any, shall be retained within the proposed subdivision site and disposed of by an approved storm drain system. The developer is strongly advised to take advantage of the LID (Low Impact Development) principles.
13. A separate street permit is required for work performed within the public right-of-way.
14. Grading plans prepared by a registered Civil Engineer are required. The grading plan shall be based on a current survey of the site, including adjacent properties, and designed to preclude cross-lot drainage. Minimum grades shall be 0.50% for concrete flow lines, 1.25% for asphalt surfaces and 2.0% for landscaped areas. The grading plan shall also include water, sewer and LID improvements.
15. Prior to the issuance of a building permit, the applicant shall dedicate 20'-0" wide strip of land along the west side of Fairview Street from the north property line to the south property line of said subdivision to the City of Garden Grove for the proposed street widening purposes.
16. The applicant shall construct the following public improvements along Fairview Street from the north property line to the south property line of the proposed subdivision:
 - a. Remove existing A.C. and base material and reconstruct 5" A.C. over 10" AB from street centerline to the edge of proposed gutter.

- b. Construct 8" high concrete curb and gutter type "C" per City Standard Plan No. B-113.
- c. Construct 8'-0" wide concrete sidewalk measured from the face of curb to the proposed property line.
- d. Relocate existing Southern California Edison Company's power pole to accommodate for construction of the proposed street improvements along the frontage of the subdivision.
- e. Prepare and submit to the City street improvement plans. Street improvement plans shall be prepared by a registered Civil Engineer.

The City is currently constructing a project that will build most if not all of these required off-site improvements. The subdivider shall be responsible for any work not to be completed by the City. City plans are available for the developer's review.

- 17. Proposed driveway approach along Fairview Street shall be constructed as per the City Engineer's approval.
- 18. Prior to the issuance of any grading or building permits or prior to recordation upon subdivision of land if determined applicable by the City Building Official, the applicant shall submit to the City for review and approval a Water Quality Management Plan that:
 - a. Addresses Site Design BMPs such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas;
 - b. Incorporates the applicable Routine Source Control BMPs as defined in the DAMP;
 - c. Incorporates Treatment Control BMPs as defined in the DAMP;
 - d. Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs;
 - e. Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs; and,
 - f. Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs.
- 19. Prior to grading or building permit closeout and/or the issuance of a certificate of use or a certificate of occupancy, the applicant shall:

- a. Demonstrate that all structural best management practices (BMPs) described in the Project WQMP have been constructed and installed in conformance with approved plans and specifications;
 - b. Demonstrate that applicant is prepared to implement all non-structural BMPs described in the Project WQMP;
 - c. Demonstrate that an adequate number of copies of the approved Project WQMP are available on-site; and,
 - d. Submit for review and approval by the City an Operations and Maintenance (O&M) Plan for all structural BMPs.
20. Prior to issuance of any grading or building permits for projects that will result in soil disturbance of one acre or more of land, the applicant shall demonstrate that coverage has been obtained under California's General Permit for Stormwater Discharges Associated with Construction Activity by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of subsequent notification of the issuance of a Waste Discharge Identification (WIDD) Number. Project subject to this requirement shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). A copy of the current SWPPP shall be kept at the project site and be available for City review upon request.
21. Any new or required block walls and/or retaining walls shall be shown on the grading plans. Block walls shall be developed to City Standards or designed by a professional registered engineer.
22. Prior to occupancy of any unit, the applicant shall paint red curb along the private drive in front of the residential units prohibiting on-street parking in a manner meeting the approval of the Traffic Engineer.
23. Prior to occupancy of any unit, the applicant shall stencil directional arrows on the private drive at the project entrance and adjacent to Lot "D" to provide proper traffic circulation in a manner meeting the approval of the City's Traffic Engineer.
24. Prior to a grading permit, the applicant shall redesign the driveway for Lot 9 to provide accessibility to the garage in a manner meeting the approval of the Traffic Engineer.

Garden Grove Fire Department

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

25. Beginning January 2011, State Fire Marshall may mandate that all single-family residential units be equipped with fire sprinklers. Therefore, all life safety systems and fire sprinkler shall be put in place if mandated prior to issuance of building permits.
26. Fire hydrants shall be provided on site. The number of hydrants and locations are subject to Fire Department and Water Services Department approval. The fire hydrants shall be on a loop system approved by the Fire Department and on their own water line. The fire hydrants shall be installed and fully operational prior to any combustible material being delivered to the site. Prior to and during construction, a temporary roadway shall be constructed and maintained to the satisfaction of the Fire Department for access to each of these fire hydrants. The Fire lanes serving the site shall be constructed to support the weight load of Fire truck(s) per Fire Department requirements.
27. The final roadway layout and construction shall maintain a minimum width clearance of 20'-0" and a minimum height clearance of 13'-6". All designated corners shall meet the Fire Department minimum turning radius and all corners shall have reinforced rolled curbs. During grading plan preparation, the Developer shall work with the Garden Grove Fire Department in determining the exact location of on-site curb returns, curb locations, and any other related matters pertaining to Fire Truck access and turning maneuvers throughout the entire site. Upon completion of the project, the Homeowner's Association shall become fully responsible for replacing any damaged curbs and gutters throughout the development that result from emergency vehicles or activity. All fire related matters/issues referenced on construction plans and documents, and during construction, shall be referenced as "per the Garden Grove Fire Department."
28. In the event that access gates are installed, all access gates on the site shall be equipped with a Knox box key access system subject to the approval of the Garden Grove Fire Department and shall meet the City Code's requirements for setbacks from the street and vehicular turn-around areas outside the gates.
29. All Fire related aspects of the proposed project shall comply with California Fire Codes and the California Building Codes 2007 Edition.
30. An all-weather fire access road shall be in place before combustible materials are placed on-site. Required water supply for fire protection shall be in place before building with combustible materials commences.
31. Where required, red curbing will be required in designated fire access lanes as directed by the Fire Department and such red curbing and any related Fire Lane signage shall be maintained at all times by the Homeowner's Association.

Building Services Division

32. Exterior building walls less than 5'-0" from the property line shall be 1-hour fire rated construction. The areas of doors and window in exterior walls located less than 5'-0" from the property line are limited. See Table 704.8 of CBC 07.
33. The homes shall be designed to comply with the California Building Codes.

Public Works Water Services Division

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

34. A composite utility site plan shall be part of the water plan approval.
35. The owner/contractor shall install a dedicated 8" looped water main system with fire hydrant(s) and individual 1" water meters and services to each lot. The new 8" water main shall tie into the 4" water main in Robyn Court and connect with the new 12" main on Fairview. The loop connection to Robin Court water main shall require relocation of an existing sewer main as described in Condition 2 under Sewer. Both the sewer main relocation and water main loop into Robin Court shall be constructed and accepted by the City prior to the issuance of Certification of Occupancies. The City will update the utility easement requirements for the Robin Court connections. The City will provide a 12" by 8" connection off the new water main on Fairview for future development tie-in. Water system shall be constructed per City Standards by developer and dedicated to the City. Bonding will be required.
36. Water meters and boxes shall be installed by City forces upon payment of applicable fees and after new water system (including water services) pass all bacteriological and pressure tests.
37. Owner shall dedicate all rights to underground water without the right to surface entry.
38. Any new or existing water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.
39. A Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed for the landscape system. Installation shall be per City Standards and shall be tested by a certified backflow device tester immediately after installation. Cross connection inspector shall be notified for inspection after the installation is completed. Owner shall have RPPD device tested once a year thereafter by a certified backflow device tester and the test results to be submitted to Public Works, Water Services Division.

40. Developer shall quitclaim its' one half interest in the well site located on subject property and cooperate with the City in the City's acquisition of the remaining one half interest in this well site. To off set any costs that City may incur in the acquisition of the remaining interests, and abandonment and capping of the well, Developer shall post a cash bond in the amount of \$20,000.00 from which the City may draw funds, as needed, to cover the previously referenced costs, as they are incurred. This cash bond shall be placed with the City prior to the City's acceptance of the developer's final tract map. Any unused funds will be returned to the developer. Upon the completion of the City's acquisition, abandonment and capping of the well site, the developer or its' successors and/or assigns shall assume the maintenance responsibility for subject site in perpetuity. it is understood that the developer or its' successors and/or assigns will landscape, irrigate and maintain subject well site in a manner consistent with the approved common area landscape improvement plans for the completed project.

The City shall work with the County of Orange for the relinquishment of the 20'-0" wide roadway owned in fee by the County and contained within the boundaries of the project. Upon that relinquishment being finalized, the developer, it's successors and/or assigns shall assume responsibility in perpetuity for any construction and or maintenance requirements related to that parcel of property as part of the required project improvements.

41. Locations and number of fire hydrants shall be as required by Water Services Division and the Fire Department.
42. No permanent structures, trees or deep-rooted plants shall be placed over sewer main or water main.
43. Owner/developer to install a private 8" sewer main system and laterals per the Public Works Standards and Specifications. Owner/developer will also need to realign a portion of the sewer main on Robyn Ct. and through an existing easement crossing Lots 6 and 7 of Tract 9475. A transition plan approved by Water Engineering will be required to accommodate existing sewer flows.
44. Maintain ingress and egress access to the sewer and water mains and appurtenances within the Garden Grove Sanitary District (GGSD) and Water Service easements, Permanent structures, plants, or trees shall not be placed within the utility easement.
45. Owner/Developer shall install new sewer laterals with clean out at the street right-of-way line. Lateral shall be 4" dia., extra strength VCP with wedgelock joints.

46. Contractor shall abandon any existing unused sewer lateral(s) at street right-of-way on the property owner's side. The sewer pipe shall be capped with an expansion sewer plug and encased in concrete.

Planning Services Division

47. The developer shall submit a complete landscape plan governing the entire development. The plans shall be consistent with the plans submitted to the Planning Commission for review and approval, except as modified herein. The landscape irrigation plans shall include type, size, location and quantity of all plant material. The landscape plan shall include irrigation plans and staking and planting specifications. All landscape irrigation shall comply with the City's Landscape Ordinance and associated Water Efficiency Guidelines. The landscape plan is also subject to the following:
- a. A complete, permanent, automatic remote control irrigation system shall be provided for all common area landscaping shown on the plan. The sprinklers shall be of low flow/precipitation sprinkler heads for water conservation.
 - b. The plan shall provide a mixture of a minimum of ten percent (10%) of the trees at 48-inch box, ten percent (10%) of the trees at 36-inch box, fifteen percent (15%) of the trees at 24-inch box and sixty percent (60%) of the trees at 15-gallon, the remaining five percent (5%) may be of any size. These trees shall be incorporated into the landscaped frontages of all streets. Where clinging vines are considered for covering walls, drought tolerant vines shall be used.
 - c. The developer shall be responsible for installing and maintaining the common area landscaping until such time as the project nears complete sell-out and the Homeowner's Association takes over maintenance responsibility.
 - d. Trees planted within ten feet (10') of any public right-of-way shall be planted in a root barrier shield. All landscaping along street frontages adjacent to driveways shall be of the low height variety to ensure safe sight clearance. The street right-of-way plans may be modified to have the sidewalk adjacent to the curb, meeting City Standards, in order to minimize trees overhanging in the street.
 - e. The landscape treatment along the street frontages, including the area designated as public right-of-way, shall incorporate the landscape area between the sidewalk and the dwelling units with ground cover, shrubs and bushes, and trees that highlight the project's entrance as well as enhance the exterior appearance along Fairview Street. The plant material for the

entrances shall be the type to inhibit graffiti such as vines and dense growing shrubs and bushes, and shall be maintained.

- f. All common landscape areas are the responsibility of the Homeowner's Association and this includes the landscaped area within the Fairview Street right-of-way.
48. Hours and days of construction and grading shall be as follows as set forth in the City of Garden Grove's Municipal Code Section 8.47.010 referred to as the County Noise Ordinance as adopted:
 - a. Monday through Saturday - not before 7 a.m. and not after 8 p.m. (of the same day).
 - b. Sunday and Federal Holidays may work same hours but subject to noise restrictions as stipulated in section 8.47.010 of the Municipal Code.
 49. The approvals are subject to a Development Agreement with the City of Garden Grove. This includes the payment of a Development Impact Mitigation Payment in accordance with City Council Ordinance.
 50. The developer/owner shall prepare Covenants, Conditions, and Restrictions (CC&R's) for review and approval by the City Attorney's office and Community Development Department prior to the issuance of building permits. The approved CC&R's shall be recorded at the same time that the subdivision map is recorded and two copies of the recorded CC&R's shall be provided to the Planning Division. The CC&R's shall include the following stipulations:
 - a. All units shall maintain within the garages, the ability to park two cars at all times. Garages shall not be converted to any other use.
 - b. There shall be no business activities, day care, or garage sales conducted within or from the garages.
 - c. Parking spaces in the garages shall be made available to the occupants of the unit at all times.
 - d. Residents shall not park or store vehicles anywhere on the site except within the designated parking spaces in the garages for their dwelling unit. However, the open parking spaces, located on the street, may be utilized by residents or guests for temporary parking. Any issues arising from the use, application, or restriction of such open parking spaces shall be at the resolve of the Homeowner's Association.
 - e. Best Management Practices shall be incorporated to detour and/or abate any graffiti vandalism throughout the project and the life of the project.

- f. Each residence shall be utilized as one (1) dwelling unit. No portion of any residence shall be utilized or rented as a separate dwelling unit. Each unit shall maintain no more than four (4) bedrooms, unless a third garage space is added.
- g. The CC&R's shall provide provisions for the tenants a means of contacting persons responsible for site maintenance, repairs, trash pick-up, and other related matters for a development of this type. This shall also include scheduling of maintenance of such items as the recreation area, landscape area maintenance, etc. This also includes ensuring tree overhangs do not block or hinder any vehicles such street sweepers, trash trucks, fire trucks, etc., from maneuvering around the cul-de-sac.
- h. Storage of boats, recreational vehicles, or commercial vehicles on the property is prohibited.
- i. The CC&R shall include stipulations that maintenance of the private drive aisles, open space areas, storm drain, and all sewer facilities other than the existing sewer facilities that currently cross through the property is the responsibility of the Homeowner's Association, including the common landscaped areas.
- j. The above stipulations shall not be modified without the approval of the City of Garden Grove. The CC&R's shall contain a provision that indicates CC&R's may not be terminated or substantially amended without the consent of the City.
- k. The CC&R's shall include language regarding Homeowner's Association responsibilities under National Pollutant Discharge Elimination System (NPDES) regulations.
- l. Each unit shall have a minimum of 100 cubic feet of storage space, which may be provided in the garage parking areas, and typical closet space within the unit shall not count toward this requirement.
- m. The following provisions shall be included within the CC&R's:
 - i. Enforcement: The City is hereby made a party to these Declarations solely for purposes of enforcing its provisions and the Conditions of Approval of Planned Unit Development No. PUD-124-10, Site Plan No. SP-455-10, and Tentative Tract Map No. TT-17353. The City, its agents, departments and employees shall have the unrestricted right and authority, but not the obligation, to enforce the provisions of these Declarations and the Conditions of Approval of Planned Unit Development No. PUD-124-10, Site Plan No. SP-455-10, and Tentative

Tract Map No. TT-17353. The City, its agents, departments and employees may further refuse to issue any building, electrical or plumbing permit that may be in violation of these Declarations or Planned Unit Development No. PUD-124-10, Site Plan No. SP-455-10, and Tentative Tract Map No. TT-17353 approvals. However, the City shall not be liable for failing or refusing to enforce the provisions of these Declarations or the Conditions of Approval of Planned Unit Development No. PUD-124-10, Site Plan No. SP-455-10, and Tentative Tract Map No. TT-17353.

- ii. Assessments: The City may levy special assessments against the properties in connection with its actions to enforce the conditions of these Declarations or Planned Unit Development No. PUD-124-10, Site Plan No. SP-455-10, and Tentative Tract Map No. TT-17353 approvals, or to abate the violation thereof. The City shall have the same power as the Association to levy special assessments pursuant to the provisions of [SECTION] of these Declarations in the event that it incurs expenses in the enforcement of the conditions of these Declarations or Planned Unit Development No. PUD-124-10, Site Plan No. SP-455-10, and Tentative Tract Map No. TT-17353 approvals. Notice of intention to make such assessment shall be mailed by the City to the Owner of each affected [LOT/UNIT] affording the Owner thirty (30) days' notice to satisfy or reimburse the City's expenditure. In the event of the failure of any Owner of any affected [LOT/UNIT] to reimburse the City within thirty (30) days, notice of such assessment shall be mailed by the City to said Owner, and said assessment shall thereafter be due as a separate debt to the City within thirty (30) days following the mailing of such notice. Any such delinquent assessment may be and may become a lien upon the interest of the defaulting Owner in the Lot upon the execution by the City and the recording in the Orange County Recorder's office of a notice of delinquent assessment under the same conditions that the Association could record the same pursuant to the provisions of [SECTION]. The City may foreclose on such notice of delinquent assessment in the same manner and with the same power as the Association could foreclose on such notice pursuant to the provisions of [SECTION]. It is the intent of Declarant, which intent shall be binding upon all of Declarant's successors in interest in the Properties, that the City shall be deemed an interest holder pursuant to the provisions of these Declarations in order to enforce the rights which have been given to the City generally in these Declarations and specifically pursuant to this Section.
- iii. Attorney Fees: The City shall be entitled to recover its attorney's fees incurred in connection with its actions to enforce the conditions of these Declarations or Planned Unit Development No. PUD-124-10, Site

Plan No. SP-455-10, and Tentative Tract Map No. TT-17353 approvals, or to abate the violation thereof.

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

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

- a. The facades of the units shall be designed with sound attenuation features including the use of dual pane windows and limiting, when possible, the use of windows and vents. These features shall be approved by the Community Development Department prior to the issuance of building permits.
- b. Prior to the finalization of working drawings for Planning Division, Engineering Division, and Building Division Plan Check, the developer shall submit to the Community Development Department detailed and dimensioned plot plans, floor plans, exterior elevations, and landscape plans which reflect the above conditions of approval. The plans shall indicate cross sections of all streets within the development, landscape materials, wall materials, and building materials proposed for the project. Each unit shall have phone jacks and cable-TV outlets in all rooms except the laundry area, hallways, and bathrooms. Mechanical equipment, including air conditioning units, Jacuzzi spa equipment, sump pump, etc., shall not be located closer than five feet of any side or rear property line and shall not be located in the front landscape setback. Air conditioning units may be placed adjacent to or in front of the dwelling units provided the location does not obstruct, impede, or hinder any vehicle traffic or pedestrian access to any unit.
- c. Should the developer elect to build the project in more than one phase, then a phasing plan shall be submitted to the Community Development Department prior to releasing units for model purposes. The phasing plan shall include, but not limited to, a site plan showing the phasing areas, protection of finished units, and protection for related safety issues concerning pedestrians and non-construction vehicles. The perimeter improvements including landscaping, walls, street improvements, and underground utilities, shall be completed in the first phase. The phasing plan shall be approved by the Community Development, Fire, and Public Works Departments prior to issuance of building permits.

52. Any new or required block walls and/or retaining wall(s) shall be shown on the grading plans. Block walls shall be developed to City Standards or designed by a Registered Engineer and shall be measured from on-site finished grade. The applicant shall provide the following:

- a. Decorative masonry walls are required along the entire project boundary property lines and shall be constructed to a maximum height of seven feet, as measured from highest point of finished grade on the project's side. These walls shall use split-face block with decorative caps, subject to Community Development Department's approval. The decorative masonry walls facing Fairview Street shall include decorative plasters and decorative caps.
 - b. The applicant shall work with the existing property owners along the project perimeter in designing and constructing the required perimeter block walls. This requirement is to avoid having double walls and minimize any impact that it might cause to the existing landscaping on the neighbor's side as much as possible. The perimeter block wall shall be constructed and situated entirely within the subject property. In the event that the applicant cannot obtain approval from the property owners, the applicant shall construct the new wall with a decorative cap to be placed between the new and existing walls. In the event the location of a new wall adjacent to an existing wall or fence has the potential to affect the landscape planter, then the Developer shall work with City Staff to address this situation.
53. Construction activities shall adhere to SCAQMD Rule 403 (Fugitive Dust) that includes dust minimization measures, the use of electricity from power poles rather than diesel or gasoline powered generators, and the use methanol, natural gas, propane or butane vehicles instead of gasoline or diesel powered equipment, where feasible. Also, the use of solar or low-emission water heaters, use low-sodium parking lot lights, and ensure compliance with Title 24.
 54. The common recreation area improvements shall be reviewed and approved by the Community Development Department, Planning Division prior to issuance of building permits. The common recreation area shall be completed at the time that the developer completes no more than 50 percent of the units (45 units). The improvements shall include, tot lot and general play area, benches, barbeque equipment, and related equipment and improvements. The area may be physically separated from the residential units on each side of the recreation area, with a combination block wall and/or wrought iron fencing around the perimeter.
 55. Building color and material samples shall be submitted to the Planning Division for review and approval prior to issuance of building permits. The buildings shall include multi-toned stuccoed exteriors, stone veneers, window and door trim, decorative paneled front doors, multi-paned windows, window boxes, shutters, paneled roll-up garage doors, decorative entry lights, and varied roof lines with tile roofing material.

56. The entry drive from Fairview Street shall have enhanced concrete treatment subject to Community Development Department's approval.
57. The recreation area shall be maintained for the life of the project and such maintenance provisions shall be included in the CC&R's. Satisfying this condition is subject to Community Development Department approval.
58. Decorative mailboxes shall be provided that include elements that are complimentary to the architectural style of the buildings. All on-site lighting and street signage shall be decorative. Final design of the mailboxes, street lighting and signage shall be reviewed and approved by the Planning Division prior to the issuance of building permits.
59. In the event any legal action or proceeding is filed against the City and/or applicant, seeking to attack, set aside, void or annul any of the Project entitlements, applicant shall have the right and obligation to either: (1) defend the City with legal counsel mutually selected by the applicant and the office of the City Attorney; legal fees shall be limited so as not to exceed \$250 per hour; or (2) request that the City rescind the entitlement approvals, in which case the applicant would have no obligation to defend or indemnify the City; however, applicant shall reimburse the City for any costs incurred or assessed against the City as a result of the filing of such legal action or proceeding, provided the City acts promptly to rescind the entitlements.

DRAFT MINUTE EXCERPT
GARDEN GROVE PLANNING COMMISSION

PUBLIC HEARING: NEGATIVE DECLARATION
PLANNED UNIT DEVELOPMENT NO. PUD-124-10
SITE PLAN NO. SP-455-10
TENTATIVE TRACT MAP NO. TT-17353
DEVELOPMENT AGREEMENT NO. DA-180-10
APPLICANT: BRANDYWINE HOMES
LOCATION: WEST SIDE OF FAIRVIEW STREET, SOUTH OF TRASK AVENUE AT 13531, 13551,
13581, AND 13585 FAIRVIEW STREET
DATE: MARCH 4, 2010

REQUEST: To rezone a 2.48-acre site from R-1 (Single-Family Residential) to Planned Unit Development for the allowance to create a 20-unit single-family residential small lot subdivision; a Site Plan to construct the 20 single-family homes with associated site improvements that include on-street parking and open space areas; and a Tentative Tract Map to create the 20-unit subdivision. A Development Agreement is also included.

Staff report was read and recommended approval with amendments to the conditions of approval.

Commissioner Bui referred Staff to the conditions of approval and asked for clarification of Item No. 40. Staff responded that a privately-owned water well would need to be abandoned for the project and there would be an agreement to this effect.

Commissioner Bonikowski asked why the water well should be abandoned. Staff replied that the well provides direct access to pollutants that travel down to our existing ground water supply, and that the well would be filled and capped to prevent this.

Chair Beard asked Staff to elaborate on the project's parking spaces. Staff explained that each home has a two-car garage with two guest spaces in each driveway, though only one guest space is counted. The remainder of spaces would be in the street.

Chair Beard asked Staff to clarify the location of the trash containers. Staff stated that the container condition would be removed, as the single-family homes would have their own trash receptacles.

Chair Beard asked Staff to describe the open space in the center of the plan. Staff explained that the area would be passive open space for benches or child's play.

Chair Beard asked if asbestos/termite abatement would be addressed for the demolition of the four existing homes. Staff replied yes, that those concerns are part of the demolition permit process.

Chair Beard asked if this project would include undergrounding of utilities. Staff responded that all on-site utilities would be underground and off-site would not be underground.

Chair Beard asked for clarification on the turn-a-round access. Staff replied that the main access is off of Fairview Street with the second access being the alley access to Avalon Street.

Chair Beard asked if a loft area of a home could be enclosed to form a bedroom. Staff explained that four bedrooms must be maintained and that if the loft became a fifth bedroom, a three-car garage would be required, which would not be possible. Staff added that the extra 100 square feet of storage space required would typically be located in the garage in the form of shelves and cabinets.

Chair Beard asked Staff to clarify the Development Agreement time frame. Staff replied that after four years, an extension could be requested, however, the permits and map are only good for two years, and that to extend the Development Agreement an additional ordinance would be required with actions by both the Planning Commission and City Council.

Chair Beard asked if the project could be a 'phased project'. Staff replied yes, however, phasing plans would be required for approval.

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

Mr. Jim Barisic, the applicant, approached the Commission and described the project and thanked Staff for the opportunity to develop in the City. He also mentioned that the agricultural well site needs to be abandoned as the well has not been in use for decades, and that there would be no cash obligation to the City.

Chair Beard asked Mr. Barisic if he had read and agreed with the conditions of approval. The applicant replied yes.

Commissioner Tran asked for the project's groundbreaking date. The applicant replied within 60-90 days with the sale models available by the first quarter of 2011. He added that the project would have two phases of development and be non-gated.

Commissioner Bui asked the applicant if neighbors had been contacted regarding the development. Mr. Barisic replied no, however, he has not heard from anyone either, though he will work with the neighbors regarding the perimeter walls. He also added that there were no trees currently on the property.

Ms. Verla Lambert approached the Commission and expressed her concerns regarding the access, the Trask Avenue widening due to traffic, the possible increase in traffic congestion, the high density, the number of bedrooms per unit, the left hand turn out of the project, the maintenance of the intersection's storm drain, and the open space area.

Chair Beard asked the applicant to clarify the owner/developer relationship. Mr. Barisic stated that Brandywine Homes is the builder and manager. He also mentioned that the traffic congestion would be nominal, and that the traffic making left and right turns would actually be split evenly.

Commissioner Cabral asked the applicant if the Homeowner's Association would be responsible for maintaining the outer perimeter wall regarding graffiti. Mr. Barisic replied yes, as well as the landscaping.

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

Commissioner Tran asked Staff to further clarify the traffic impact. Staff replied that the increase was not substantial enough to warrant a traffic study.

Chair Beard asked for clarification of the sewer capacity. Staff responded that sewer details were addressed on the plans.

Commissioner Tran noted that left hand turns onto Fairview Street are difficult and dangerous. Staff responded that the majority of traffic in the area is caused by people from Santa Ana who are waiting to get on the freeway; and that there will be efforts to make the left hand turn as pleasant as possible.

Chair Beard expressed that the project is beyond the code requirements and would be an improvement. Commissioner Bui agreed adding that jobs would be brought to the community.

Staff added that an additional six to eight units would be removed in the area along with at least four units on the subject site, leaving a net gain of eight to ten dwelling units in the area for a minimal traffic impact.

Chair Beard moved to recommend adoption of the Negative Declaration and approval of Planned Unit Development No. PUD-124-10 and Development Agreement No. DA-180-10 to City Council, and to approve Site Plan No. SP-455-10 and Tentative Tract Map No. TT-17353, with amendments, seconded by Commissioner Bonikowski, pursuant to the facts and reasons contained in Resolution Nos. 5708 (PUD/DA) and 5709 (SP/TT). The motion received the following vote:

AYES:	COMMISSIONERS:	BEARD, BONIKOWSKI, BUI, CABRAL, TRAN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	ELLSWORTH
VACANCY:	COMMISSIONERS:	ONE

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING A NEGATIVE DECLARATION AND APPROVING PLANNED UNIT DEVELOPMENT NO. PUD-124-10, CHANGING THE ZONING DESIGNATION FROM R-1 (SINGLE-FAMILY RESIDENTIAL) TO PLANNED UNIT DEVELOPMENT NO. PUD-124-10

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE FINDS AND DETERMINES AS FOLLOWS:

WHEREAS, the case, initiated by Brandywine Homes, proposes to rezone approximately 2.48 acres of land zoned R-1 (Single-Family Residential) to the Planned Unit Development zone in order to facilitate development of the site with a twenty (20) unit single-family residential small-lot subdivision located on the west side of Fairview Street, south of Trask Avenue, at 13531, 13551, 13581, and 13585 Fairview Street, Garden Grove, Parcel Nos. 101-652-04, 05, 06, and 11;

WHEREAS, the Planning Commission, at a Public Hearing held on March 4, 2010, recommended adoption of a Negative Declaration of Environmental Impact pursuant to the California Environmental Quality Act for this project for Planned Unit Development No. PUD-124-10 and Development Agreement No. DA-180-10;

WHEREAS, pursuant to Resolution No. 5708, the Planning Commission, at a Public Hearing held on March 4, 2010, recommended approval of Planned Unit Development No. PUD-124-10;

WHEREAS, pursuant to a legal notice, a Public Hearing was held by the City Council on April 13, 2010, and all interested persons were given an opportunity to be heard; and

WHEREAS, the City Council of the City of Garden Grove, in regular session assembled on April 13, 2010, does hereby adopt a Negative Declaration for land located on the west side of Fairview Street, south of Trask Avenue, at 13531, 13551, 13581, and 13585 Fairview Street, Garden Grove, Parcel Nos. 101-652-04, 05, 06, and 11.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Garden Grove has considered the proposed Negative Declaration together with comments received during the public review process. The record of proceedings on which the City Council of the City of Garden Grove 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 City Council of the City of Garden Grove finds on the basis of the whole record before it, including the initial study and

comments received, that there is no substantial evidence that the project will have a significant effect on the environment. The City Council further finds that the adoption of the Negative Declaration reflects the City Council's independent judgment and analysis. Therefore, the City Council of the City of Garden Grove adopts the Negative Declaration.

Section 2. Planned Unit Development No. PUD-124-10 is hereby approved pursuant to the facts and reasons stated in Planning Commission Resolution No. 5708, 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-124-10 zone as shown thereon. Zone Map part T-15 is amended accordingly.

Section 3. Severability. If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words, or portions thereof be declared invalid or unconstitutional.

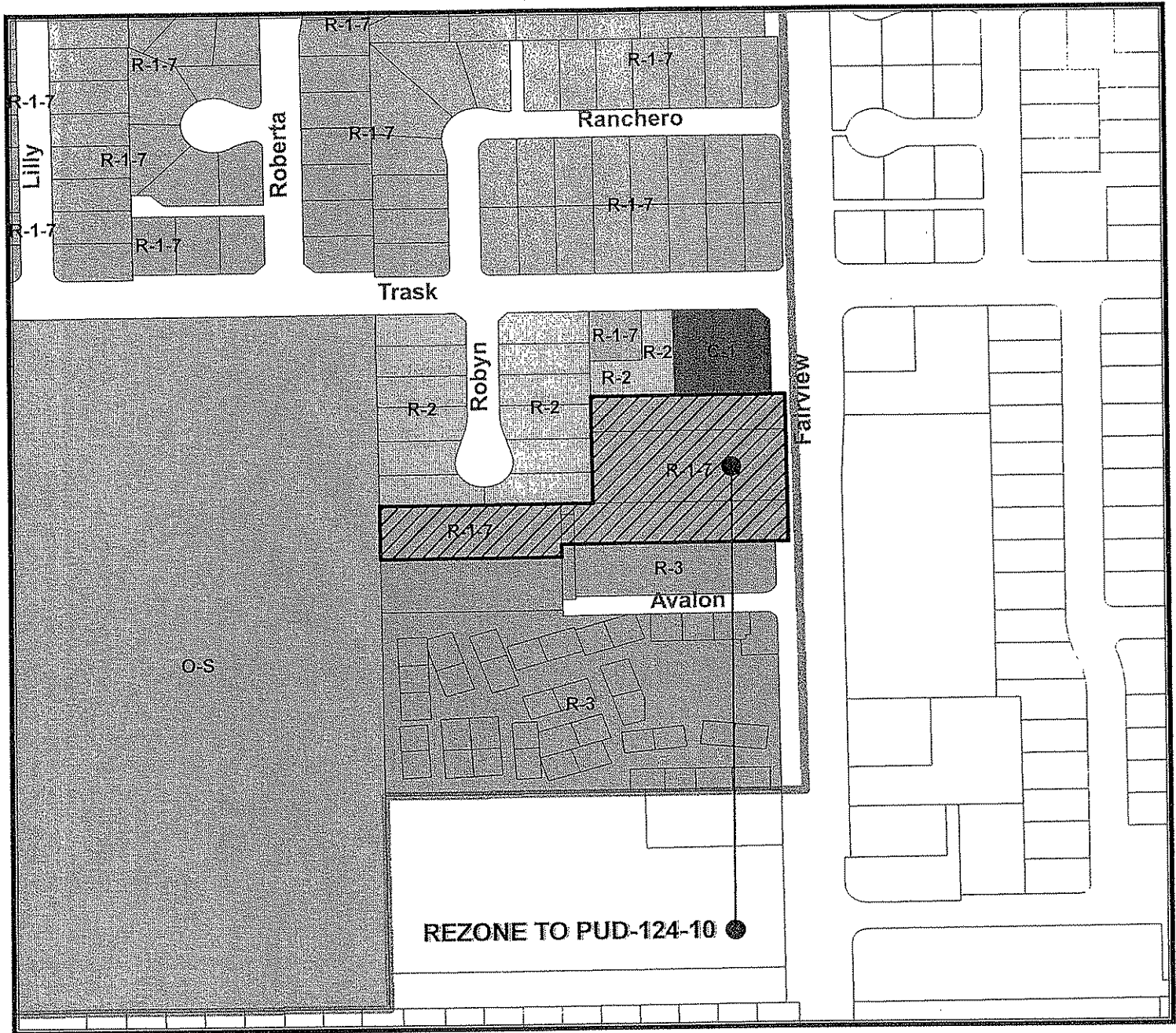
Section 4. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after adoption.





GARDEN GROVE

PLANNED UNIT DEVELOPMENT NO. PUD-124-10

REZONE FROM R-1 TO PUD-124-10



LEGEND

-  PROJECT SITE - 13531,13551,13581, and 13585 FAIRVIEW ST.
-  500 FOOT RADIUS

NOTES

1. GENERAL PLAN: LOW DENSITY RESIDENTIAL
2. EXISTING ZONE: R-1 (SINGLE-FAMILY RESIDENTIAL)
3. PROPOSED ZONE: PUD-124-10



CITY OF GARDEN GROVE
 COMMUNITY DEVELOPMENT DEPARTMENT
 PLANNING DIVISION
 GIS SYSTEM
 APRIL 2010

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING A NEGATIVE DECLARATION AND ADOPTING DEVELOPMENT AGREEMENT NO. DA-180-10 BETWEEN BRANDYWINE HOMES (DEVELOPER), AND THE CITY OF GARDEN GROVE

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE FINDS AND DETERMINES AS FOLLOWS:

WHEREAS, pursuant to Resolution No. 5708, the Planning Commission, at a Public Hearing held on March 4, 2010, recommended approval of Development Agreement No. DA-180-10 between Brandywine Homes and the City of Garden Grove;

WHEREAS, pursuant to a legal notice, a Public Hearing was held by the City Council on April 13, 2010, and all interested persons were given an opportunity to be heard.

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES ORDAIN AS FOLLOWS: The City Council of the City of Garden Grove has considered the proposed Negative Declaration together with comments received during the public review process. The record of proceedings on which the City Council of the City of Garden Grove 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 City Council of the City of Garden Grove finds on the basis of the whole record before it, including the initial study and comments received, that there is no substantial evidence that the project will have a significant effect on the environment. The City Council further finds that the adoption of the Negative Declaration reflects the City Council's independent judgment and analysis. Therefore, the City Council of the City of Garden Grove, in regular session assembled on April 13, 2010, does hereby adopt a Negative Declaration for property located on the west side of Fairview Street, south of Trask Avenue, at 13531, 13551, 13581, and 13585 Fairview Street, Garden Grove, Parcel Nos. 101-52-04, 05, 06, and 11.

Section 1. A Development Agreement is hereby adopted for Site Plan No. SP-455-10 and Tentative Tract Map No. TT-17353 for property located on the west side of Fairview Street, south of Trask Avenue, at 13531, 13551, 13581, and 13585 Fairview Street, Garden Grove, Parcel Nos. 101-652-04, 05, 06, and 11. A copy of Development Agreement No. DA-180-10 is on file in the City Clerk's Office.

Section 2. Severability. If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this

Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words, or portions thereof be declared invalid or unconstitutional.

Section 3. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after adoption.

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 NO. DA-180-10

SP-455-10 and TT-17353
(Brandywine Homes)

THIS AGREEMENT is made this ____ day of _____, 2010, by the CITY OF GARDEN GROVE, a municipal corporation ("CITY"), and Brandywine Homes (DEVELOPER).

RECITALS

The following recitals are a substantive part of this Agreement:

- A. The CITY and DEVELOPER desire to enter into this DEVELOPMENT AGREEMENT for the construction of a small-lot single-family residential project consisting of twenty (20) single-family dwelling units to be constructed on a 2.48-acre site and related improvements (the "PROJECT") on that certain real property located on the west side of Fairview Street, south of Trask Avenue, at 13531, 13551, 13581, and 13585 Fairview Street, Parcel Nos. 101-652-04, 05, 06, & 11.
- B. The Planning Commission approved Site Plan No. SP-455-10 and Tentative Tract Map No. TT-17353, for the PROJECT, on March 4, 2010, subject to this Development Agreement.

- C. The CITY and DEVELOPER 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. DEVELOPER has an equitable interest in the PROPERTY.

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. Renewals shall not unreasonably be withheld.
2. Permitted Uses/Land Use Entitlements. The following uses are permitted on the PROPERTY: The project consists of twenty (20) two-story, single-family residential units. The project will consist of two different floor plans. Plan 1 is a 1,628 square foot, 3 bedroom 2 ½ bathroom home and Plan 2 is a 2,139 square foot, 4 bedroom, 3 bathroom home. The development also will include both passive and active open space areas. The PROJECT has been granted the following land use entitlements: Site Plan No. SP-455-10 and Tentative Tract Map No. TT-17353. The Development is processed in conjunction with a zone change to Planned Unit Development No. PUD-124-10. The PUD is subject to the development standards of the City's Small Lot Subdivision Ordinance (Section 9.12.40.060; Special Requirements-Small Lot Subdivisions of Title 9 of the City's Municipal Code) and the base zoning and R-2 (Limited Multiple Residential).
3. Density/Intensity. The density or intensity of the PROJECT is as follows: single-family residential small lot subdivision consisting of twenty (20) single-family homes with related improvements on a 2.48-acre site.
4. Maximum Height and Building Size. The maximum height and building sizes are as follows: The maximum building height shall be two stories with an overall height not to exceed 30 feet and the homes range in size from 1,628 to 2,139 square feet, as indicated on the site plan and elevations.

covenant, term, or condition contained herein shall not be construed as a waiver of any subsequent breach of the same covenant, term, or condition.

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: _____

"DEVELOPER"
BRANDYWINE HOMES

By: _____

Its: _____

Date: _____

(Signature must be notarized.)

APPROVED AS TO FORM:



Garden Grove City Attorney

Date: 4/7/10

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

5. Reservation or Dedication. The reservation of easements or dedication of property to the City to allow the construction of the proposed residential development shall be as shown on and/or conditioned in the approved Site Plan No. SP-455-10 and Tentative Tract Map No. TT-17353.
6. Improvements. The improvements described in Planning Commission Resolution No. 5709 shall be constructed prior to the occupancy of the proposed development or the issuance of any certificate of occupancy for any unit of the development, all in accordance with the terms and conditions of Site Plan No. SP-455-10 and Tentative Tract Map No. TT-17353.
7. Scope of PROJECT. The PROJECT shall consist of a single-family residential small-lot subdivision consisting of twenty (20) two-story single-family homes with related improvements.
8. Resolution/Material Terms. All conditions of approval as per Resolution No. 5709 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 Payment. DEVELOPER shall pay a development agreement payment to the CITY as follows:
 - 9.1 Amount. \$750 per unit and shall be paid prior to building permit finals and issuance of any certificates of occupancy.
 - 9.2 Amount. 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 building permit finals and issuance of any certificates of occupancy.
 - 9.3 Not to Exceed. Payment under this Agreement shall not exceed \$38,320.
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 of \$38,320 shall be due and payable prior to building permit finals and issuance of any certificates of occupancy 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 DEVELOPER'S performance every twelve (12) months at the anniversary of the adoption of this Agreement. DEVELOPER 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 DEVELOPER 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, DEVELOPER 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. DEVELOPER acknowledges that it shall comply with all CITY requirements for applications and permits that apply to the PROJECT and the PROPERTY on or before of the Commencement Date and that this Agreement does not relieve DEVELOPER 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. 5709 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 DEVELOPER, or any obligation under the terms of this Agreement.

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”
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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 DEVELOPER is as follows:
Brandywine Homes
16580 Aston, Suite 240
Irvine, CA 92606
Attn: James Barisic
- 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 DEVELOPER's proposal, as modified by Planning Commission and City Council, including all conditions of approval contained in Planning Commission Resolution No. 5709, 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, DEVELOPER 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. DEVELOPER agrees 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 DEVELOPER, DEVELOPER'S agents, officers or employees, subcontractors hired by DEVELOPER.
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 DEVELOPER.

26. Recordation. The City Clerk shall cause this Agreement to be recorded against the PROPERTY when DEVELOPER or its 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 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 costs of 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