

City of Garden Grove

**INTER-DEPARTMENT MEMORANDUM**

To:	Matthew Fertal	From:	Susan Emery	
Dept:	City Manager	Dept:	Community Development	
Subject:	CONSIDERATION OF A NEGATIVE DECLARATION, PLANNED UNIT DEVELOPMENT NO. PUD-125-10 AND DEVELOPMENT AGREEMENT NO. DA-181-10		Date:	August 10, 2010

OBJECTIVE

To transmit a Planning Commission recommendation for approval to rezone a 3-acre site from CCSP-CC43 (Community Center Specific Plan-Community Commercial District) to Planned Unit Development Residential for the allowance to create a 53-unit townhouse, multi-family residential subdivision with a Development Agreement.

BACKGROUND

The subject property is a vacant site that is located on the northwest corner of Taft Street and Century Boulevard with a land area of 3-acres and a net developable area of approximately 2.67 acres. The site has a General Plan Land Use designation of Civic Institution and Residential/Commercial Mixed Use 1 and is zoned CCSP-CC43 (Community Center Specific Plan-Community Commercial District). The site was previously developed with ten single-family homes and a commercial building. The properties to the north, east, and west are zoned CCSP-CC43 (Community Center Specific Plan-Community Commercial District) and are developed commercially. The properties to the south, across Century Boulevard, are zoned CCSP-CC42 (Community Center Specific Plan-Community Commercial District) and are developed with both commercial and residential uses.

The applicant is proposing to construct a 53-unit townhouse development. The townhomes will be three stories high with attached garages and will range in size from 1,691 square feet to 2,259 square feet. The homes will maintain a contemporary architectural style, exhibiting stucco exteriors, recessed multi-paned windows, building pop-outs, balconies with decorative metal mesh railings, recessed entries, decorative metal flat awnings, and decorative parapet cap treatments.

The site's main point of access will be from Century Boulevard with a secondary access from an alleyway that is located along the northerly side of the project. The alley will provide direct access to the garages that face the alley, as well as to Taft Street. The homes will be serviced by a 25-foot wide private road. A total of 143

parking spaces are being provided, which exceed the Code's minimum parking requirement by 23 spaces.

Open space for the development will be comprised of a network of passive open space areas within the interior of the site along with private patio areas in the form of balconies and front porch areas. Additionally, in order to provide the Code required open space area, create some active open space, and meet the General Plan's policies that encourage the creation of both private and public open spaces, the applicant has provided an urban trail on the outside boundaries of the project, along Taft Street and Century Boulevard that will connect to the project's interior open space network. The urban trail will provide distance markers, lighting, and landscaping that will foster a more active open space area. The distance markers and lighting, along with decorative paving, will be continued within the project boundaries. It is the intent that the trail will eventually connect with other open space areas within the area.

At their July 1, 2010, public hearing, the Planning Commission approved Site Plan No. SP-457-10 and Tentative Tract Map No. TT-17369, and recommended that City Council adopt the negative declaration and approve the subject Planned Unit Development No. PUD-125-10 and Development Agreement No. DA-181-10. With the exception of the applicant and his representative, no one from the public spoke regarding the project.

## 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. In order for the project to move forward, the zoning of the property is required to be changed from CCSP-CC43 (Community Center Specific Plan-Community Commercial District) to Planned Unit Development, since the Community Commercial District of the Specific Plan does not permit the construction of multi-family residential development. However, it should be noted that the City's General Plan Land Use Designation would allow the development of higher density residential, such as the subject project. The General Plan also allows for residential/commercial mixed use developments in both a vertical and horizontal configuration. Since the subject property's zoning is not consistent with the property's General Plan Land Use Designation, the only way for the project to be implemented is to change the zoning to Planned Unit Development.

Additionally, 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 what could be achieved through traditional zoning. City Code requires that residential Planned Unit Developments that are not single-family residential small-lot subdivisions require a minimum of three-acres. The site's total gross area is three acres, which in part, encumbers an urban trail that is part of the

required open space for the project, along with an alley that is part of the required access to the unit's garages and the interior of the site for ingress and egress. After subtracting the area for the urban trail, the net developable area for the residential development is approximately 2.67 acres. By changing the zoning designation to PUD it will bring the property into conformance with the General Plan, which is required by State law, and it will also meet the goals of the General Plan by allowing development of a high density residential project in an area that has been identified for both residential and commercial development.

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 \$101,548. Payment will be paid incrementally at the time that the certificate of occupancy is issued for each building.

FINANCIAL IMPACTS

None.

RECOMMENDATION

It is recommended that the City Council:

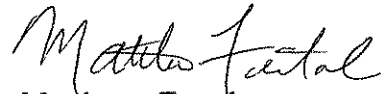
- Introduce and conduct the first reading of attached ordinances regarding Planned Unit Development No. PUD-125-10 and Development Agreement No. DA-181-10 including the adoption of a Negative Declaration.



SUSAN EMERY  
Community Development Director

By:   
Lee Marino  
Senior Planner

**Approved for Agenda Listing**

  
**Matthew Fertal**  
City Manager

- Attachment 1: Planning Commission Staff Reports dated June 17, 2010 and July 1, 2010
- Attachment 2: Planning Commission Resolution Nos. 5714 and 5715 with Exhibit "A" Conditions of Approval
- Attachment 3: Planning Commission Minute Excerpt of June 17, 2010 and Draft Planning Commission Minute Excerpt of July 1, 2010
- Attachment 4: Draft City Council Ordinance for Planned Unit Development No. PUD-125-10
- Attachment 5: Draft City Council Ordinance for Development Agreement No. DA-181-10

# COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> C.1.	<b>SITE LOCATION:</b> Northwest corner of Taft Street and Century Boulevard at 13031, 13035, 13051, 13061, 13063, 13081 Taft Street, 13082 Century Boulevard, and 10671, 10681, 10691 Walnut Street.
<b>HEARING DATE:</b> June 17, 2010	<b>GENERAL PLAN:</b> Civic Institution and Residential/Commercial Mixed Use 1
<b>CASE NOS.:</b> Planned Unit Development No. PUD-125-10, Site Plan No. SP-457-10, Tentative Tract Map No. TT-17369, and Development Agreement No. DA-181-10	<b>EXISTING ZONE:</b> CCSP-CC43 (Community Center Specific Plan-Community Commercial District) <b>PROPOSED ZONE:</b> Planned Unit Development No. PUD-125-10
<b>APPLICANT:</b> Brandywine Homes	<b>APN:</b> 099-091-20, 21, 22, 23, 24, 25, 26, & 31; 099-092-01, 02, 04, 05, & 06
<b>PROPERTY OWNER:</b> Garden Grove Agency for Community Development	<b>CEQA DETERMINATION:</b> Negative Declaration

**REQUEST:**

A request to rezone a 2.67 acre site from CCSP-CC43 (Community Center Specific Plan-Community Commercial District) to Planned Unit Development Residential for the allowance to create a 53-unit townhouse multi-family residential subdivision; a Site Plan to construct the 53-townhomes with associated site improvements that include parking, open space, and an urban trail; and a Tentative Tract Map to create the one-lot subdivision for the purpose of selling each townhome as a condominium. A Development Agreement is also proposed.

**DISCUSSION:**

Staff is requesting a continuance of the subject request to the July 1, 2010 Planning Commission meeting to allow time to re-publish a correct public hearing notice. The notice was inadvertently sent out with the wrong site acreage. The site is a three-acre site that includes a net developable area of 2.67 acres with the remainder of the site developed with an urban trail.

**RECOMMENDATION:**

Staff recommends that the Planning Commission continue Planned Unit Development No. PUD-125-10, Site Plan No. SP-457-10, Tentative Tract Map No. TT-17369, and Development Agreement No. DA-181-10 to the July 1, 2010 Planning Commission meeting.



Karl Hill  
Planning Services Manager



By: Lee Marino  
Senior Planner

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**PROJECT STATISTICS:**

	<u>Provided</u>	<u>Code</u>
<u>Lot Size:</u>	3 acres*	3 acres
<u>Density:</u>	19.8 units/acre	42 units/acre
<u>Parking:</u>		
Enclosed Garage	118	106
Open/Guest	<u>25</u>	<u>14</u>
Total	143 spaces	120 spaces

\*2.67 acres are identified for residential construction; the remainder of the site will be used for the urban trail.

Common Open Space: 28,000 sq.ft.                      15,900 sq.ft.

Building Height:                      32'-0" \*                      30'-0"

\*Tower Element height is 37'-1"

<u>Building Type Summary</u>	<u>Number of Bedrooms/Baths</u>	<u>Unit Size</u>	<u>Total Units</u>
Plan 1	3 bed, 3 ½ bath	1,691 sq.ft.	14
Plan 2	3 bed, 2 ½ bath	1,738 sq.ft.	12
Plan 3	4 bed, 3 ½ bath	1,945 sq.ft.	26
Plan 4	4 bed, 3 ½ bath	2,259 sq.ft.	<u>1</u>
Total Units			53

**BACKGROUND:**

The subject property is an irregular shaped site consisting of thirteen properties located on the northwest corner of Taft Street and Century Boulevard, as well as an area that is encumbered for an urban trail and alleyway improvements. Combined, the site maintains three acres.

The site has a General Plan of Civic Institution and Residential/Commercial Mixed Use 1 and is zoned CCSP-CC43 (Community Center Specific Plan-Community Commercial District). The site is vacant, but had been previously developed with ten single-family homes and a commercial building.

The properties to the north are zoned CCSP-CC43 (Community Center Specific Plan-Community Commercial District) and are developed commercially. The property to the east, across Taft Street, is zoned CCSP-CC43 and is developed with Costco. The properties to the south, across Century Boulevard, are zoned CCSP-CC42 (Community Center Specific Plan-Community Commercial District) and are developed with both commercial and residential uses. The properties to the west are zoned CCSP-CC43 and are developed commercially.

**DISCUSSION:**

**ZONE CHANGE:**

The General Plan Land Use designation for this site is Civic Institution and Residential/Commercial Mixed Use 1. The zoning of the property is CCSP-CC43, which does not permit the construction of the proposed multi-family residential development. However, it should be noted that the General Plan Land Use designation would allow the development of higher density residential, such as the proposed development. The General Plan also allows for residential/commercial mixed use developments in both a vertical and horizontal configuration.

The applicant is proposing to change the zoning designation of the property to Planned Unit Development Residential in order to develop the site with 53 townhomes. Although, the City's General Plan Land Use Designation for the site allows the development of high-density residential projects, including residential/

commercial mixed-use, the zoning does not. In August of 2008, the City approved the current General Plan, which calls for the establishment of new mixed-use zones along with the creation of development standards for the mixed-use zones. Since the subject property's zoning is not consistent with the property's General Plan Land Use designation, the only way for the project to be implemented is to change the zoning of the property to Planned Unit Development. It should be noted that while the proposed project is not a typical mixed-use project with both commercial and residential on the same site, it is consistent to General Plan's allowance of horizontal mixed use projects, since the project is located within an area that has commercial uses that are immediately adjacent to the subject site, thereby meeting the General Plan's goal of creating an area that maintains both commercial and residential projects within the same neighborhood.

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. City Code requires that residential Planned Unit Developments that are not single-family residential small lot subdivisions require a minimum of three-acres. The site's total gross area is three acres, which in part encumbers an urban trail that is part of the required open space for the project, along with an alley that is part of the required access to the unit's garages and the interior of the site for ingress and egress. After subtracting the area for the urban trail, the net developable area for the residential development is approximately 2.67 acres. Changing the zoning of the property to a residential Planned Unit Development will bring the zoning of the property into conformance with the City's General Plan, which is required by state law and will also meet the goals of the General Plan by allowing the development of a high density residential project in an area that has been identified for both commercial and residential development in both a vertical and horizontal mix.

#### SITE PLAN:

The project consists of 53, three-story townhomes. The site's main point of vehicular ingress and egress is from Century Boulevard with a secondary access from the alleyway that is located along the northerly boundary of the development. The alley way provides access to the garages of the units that face the alley and provides access to Taft Street. The main entry into the site will be enhanced with decorative paving and decorative walls with the developments name on either side of the entry. The homes will be serviced by a 25-foot wide interior private road with an emergency vehicle access located toward the south end of the project that provides direct emergency access to Taft Street. A total of 25 open guest parking spaces will be provided through out the development.

While each home will have small private patio areas in the form of front porch areas and second and third-story balconies, the plans show a network of passive open space areas within the interior of the site. Additionally, in order to provide the Code required common open space area, create some active open space area, and meet the General Plan's policies that encourage the creation of both private and public open spaces, the applicant has provided an urban trail on the outside boundaries of

the project, along Taft Street and Century Boulevard, that will connect to the project's interior open space network. The urban trail will provide distance markers and lighting that will foster a more active open space area that will eventually connect with other open space areas within the area. The landscaping within the urban trail will include low shrubs, ground covers, palm trees, and canopy trees on both sides of the trail. The urban trail will also connect with the open space within the interior of the development, with the markers and lighting, along with some decorative paving being continued within the project boundaries.

Total open space provided for the development, including the urban trail will total 28,000 square feet, which is above the Code's open space requirement for the development of 15,900 square feet. The private balconies have not been included within the total open space calculations. The private patio area will add an additional 8,864 square feet to the total open space for the project. The private patio open space areas were not included within the total open space area calculation because the majority of the balconies do not meet the minimum dimension and/or area requirements. With the exception of Plan 4, the patio areas range in size from 42 square feet to 80 square feet. Plan 4's patio areas range in size from 74 square feet to 104 square feet. The minimum Code required size for patios on the first floor is 100 square feet with a minimum dimension of 9-feet, on the second floor the minimum size is 90 square feet with a minimum dimension of 9-feet.; and on the third floor the minimum patio size is 49 square feet with a minimum dimension of 7-feet.

### Parking

The project provides a total of 143 parking spaces, which exceeds the Code's parking requirement by 23 spaces. The parking is provided as follows: 118 enclosed garaged parking spaces (12 of which are tandem) and 25 open guest parking spaces dispersed through out the development.

### Perimeter Walls and Landscaping

The project will not have any perimeter walls along the alley or the street frontages since the homes along the street frontages will have entries that face the street, and the homes along the alley will have garages that maintain direct access to the alley. A development wall is proposed to be located along the site's westerly property line in order to separate the proposed townhomes from the adjacent commercial uses. This wall will be a minimum of 6-foot high from finished grade. In addition, a metal fence with stucco pilasters and vines is proposed between the buildings along Taft Street.

Landscaping along the street frontages, within the area identified as the urban trail, will include a variety of drought tolerant plants that includes shrubs, ground covers, palm trees and canopy trees. An enhanced corner treatment has been provided at the corner of Taft Street and Century Boulevard that includes a water feature surrounded by an 18-inch high wall on the front and sides and a 5-foot high wall at the rear of the feature along with an 8-foot high decorative wood trellis with flowering vines. The interior of the site will maintain the same planting palette as



the exterior of the project and will continue the urban trail idea that is on the perimeter of the project. A common area with a fountain and decorative paving has been provided directly across the main entry to the project. This will become the focal point of the entry and will provide a passive common open space area for residents. The Homeowner's Association will maintain all landscape areas, which will be installed by the developer, including the landscaping within the urban trail that is partially within the public right-of-way.

### Unit Design

The project consists of 53, three-story townhomes with four different floor plans. Each townhome will have an attached enclosed garage. Plan 1 is 1,691 square feet and provides an entry, bedroom with private bathroom, and a two-car garage on the first floor; a great room, kitchen, powder room, and balcony on the second floor; and two bedrooms, two bathrooms, and laundry facility on the third floor. Plan 2 is 1,738 square feet and provides an entry patio and three-car garage (one space being tandem) on the first floor; a great room, kitchen, powder room, laundry facility, and balcony on the second floor; and three bedrooms and two bathrooms on the third floor. Plan 3 is 1,945 square feet and provides an entry, bedroom with private bathroom, entry patio, and two-car garage on the first floor; a great room, kitchen, powder room, laundry facility, and balcony on the second floor; and three bedrooms, two bathrooms, and a balcony on the third floor. Plan 4 is 2,259 square feet and provides an entry, bedroom with private bathroom, patio, and two-car garage on the first floor; a great room, kitchen den, powder room, and two balconies on the second floor; and three bedrooms, two bathrooms, laundry facility, and balcony on the third floor.

### Building Architecture

The designs of the homes are contemporary in style, exhibiting stucco exteriors with reveal lines, 2-inch recessed multi-paned windows, 5-foot deep building pop-outs, balconies with decorative metal mesh railings, recessed entries on some units, decorative metal flat awnings over non-recessed entries, decorative lights at the entries to the homes, and decorative parapet cap treatments on the taller portions of the building that project approximately 2-feet from the building wall. The color of the buildings will be varied to provide additional interest.

### 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 a one-lot subdivision for the purpose of selling each unit as a condominium. 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

CASE NOS. PUD-125-10, SP-457-10, TT-17369, & DA-181-10

City will receive from the developer a development agreement fee not to exceed \$101,548. 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:

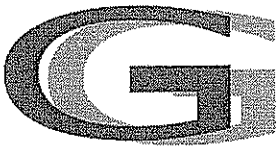
1. Adopt the Negative Declaration;
2. Approve Site Plan No. SP-457-10 and Tentative Tract Map No. TT-17369, subject to the recommended Conditions of Approval; and,
3. Recommend adoption of a Negative Declaration and approval of Planned Unit Development No. PUD-125-10 and Development Agreement No. DA-181-10 to the City Council.



Karl Hill  
Planning Services Manager

By: Lee Marino   
Senior Planner

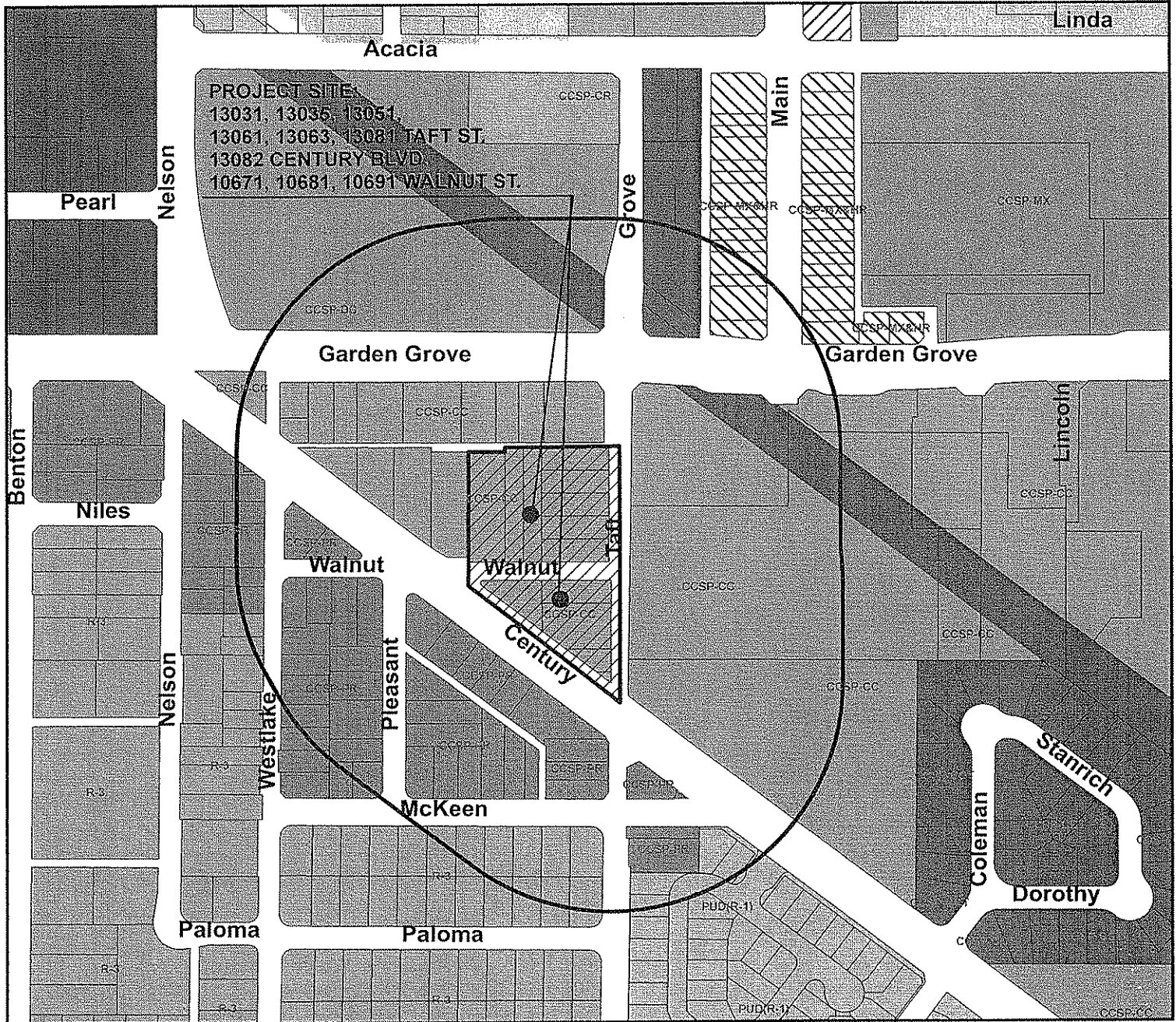
PUD-125-10SR




# PLANNED UNIT DEVELOPMENT NO. PUD-125-10


GARDEN GROVE

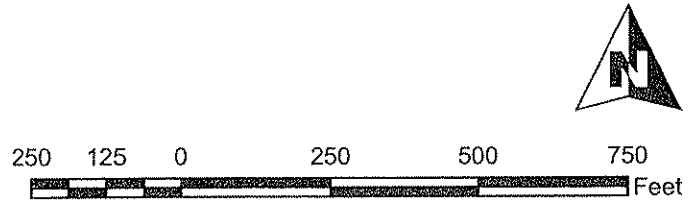
SP-457-10, TT-17369, DA-181-10



## LEGEND

 PROJECT SITE:  
13031, 13035, 13051, 13061, 13063, 13081 TAFT ST.  
13082 CENTURY BLVD.  
10671, 10681, 10691 WALNUT ST.

 500 FEET RADIUS



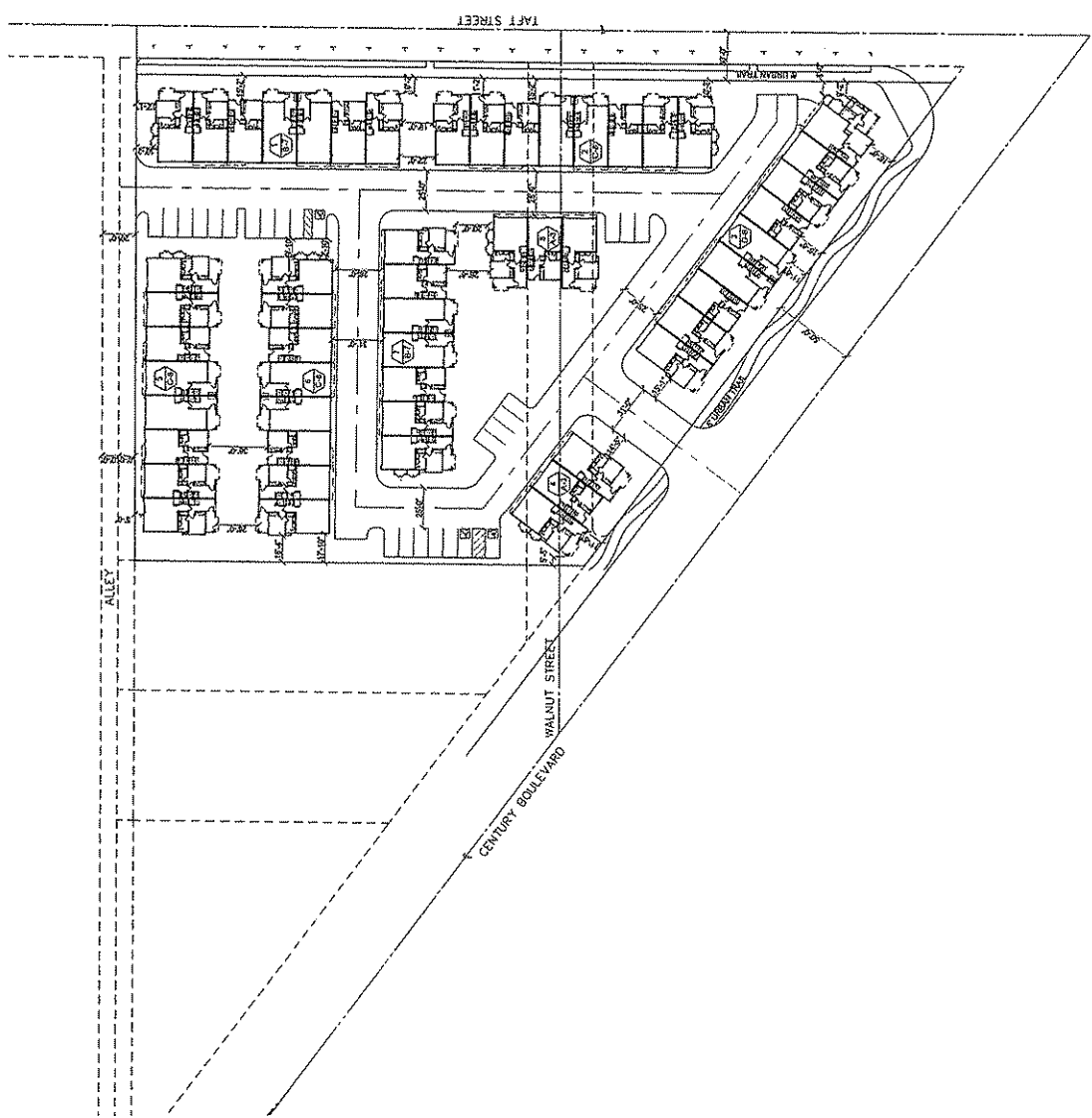
## NOTES

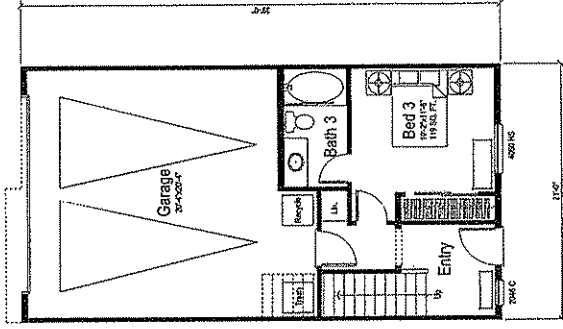
1. GENERAL PLAN: CIVIC INSTITUTION AND RESIDENTIAL/COMMERCIAL MIXES USE I
2. ZONE: CCSP-CC43 (Community Center Specific Plan-Community Commercial District)

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

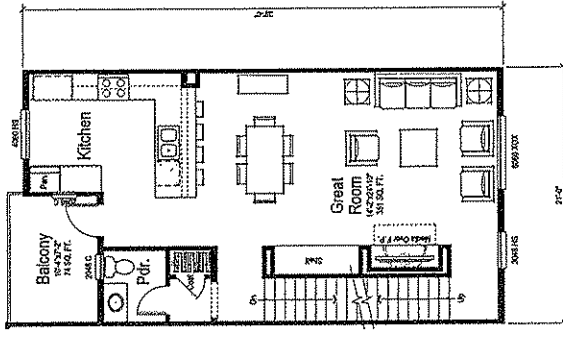


PROJECT SUMMARY			
GROSS SITE AREA: 2.77 ACRES (60,000 sq ft) NET BUILDING FOOTPRINT: 10,000 sq ft DENSITY: 360 UNITS PER ACRE			
PLAN SUMMARY			
PLAN	TYPE	AREA	PERCENT
PLAN 1	3 BR/1.5 BA	41,001 SF	11
PLAN 2	3 BR/2 BA	53,785 SF	12
PLAN 3	4 BR/2 BA	62,258 SF	14
PLAN 4	4 BR/1.5 BA	42,258 SF	10
TOTAL		100,302 SF	27
PARKING SUMMARY			
PARKING PROVIDED: 100 (10' STANDARD) PRIVATE GARAGES: 100 (10' STANDARD) TOTAL PARKING PROVIDED: 200 (20,000 sq ft)			
ACCESSIBLE PARKING SPACES PROVIDED: 3 ON-STREET PARKING ON TAFT STREET: 20			
OPEN SPACE SUMMARY			
OPEN SPACE RESERVED: 10,000 sq ft TOTAL PARKING OPEN SPACE: 10,000 sq ft OPEN SPACE PROVIDED: 10,000 sq ft (100% OF RESERVED) * URBAN TRAIL PROVIDED IN PLACE OF 10% USABLE OPEN SPACE			

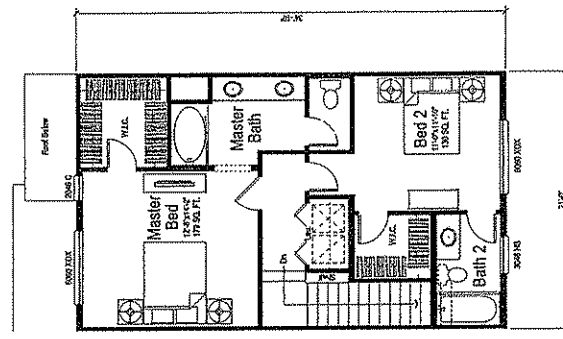




First Floor  
 344 SQ. FT. Net



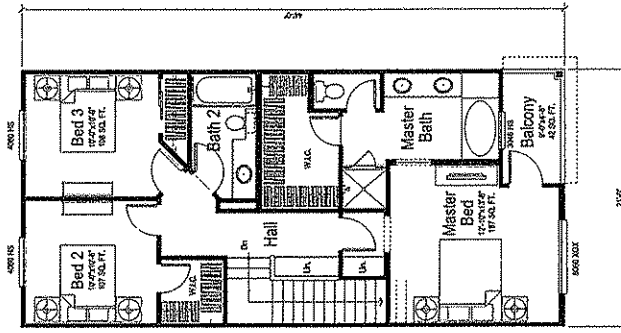
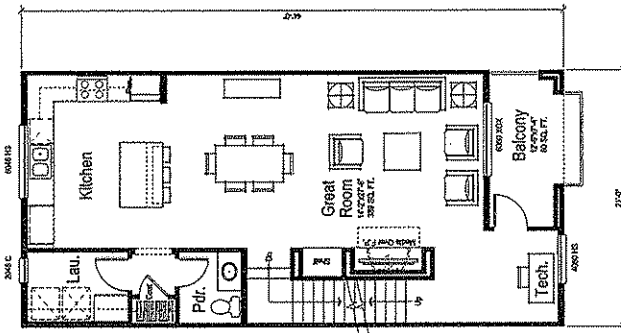
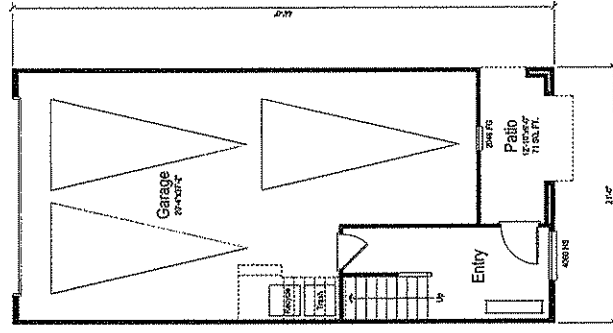
Second Floor  
 709 SQ. FT. Net



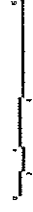
Third Floor  
 638 SQ. FT. Net

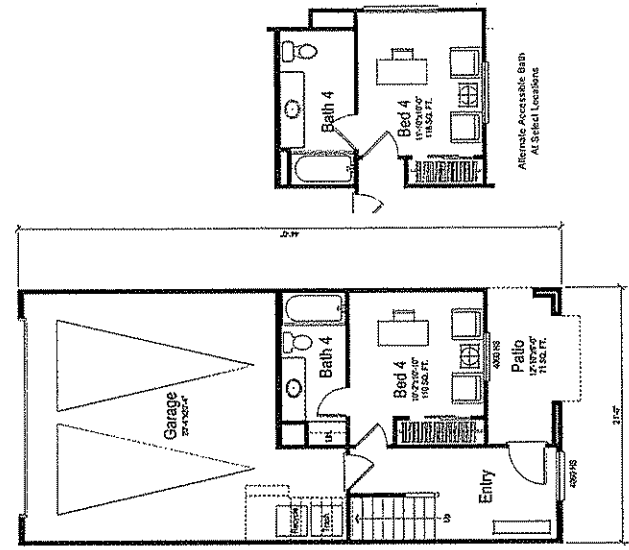
PLAN 1  
 3 BEDROOM / 3.5 BATH  
 1,691 SQ. FT. NET



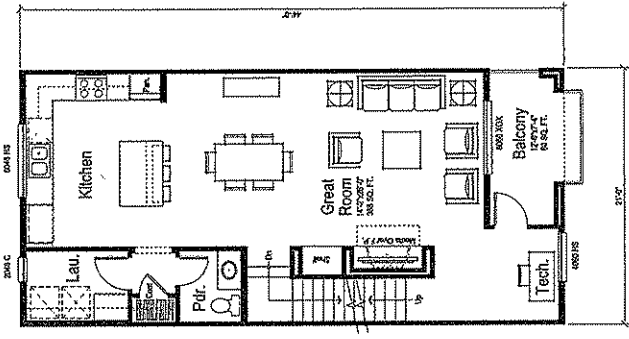


PLAN 2  
 3 BEDROOM / 2.5 BATH  
 1,738 SQ. FT. NET

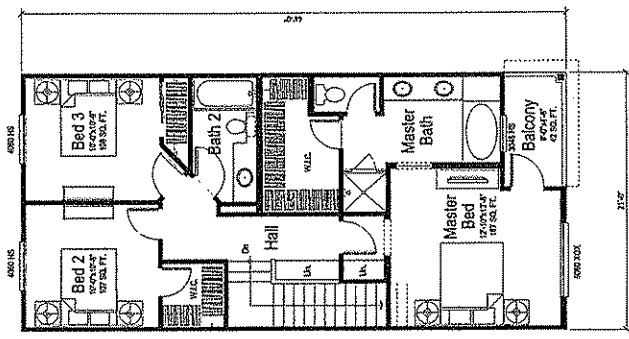




First Floor  
 370 SQ. FT. NET



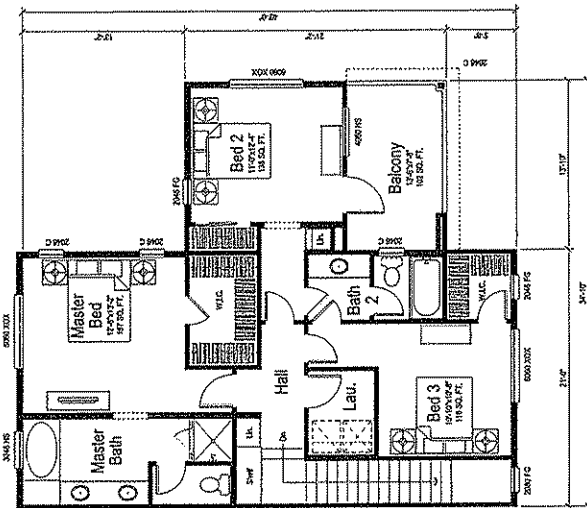
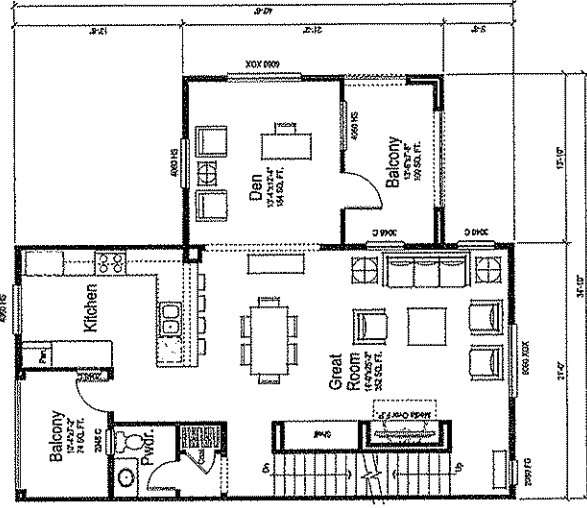
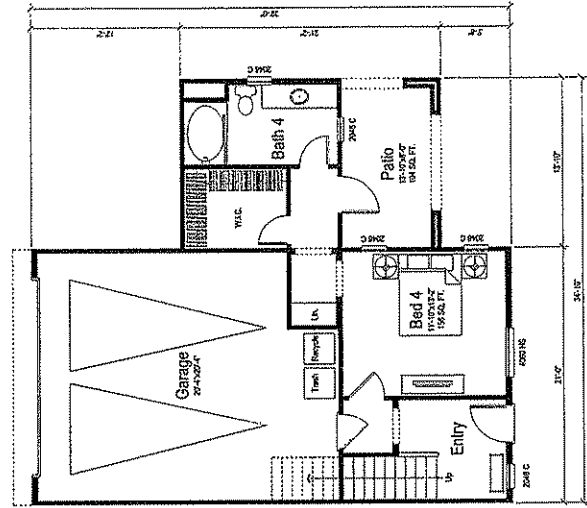
Second Floor  
 784 SQ. FT. NET



Third Floor  
 781 SQ. FT. NET

**PLAN 3**  
 4 BEDROOM / 3.5 BATH  
 1,945 SQ. FT. NET

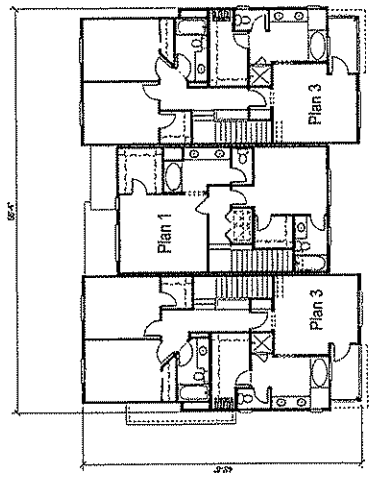




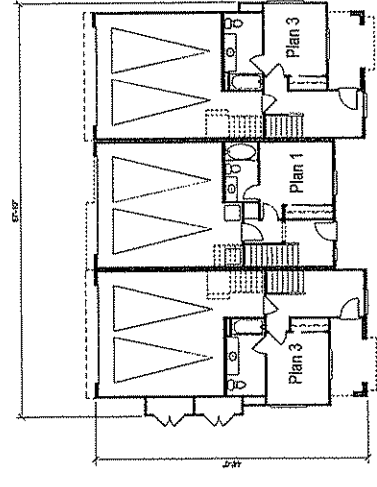
PLAN 4  
 4 BEDROOM / 3.5 BATH  
 2,289 SQ. FT. NET



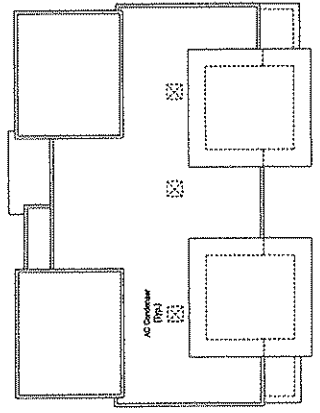




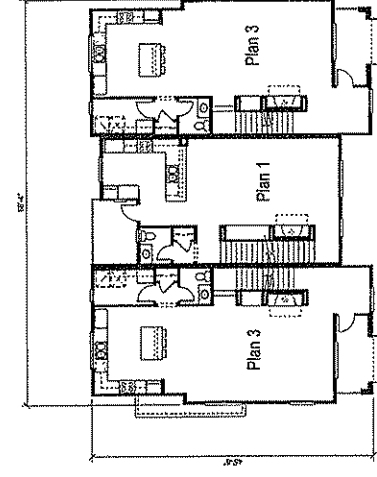
THIRD FLOOR



FIRST FLOOR

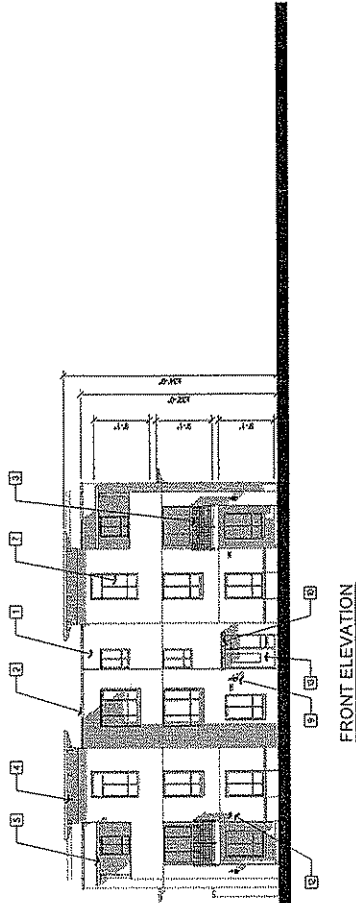


ROOF PLAN

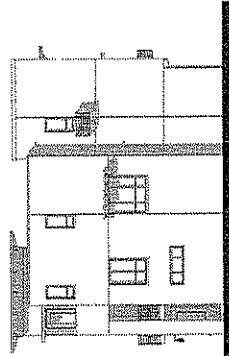


SECOND FLOOR

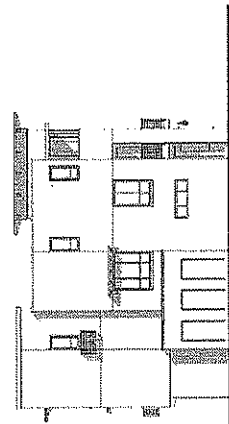




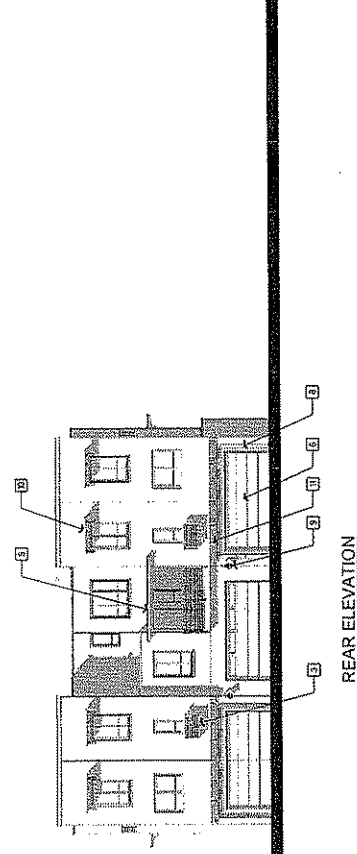
FRONT ELEVATION



RIGHT ELEVATION



LEFT ELEVATION

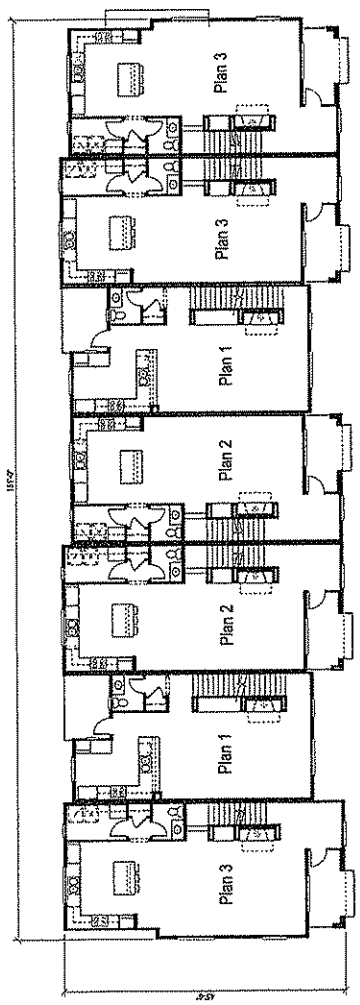


REAR ELEVATION

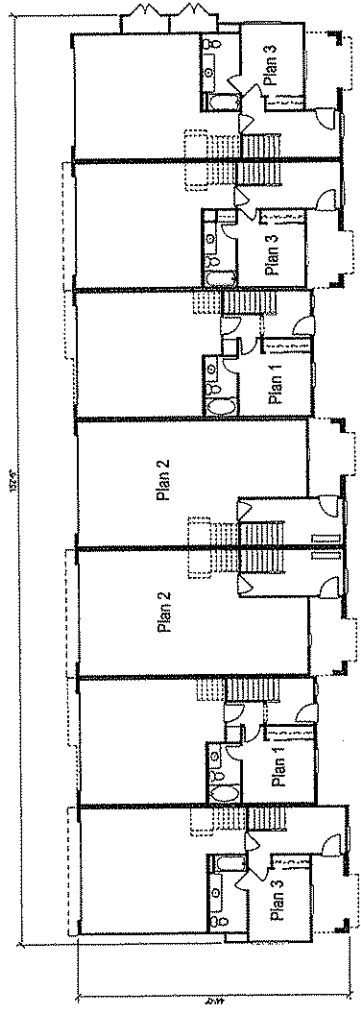
Architectural Elements

- 1 Stucco Body
- 2 Metal Parapet Cap
- 3 Metal Railing
- 4 Foam Detail
- 5 Metal / Wood Trim at Canopy
- 6 Metal Sectional Garage Doors
- 7 Aluminum Window
- 8 Vine Wre at Garage Doors
- 9 Light Fixture
- 10 Metal Shade Canopy
- 11 Rafter Tails
- 12 Address Number
- 13 Entry Door



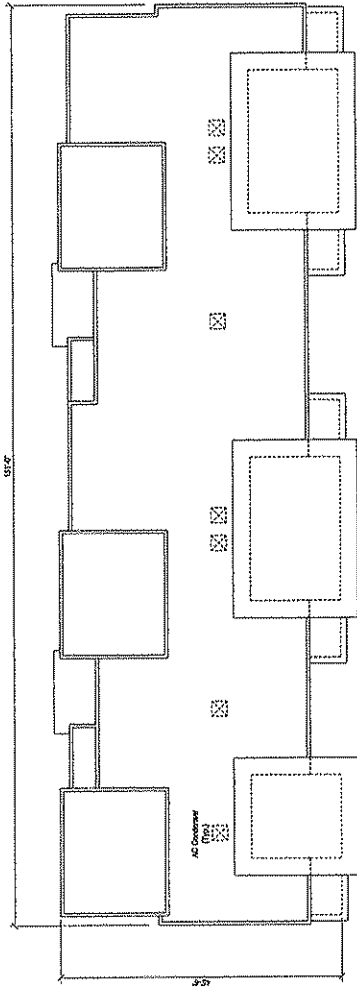


SECOND FLOOR

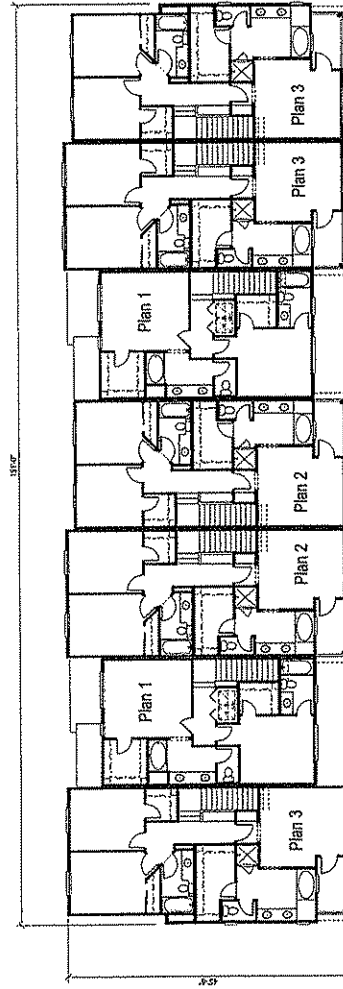


FIRST FLOOR



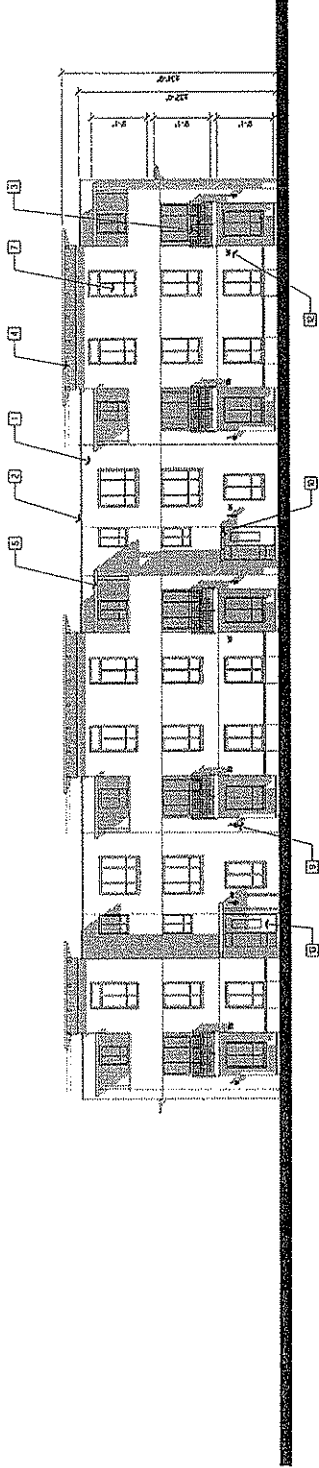


ROOF PLAN

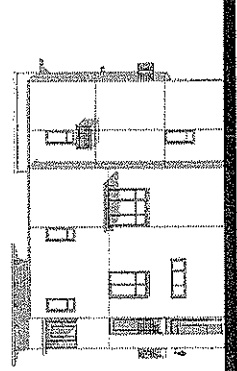


THIRD FLOOR

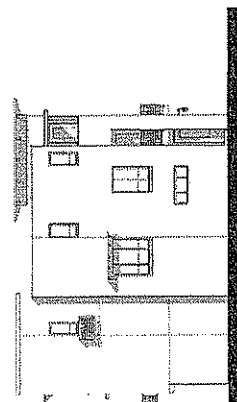




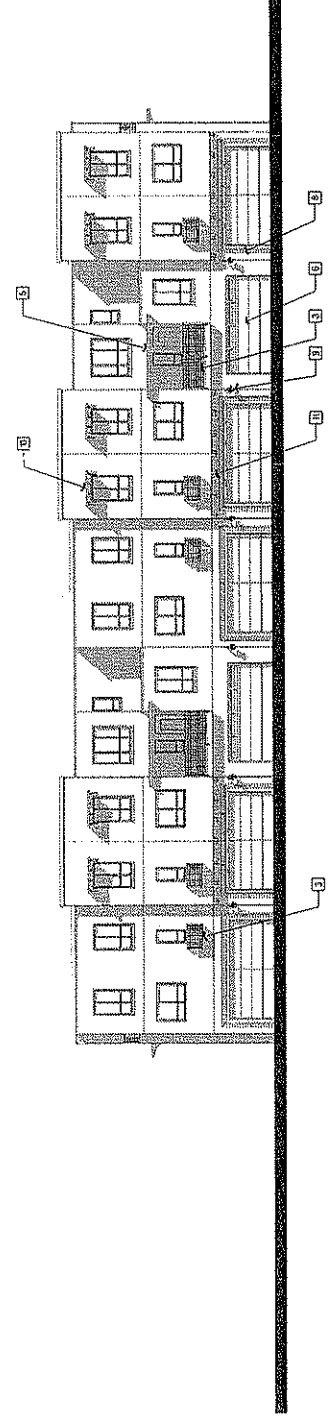
FRONT ELEVATION



RIGHT ELEVATION



LEFT ELEVATION

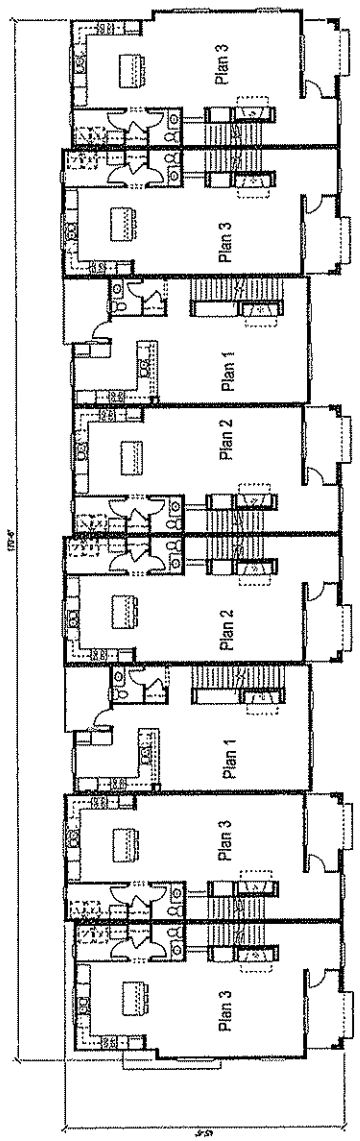


REAR ELEVATION

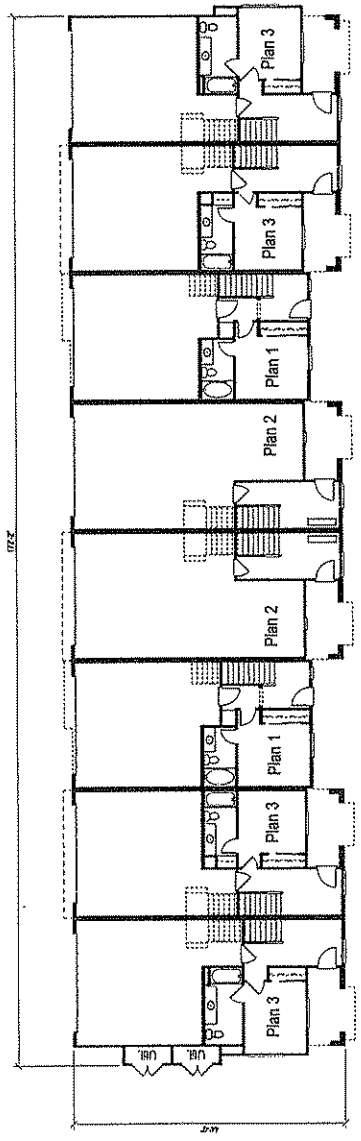
**Architectural Elements**

- 1 Stucco Body
- 2 Metal Parapet Cap
- 3 Metal Railing
- 4 Foam Detail
- 5 Metal / Wood Trim at Canopy
- 6 Metal Sectional Garage Doors
- 7 Aluminum Window
- 8 Veneer at Garage Doors
- 9 Light Fixture
- 10 Metal Shade Canopy
- 11 Rafter Tails
- 12 Address Number
- 13 Entry Door

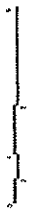


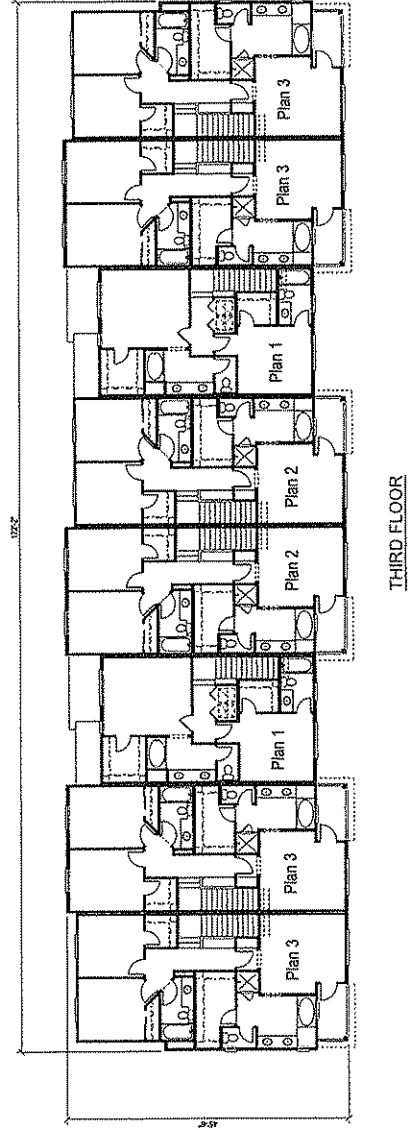
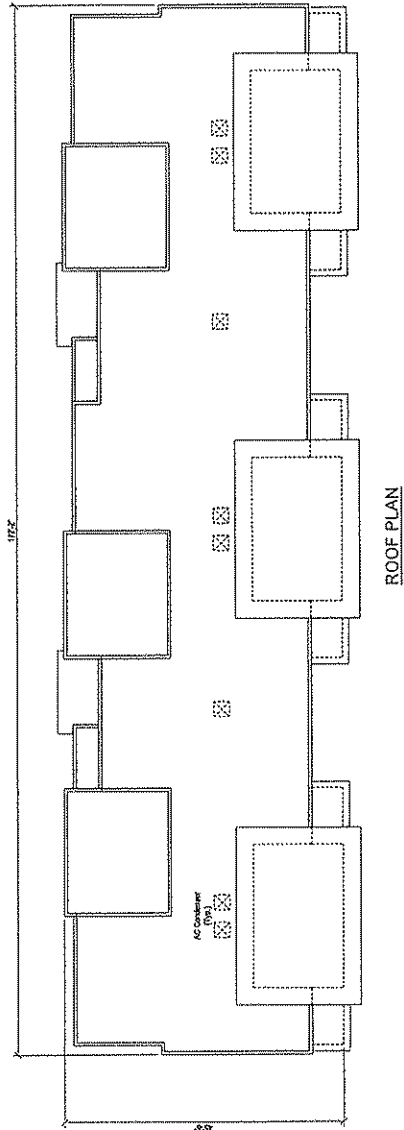


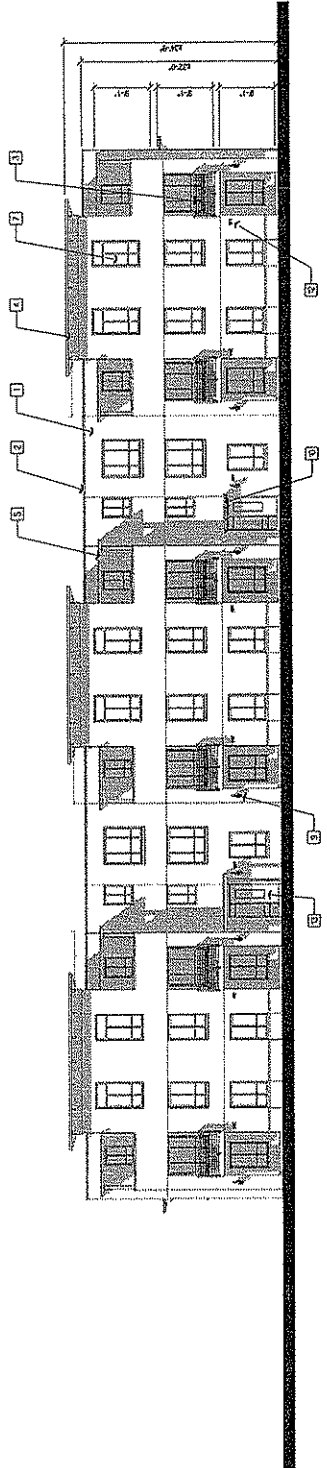
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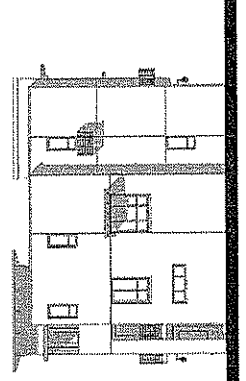
FIRST FLOOR



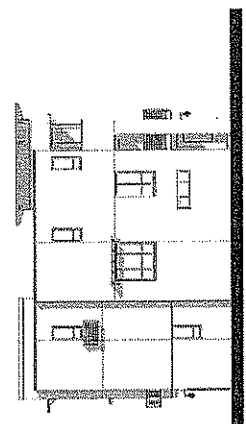




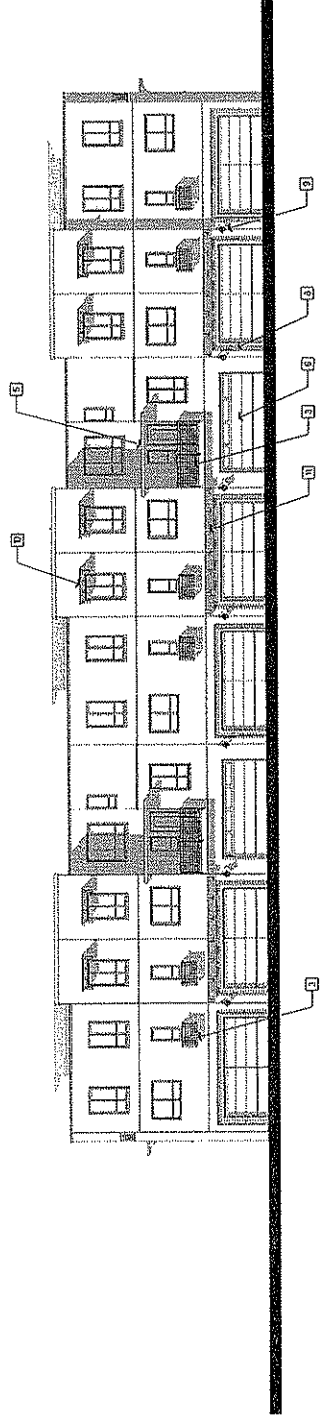
FRONT ELEVATION



RIGHT ELEVATION



LEFT ELEVATION



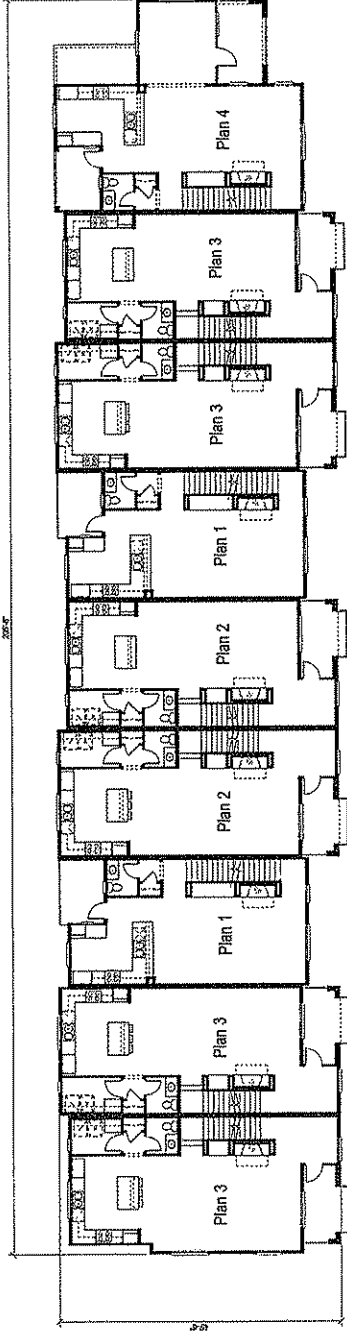
REAR ELEVATION

Architectural Elements

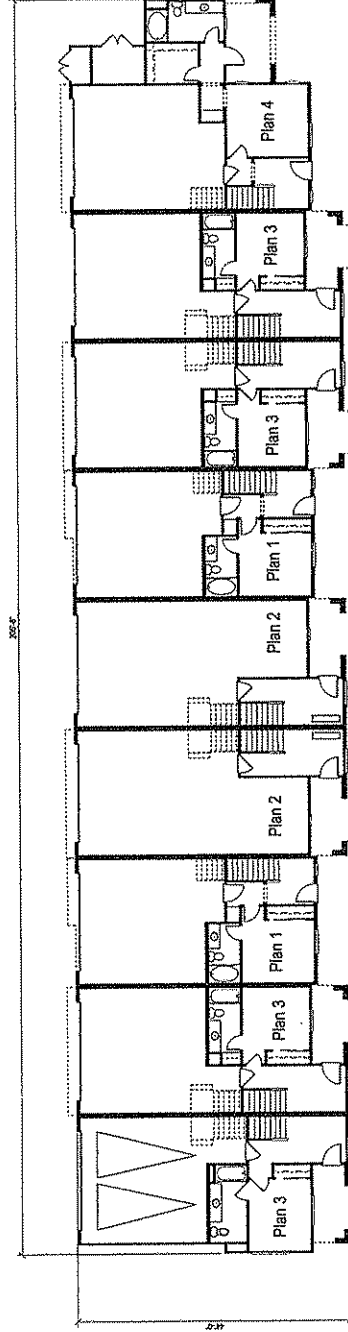
- 1 Stucco Body
- 2 Metal Parapet Cap
- 3 Metal Railing
- 4 Foam Detail
- 5 Metal / Wood Trim of Canopy
- 6 Metal Sectional Garage Doors
- 7 Aluminum Window
- 8 Vine Wire at Garage Doors
- 9 Light Fixture
- 10 Metal Shield Canopy
- 11 Rafter Tails
- 12 Address Number
- 13 Entry Door





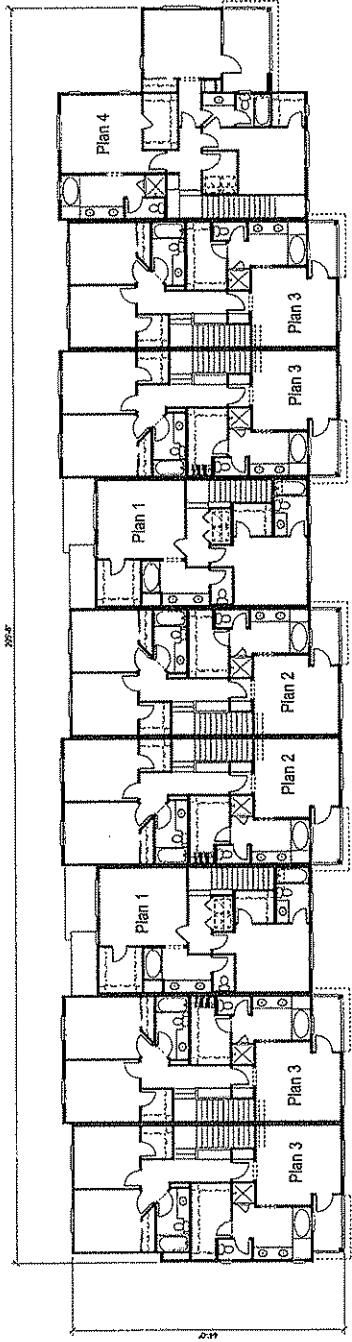
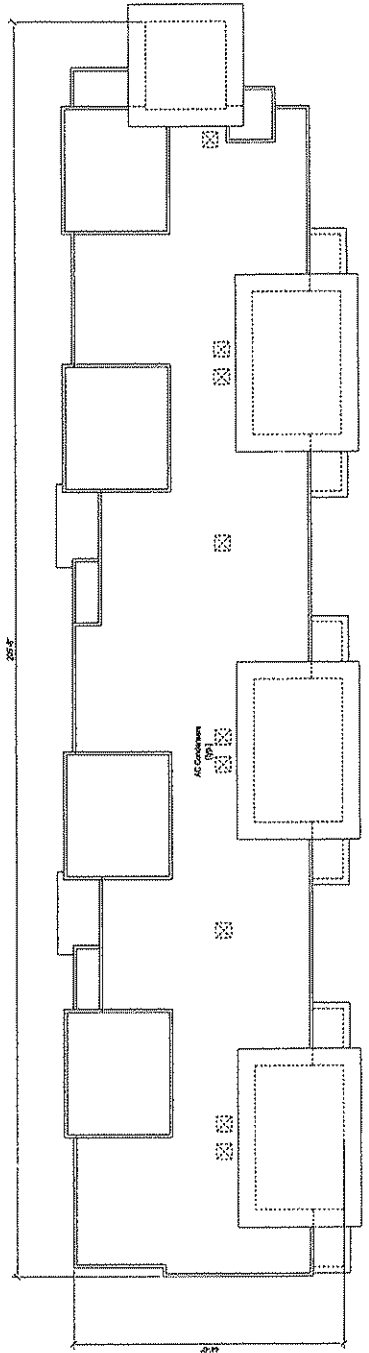


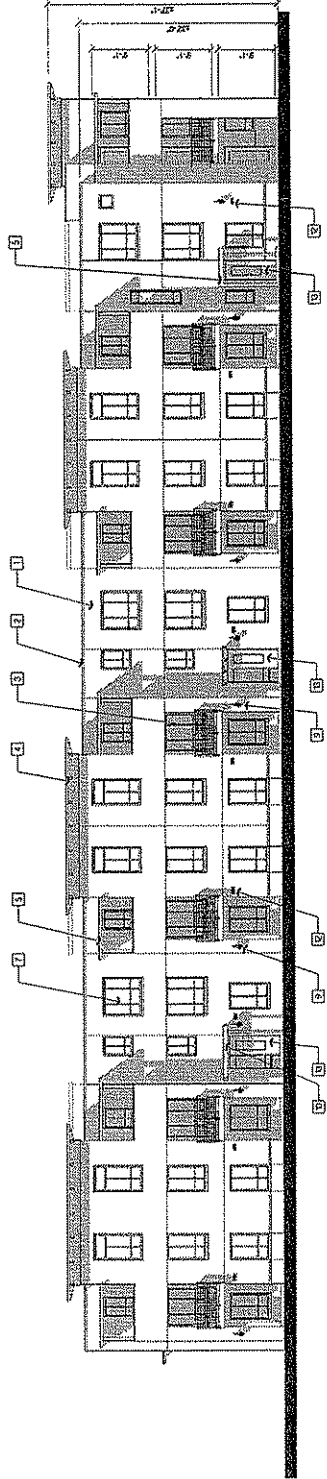
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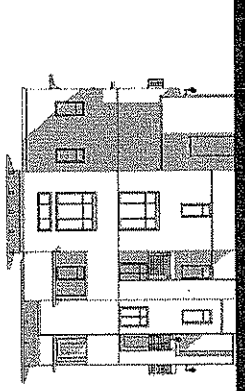
FIRST FLOOR



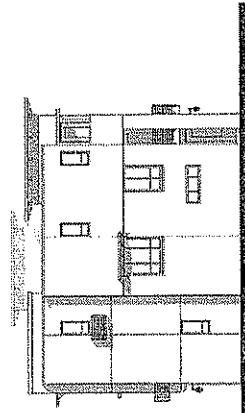




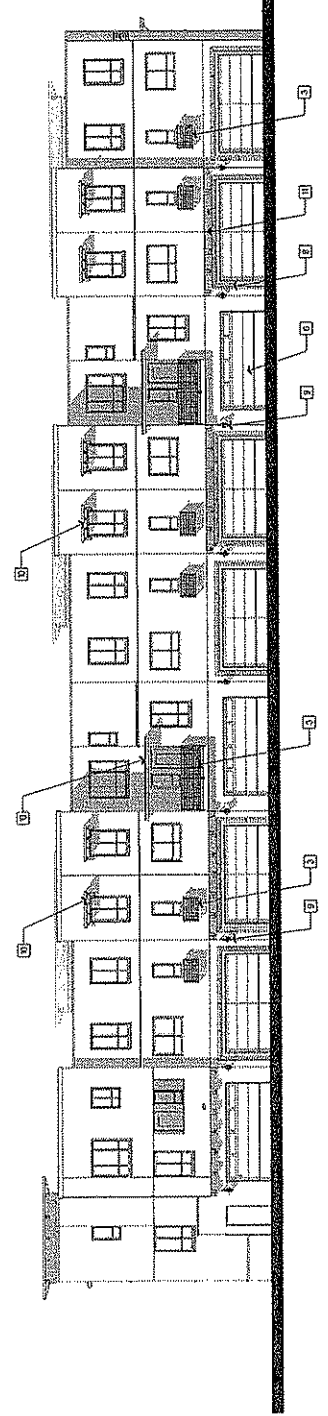
**FRONT ELEVATION**



**RIGHT ELEVATION**



**LEFT ELEVATION**



**REAR ELEVATION**

**Architectural Elements**

- 1 Stucco Body
- 2 Metal Parapet Cap
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- 10 Metal Shade Canopy
- 11 Rafter Tails
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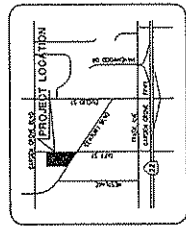
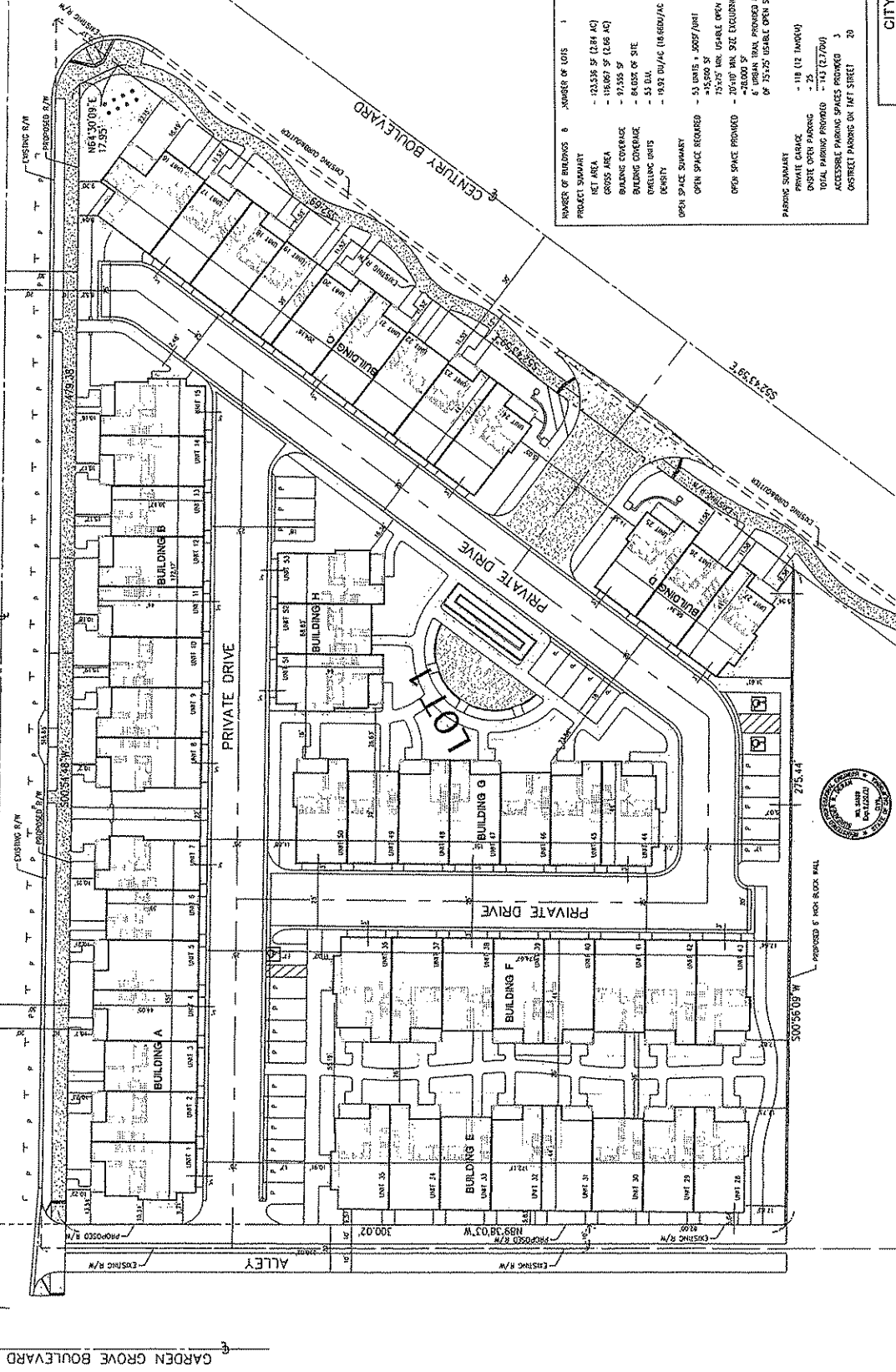


# TENTATIVE TRACT 17369

## FOR CONDOMINIUM PURPOSES

13042 CENTURY BLVD.,  
GARDEN GROVE, CALIFORNIA  
TAFT STREET

500'54'48" W



**SHEET INDEX**

SHEET NO.	DESCRIPTION
1	PLOT PLAN
2	CONCEPT GRADING PLAN
3	EXISTING FACILITIES PLAN

**PLAN SUMMARY**

UNIT NO.	NUMBER OF UNITS
PLAN 1	14
PLAN 2	12
PLAN 3	26
PLAN 4	1
TOTAL	53

**UNIT SIZE**

UNIT NO.	UNIT SIZE
PLAN 1	21,705 SF
PLAN 2	21,738 SF
PLAN 3	21,910 SF
PLAN 4	21,739 SF

**UNIT DETAILS**

UNIT NO.	UNIT DETAILS
PLAN 1	188/1358A
PLAN 2	188/1358A
PLAN 3	188/1358A
PLAN 4	188/1358A

**PROJECT SUMMARY**

NUMBER OF BUILDINGS	8
NUMBER OF UNITS	53
NET AREA	123,538 SF (2.84 AC)
GROSS AREA	118,067 SF (2.68 AC)
BUILDING COVERAGE	97,055 SF
BUILDING COVERAGE	84,025 OF SITE
DENSITY	53 UNITS
OPEN SPACE REQUIRED	19,521 SQ/AC (18,800/AC NET)
OPEN SPACE PROVIDED	53 UNITS x 500 SF/UNIT = 26,500 SQ. FT. (2.65 AC)
OPEN SPACE PROVIDED	26,500 SQ. FT. (2.65 AC)
OPEN SPACE PROVIDED	26,500 SQ. FT. (2.65 AC)
OPEN SPACE PROVIDED	26,500 SQ. FT. (2.65 AC)

**PARKING SUMMARY**

ON-SITE PARKING PROVIDED	118 (2.10 AC)
ACCESSIBLE PARKING SPACES PROVIDED	3
STREET PARKING ON TAFT STREET	20

CITY OF GARDEN GROVE

PLOT PLAN

TENTATIVE TRACT 17369

APR. NO. 039-032-01 TO 06, 039-031-20 TO 25 & 31

DATE: 04/28/10

PLANS PREPARED FOR:

BRANDY WINE

188/1358A

TA. (949) 251-2100 FAX. (949) 251-4259

OWNER:

CENTURY VILLAGE GROUP, INC

188/1358A

TA. (949) 251-2100 FAX. (949) 251-4259

ARCHITECT:

KTGY GROUP, INC

188/1358A

TA. (949) 251-2100 FAX. (949) 251-4259

DISTRICT:

DMS

CONSULTANTS, INC

188/1358A

SCALE: 1"=20'

SCALE: 1"=20'

SCALE: 1"=20'

SCALE: 1"=20'

DESIGNER:

DMS

CONSULTANTS, INC

188/1358A

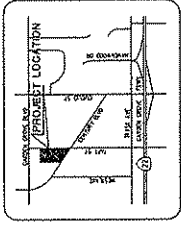
DATE: 04/28/10

DATE: 04/28/10

DATE: 04/28/10

DATE: 04/28/10

SHEET 1 OF 3



**LEGAL DESCRIPTION**

THE LAND REFERRED TO HEREIN IS SHOWN AS BEING IN THE CITY OF GARDEN GROVE, COUNTY OF ORANGE, STATE OF CALIFORNIA, AND DESCRIBED AS FOLLOWS:

PARCEL A. (APN 099-079-01) THROUGH A & J)

LOTS 15 TO 20, INCLUSIVE, AND LOT 21, BLOCK A, OF COOK'S ADDITION TO GARDEN GROVE, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP RECORDED IN BOOK 8, PAGE 5 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, TOGETHER WITH THE SOUTH 1/4 PART OF SAID BLOCK A, AND THE CORNER LOTS ADJACENT TO SAID LOTS 15 TO 20, WHICH WOULD PASS BY OPERATION OF LAW UPON ABANDONMENT.

PARCEL B. (APN 099-079-01)

THE EAST 600 FEET OF LOT 21, BLOCK A, OF COOK'S ADDITION TO GARDEN GROVE, IN THE CITY OF GARDEN GROVE, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP RECORDED IN BOOK 8, PAGE 5 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, TOGETHER WITH THE SOUTH 1/4 PART OF SAID BLOCK A, AND THE CORNER LOTS ADJACENT TO SAID LAND WHICH WOULD PASS BY OPERATION OF LAW UPON ABANDONMENT.

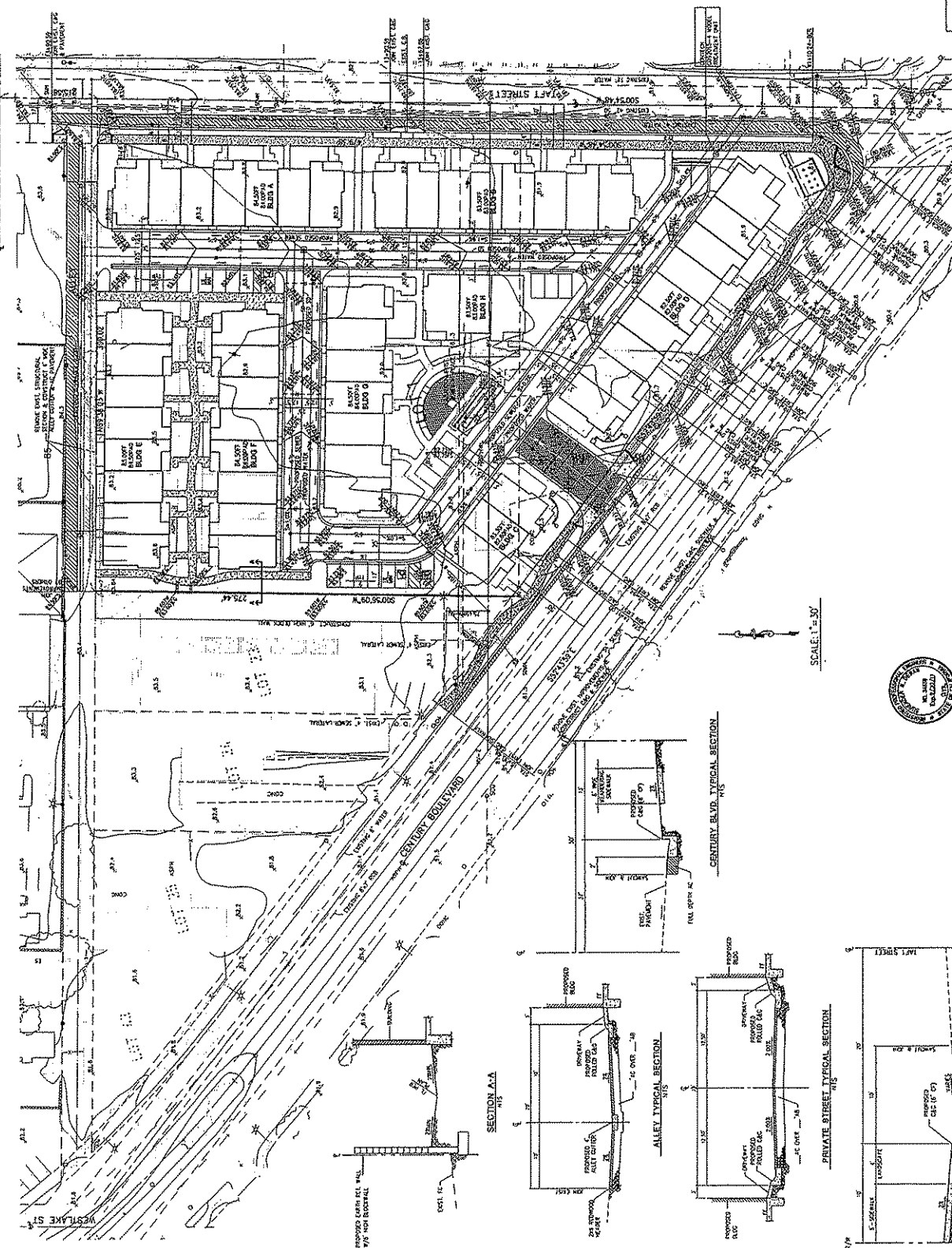
PARCEL C. (APN 099-079-01)

THE WEST 60 FEET OF LOT 21, BLOCK A, OF COOK'S ADDITION TO GARDEN GROVE, IN THE CITY OF GARDEN GROVE, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP RECORDED IN BOOK 8, PAGE 5 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, TOGETHER WITH THE SOUTH 1/4 PART OF SAID BLOCK A, AND THE CORNER LOTS ADJACENT TO SAID LAND WHICH WOULD PASS BY OPERATION OF LAW UPON ABANDONMENT.

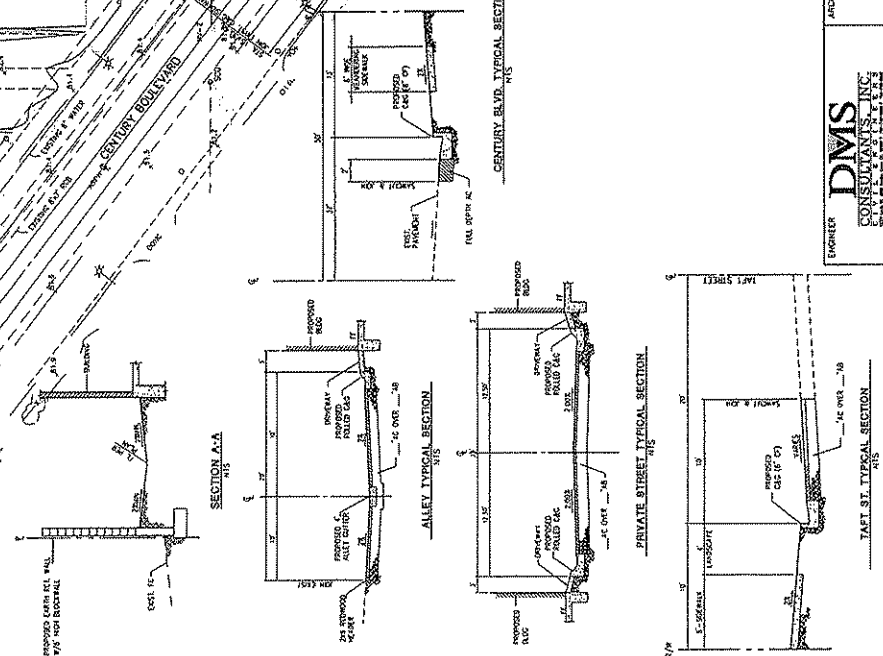
PARCEL D. (APN 099-079-01, 02 & 03)

LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

**FOR CONDOMINIUM PURPOSES**  
**CITY OF GARDEN GROVE**  
**CONCERT GRADING PLAN**  
**TENTATIVE TRACT 17369**  
 12441 CENTURY BLVD., GARDEN GROVE, CA  
 APN NO. 099-079-01 TO 05, 099-091-20 TO 28 & 31  
 DATE: 04/28/10



SCALE: 1" = 30'



PLANS PREPARED FOR <b>BRANDYWINE HOMES</b> 15300 ARLINGWOOD, CA 92626 TEL: (949) 256-1400 Fax: (949) 256-1410	OWNER: <b>CENTURY VILLAGE GROUP, INC.</b> 15300 ARLINGWOOD, CA 92626 TEL: (949) 256-1400 Fax: (949) 256-1410	ARCHITECT: <b>KTGY GROUP, INC.</b> 17300 WESTLAKE AVENUE SUITE 100, WESTLAKE, CA 91381 TEL: (949) 561-2115	ENGINEER: <b>DMS CONSULTANTS, INC.</b> 17300 WESTLAKE AVENUE SUITE 100, WESTLAKE, CA 91381 TEL: (949) 561-2115 REGISTERED PROFESSIONAL ENGINEER - CIVIL
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**PLANTING LEGEND**

**WOOD BERRY EVERGREEN TREE**  
Woods Hollyhock, Redwood, Madrone, Redwood Bark, Redwood Bark  
3" Brown Bark High

**PROSTRATE SPINE ACESIT**  
Spine Acesoit, Redwood Bark, Dark Wood  
2" of Brown Bark

**TAFT STREET EDGE**  
Turfgrass, 3' by 6' by 6' by 6'

**CONCRETE STREET EDGE**  
Concrete, 3' by 6' by 6' by 6'

**ALLEY ACCENT**  
Concrete, 3' by 6' by 6' by 6'

**SMALL ACACIA TREE (Eucalyptus)**  
Eucalyptus, 3' by 6' by 6' by 6'

**LARGE ACACIA TREE**  
Eucalyptus, 3' by 6' by 6' by 6'

**DIVISION OF FURNITURE INCLUDING ENCLOSURE**  
Eucalyptus, 3' by 6' by 6' by 6'

**BUILDING AND SCENERY CONTROL**  
Eucalyptus, 3' by 6' by 6' by 6'

**MAKES INTERCOMMUNITY POOL**  
Eucalyptus, 3' by 6' by 6' by 6'

**SOBBED TURT AREA**  
Marshall 2 or equal

**COLOR ACCENT PAINTING**  
Ames and Fennels

**PARKWAY PAINTING**  
Ames and Fennels

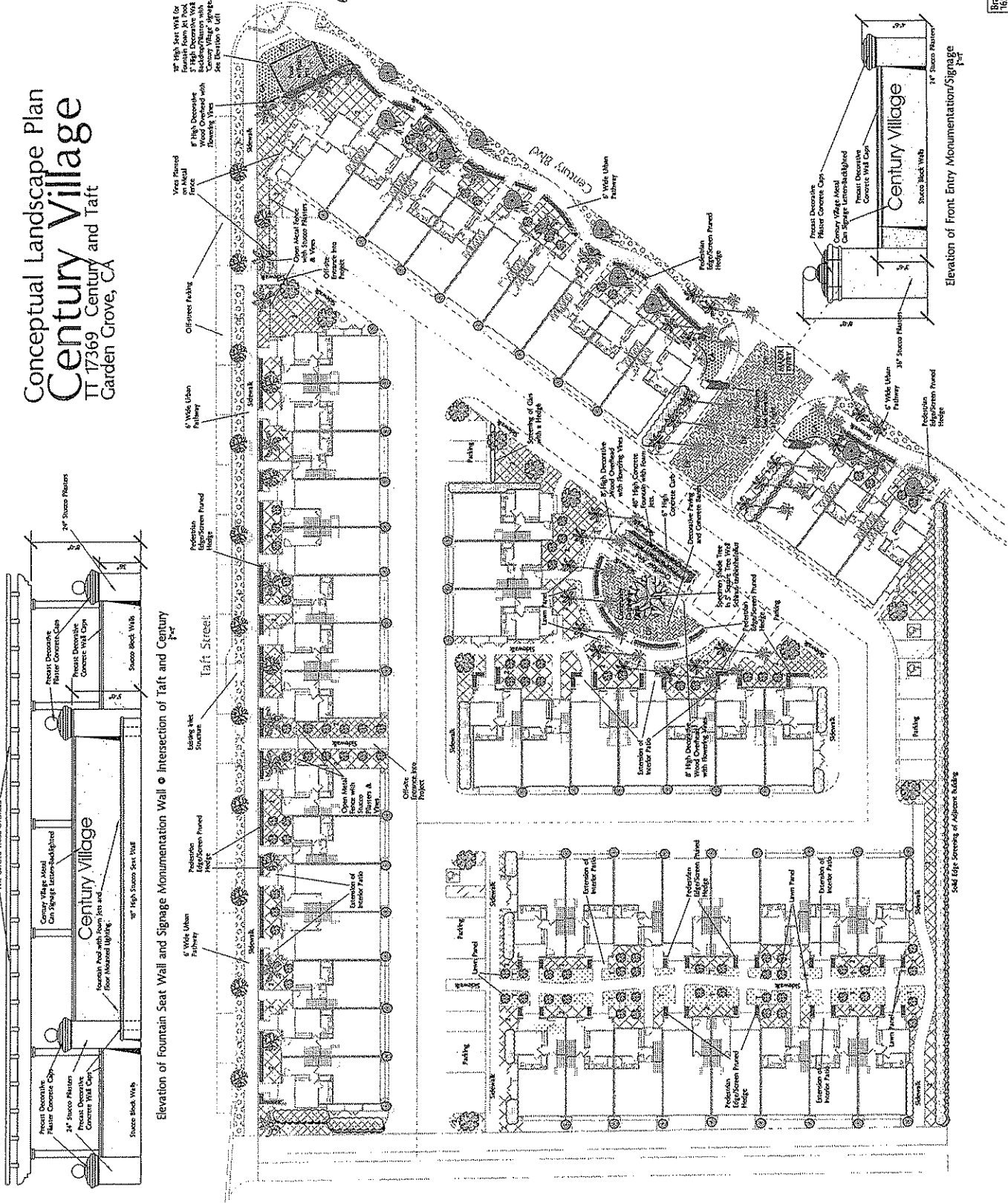
**SUGGESTED USE**  
Eucalyptus, 3' by 6' by 6' by 6'

**INTERIOR DROUGHT TOLERANT PLANTING**  
Eucalyptus, 3' by 6' by 6' by 6'

**SUGGESTED USE**  
Eucalyptus, 3' by 6' by 6' by 6'

**BRANDYWINE HOMES**  
16550 Aston  
Irvine, CA 92606  
714.222.0200

**Conceptual Landscape Plan  
Century Village  
TT 17369 Century and Taft  
Garden Grove, CA**



Elevation of Front Entry Monumentation/Signage Wall

Elevation of Fountain Seat Wall and Signage Monumentation Wall at Intersection of Taft and Century

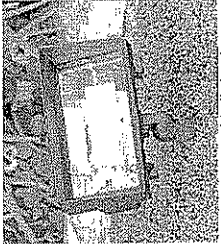


# Conceptual Lighting Plan Century Village

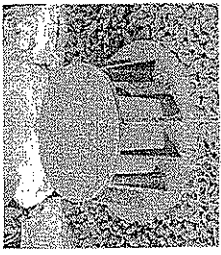
TT 17369 Century and Taft  
Garden Grove, CA



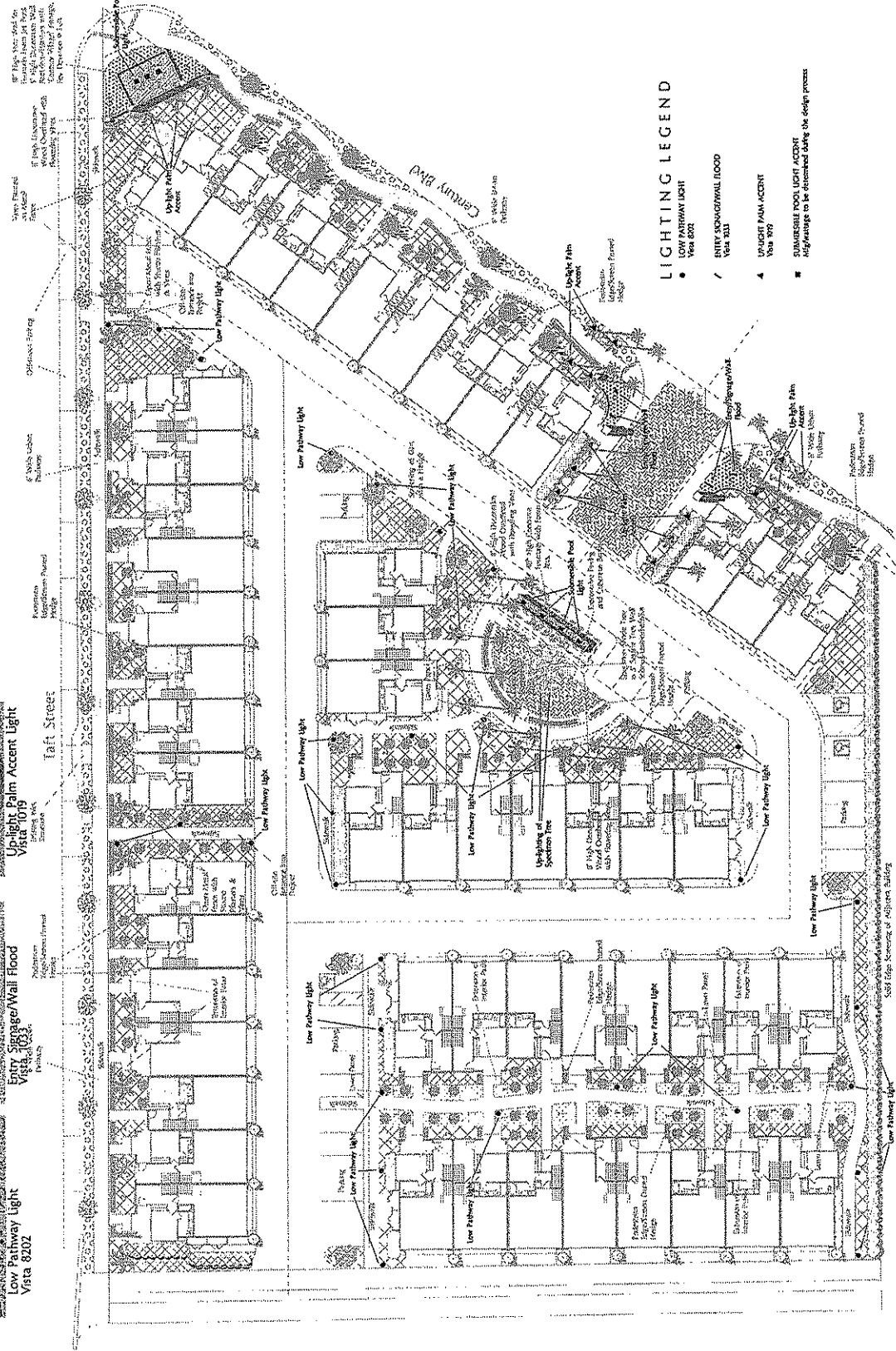
**Uplight Palm Accent Light**  
Vista 1019



**Entry Sillings/Wall Flood**  
Vista 1033



**Low Pathway Light**  
Vista 8202



## LIGHTING LEGEND

- LOW PATHWAY LIGHT  
Vista 8202
- ENTRY SILLINGS/WALL FLOOD  
Vista 1033
- UPLIGHT PALM ACCENT  
Vista 1019
- SUSCEPTIBLE POOL LIGHT ACCENT  
Adjustable to be determined during the design process

**VECTA**  
A PROFESSIONAL  
LANDSCAPE ARCHITECTURE FIRM

**REGISTRATION SHEET**  
PROJECT: CENTURY VILLAGE LIGHTING PLAN  
DATE: 08/15/2017  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
SCALE: AS SHOWN

**VECTA**  
A PROFESSIONAL  
LANDSCAPE ARCHITECTURE FIRM

**REGISTRATION SHEET**  
PROJECT: CENTURY VILLAGE LIGHTING PLAN  
DATE: 08/15/2017  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
SCALE: AS SHOWN

**VECTA**  
A PROFESSIONAL  
LANDSCAPE ARCHITECTURE FIRM

**REGISTRATION SHEET**  
PROJECT: CENTURY VILLAGE LIGHTING PLAN  
DATE: 08/15/2017  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
SCALE: AS SHOWN

**Malecylt Land Planning**  
16580 Aton  
Irvine, CA 92616  
949.252.5000

**Branchwide Homes**  
16580 Aton  
Irvine, CA 92616  
949.252.5000



## ENVIRONMENTAL CHECKLIST FORM

1. **PROJECT TITLE:**  
Planned Unit Development No. PUD-125-10, Site Plan No. SP-457-10, Tentative Tract Map No. TT-17369, Development Agreement No. DA-181-10
2. **LEAD AGENCY:**  
City of Garden Grove  
11222 Acacia Parkway  
P.O. Box 3070  
Garden Grove, CA 92840
3. **CONTACT PERSON:**  
Lee Marino, Senior Planner, City of Garden Grove
4. **PROJECT LOCATION:**  
Northwest corner of Century Boulevard and Taft Street
5. **PROJECT APPLICANT:**  
Brandywine Homes  
16580 Aston  
Irvine, CA 92606
6. **GENERAL PLAN DESIGNATION:**  
Civic Institution and Residential/Commercial Mixed Use 1
7. **ZONING:**  
CCSP-CC43 (Community Center Specific Plan – Community Commercial District)
8. **DESCRIPTION OF PROJECT:**  
A request to rezone an approximately 3-acre site from CCSP-CC43 (Community Center Specific Plan – Community Commercial District) to Planned Unit Development for the allowance to create a 53-unit townhouse multi-family subdivision; a Site Plan to construct the 53 townhomes with associated site improvements that include parking, open space areas, and an urban trail; and a Tentative Tract Map to create a one-lot subdivision for the purposes of selling each townhome as a condominium. A Development Agreement is also proposed.
9. **OTHER AGENCIES WHOSE APPROVAL (AND PERMITS) IS REQUIRED:**  
City of Garden Grove Agency for Community Development.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

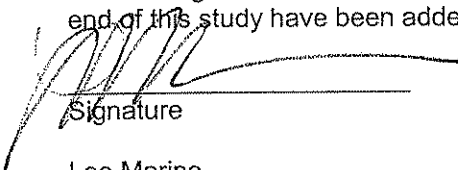
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or "Potentially Significant Unless Mitigated," as indicated by the checklist on the following pages.

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

**DETERMINATION:**

On the basis of this initial evaluation:

I find that although the proposed project COULD have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in Section XVII.c at the end of this study have been added to the project. A NEGATIVE DECLARATION will be prepared.



Signature

May 6, 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 simple 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 t make a finding of significance. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Potentially Significant Unless Mitigated" applies when the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analysis," may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). Earlier analyses are discussed in Section XVII at the end of the checklist.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

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

- a. Conflict with General Plan designation or zoning.

**Response:** The proposed project will not be in conflict with the General Plan and zoning of the site, which proposes the development of a medium density residential development, which includes construction of a 53 unit townhouse development. The site currently maintains a General Plan Land Use designation of Civic Institution and Residential/Commercial Mixed Use and a zoning designation of CCSP-CC43 (Community Center Specific Plan-Community Commercial District). The proposed project includes the development of a 3-acre site with a 53-unit townhouse development with associated parking and open space improvements along with an urban trail. The project entitlements, which include a Site Plan and Tentative Tract Map to consolidate the properties, will also include a Planned Unit Development that will change the zoning of the properties from CCSP-CC43 (Community Center Specific Plan-Community Commercial District) to Planned Unit Development. With the approval of the Zone Change to Planned Unit Development the project will be consistent with the General Plan Land Use designation and zoning for the property. Therefore, no conflict with the General Plan Land Use designation or the property's zoning is anticipated.

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

**Response:** The proposed project is located within a highly urbanized area of Orange County and is in conformance with applicable federal, state and City of Garden Grove environmental requirements and plans. The Final Environmental Impact Report prepared and certified, in August 2008, as a part of the General Plan Update (State Clearinghouse No. 2008041079, the General Plan EIR), addressed intense type of development for this area with respect to residential development, such as the proposed townhouse development, and associated potential impacts such as increased traffic in the area, water and sewer concerns, and design issues. Therefore, the project does not have the potential to conflict with environmental plans adopted by agencies with jurisdiction over the project. In addition to the General Plan Update and EIR, the area is also governed by the Redevelopment Project Plan and EIR, adopted July 2, 2002, Resolution No. 629. The project plan and subsequent EIR addressed such development and indicated projects to be properly evaluated and appropriate studies and actions be applied as necessary. This included consideration of any traffic, sewer, water, housing, etc. studies to be provided as deemed appropriate. The project is within the allowable densities as prescribed by the City's General Plan and is within the thresholds for development that were addressed within the Final Environmental Impact Report prepared and certified, in August 2008, as a part of the General Plan Update. Therefore, no conflict with applicable environmental plans or policies is anticipated.

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

**Response:** The proposed changes in land use, and the proposal for development are consistent with the City's adopted General Plan. The project area is currently a vacant site. The adjoining land uses are, commercial properties to the north, south, east, and west. The existing site has been vacant for some years and no agricultural activity has occurred here during this period of time. Therefore, there will be no impacts to agricultural resources or operations. Furthermore, the current General Plan's EIR reviewed the current and future land uses within the area and found that there will be no impact to agricultural resources.

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

**Response:** The project site is a vacant property that gains access to Century Boulevard, Taft Street, and an alley way located along the northern boundary of the site. Both Century

Boulevard and Taft Street provide access to the surrounding developments. The project proposes that the site be improved with a 53-unit townhouse development with associated parking and open space improvements. The future development will be in character with the development that is envisioned with in the City's General Plan. The site design and architectural appearance will not disrupt the physical arrangement of any existing development within the area. During construction there may be disruptions in traffic patterns or an increase in noise. These impacts are considered to be less than significant as these disruptions are temporary in nature and have been addressed in the General Plan EIR.

**II. POPULATION AND HOUSING**

- a. Cumulatively exceed official regional or local population projections.
- b. Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure).
- c. Displace existing housing, especially affordable housing.

**Response:** (a, b, & c) While the site previously had been developed with ten single-family homes, currently there are no housing units existing on the site and therefore no displacement of residents will occur as a result of this proposed development. While the development will replace the ten units that were previously on the site, the proposed development will increase population and housing in the immediate area by an additional 43 units, which will further the housing goals of the City's adopted Housing Element. The proposed project is located in a highly urbanized area and all infrastructure is already in place. The proposed development is within the density limits permitted under the current General Plan land use designation for the site. The development of the future project is within the thresholds that were considered and addressed with the EIR for the City's current General Plan.

**III. GEOPHYSICAL**

- a. Seismicity: Fault rupture.

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

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

- b. Seismicity: Ground shaking or liquefaction.

**Response:** The project area, like all of Southern California, is subject to ground-shaking and other secondary impacts from seismic activity, such as liquefaction. Liquefaction could potentially occur during a maximum intensity event along the Newport-Inglewood fault due to the possibly saturated nature of the sandy soils in the area.

Some exposure to seismic-related hazards is expected. However, this impact is not considered significant because the exposure is no different than the exposure of virtually all new and

existing development in Orange County. The proposed project does not alter the existing exposure. To mitigate any potential impacts all construction is required to adhere to the California Building Code as it pertains to seismic safety.

- c. Seismicity: Seiche or tsunami.      
**Response:** Seiches and tsunamis are not anticipated to occur in the vicinity of this project due to its distance from the coast and absence of large water bodies in the project area.

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

- e. Erosion, changes in topography or unstable soil conditions from excavation, grading or fill.      
**Response:** Changes in topography will result during the site preparation and grading. A project of this size should not create substantial impacts to the soil or topography of the area due to the site's natural drainage pattern. Site drainage will be required to meet Engineering Services Division standards that will require storm water drainage to flow off the site, but yet be in compliance with the WQMP and LID (Low Impact Development) provisions. Drainage easements may be required for storm drain purposes. The location of the easement(s) and the size of storm drains will be determined before site preparation begins. In order to mitigate potential site drainage issues, all construction involving excavation and/or grading is required to adhere to the requirements of the Engineering Services Division. All improvements are required to adhere to applicable codes including the California Building Code, and State and Federal Occupational Safety requirements.

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

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

- h. Unique geologic or physical features.      
**Response:** There are no known unique geologic or physical features in the project area.

**IV. HYDROLOGY AND WATER QUALITY**

- a. Violate any water quality standards or waste discharge requirements?      
**Response:** The Project will not involve operations that could affect water quality standards. The Project site is located within an urbanized area with existing residential, commercial and open space uses. The use of the proposed residential development will not generate the types of activities that would effect water quality standards or waste discharge requirements.

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

**Response:** The project will not involve operations that could affect aquifers' recharge capability or alter the direction of groundwater flow. The area is urbanized with existing residential and commercial uses. The construction will not require substantial excavations and other related below-grade work, and is not expected to use large quantities of water. Any water pumped out, if necessary, will be subject to discharge requirements of the Regional Water Quality Control Board, the Garden Grove Sanitation District, and Garden Grove Public Works Water Services Division.

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

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

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

- e. Create or contribute run-off water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted water?

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

- f. Otherwise substantially degrade water quality?

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

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

**Response:** The project area is located within 500-year flood zone. The grading improvement plans will be required to take this into consideration in designing the placement of the building, the height of the building pad, and related improvements to ensure surface drainage and run-off issues are properly addressed, this includes items under the provisions of WQMP and NPDES requirements (Flood Zone Map, Flood Zone "A" 060220-0139-J, December-3, 2009).

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

**Response:** The project area is located within 500-year flood zone. The grading improvement plans will be required to take into consideration the placement of the building, the height of the finished elevation building pad, and related improvements to ensure surface drainage and run-off issues are properly addressed, this includes items under the provisions of WQMP and NPDES requirements.

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

**Response:** The project area is located within 500-year flood zone. The grading improvement plans will be required to take into consideration the placement of the building, the height of the finished elevation building pad, and related improvements to ensure surface drainage and run-off issues are properly addressed, this includes items under the provisions of WQMP and NPDES requirements.

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

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

- k. Result in an increase in pollutant discharges to receiving waters? Consider water quality parameters such as temperature, dissolved oxygen, turbidity and other typical stormwater pollutants (e.g., heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash).

**Response:** Project run-off will be directed into the existing storm drain system adjacent to the site. The local storm drain system has adequate capacity to handle the incremental increase in storm and urban water run-off generated by this project in that the site area has already been developed and the run-off and absorption rates should not increase and decrease respectively as the new project is developed on the site.

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

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

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

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

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

**Response:** There will be less than significant change in absorption rates, drainage patterns and in the rate or amount of surface run-off as of the land is presently urbanized. To ensure

proper drainage is provided, grading and drainage plans are required to be incorporated into the construction plans and approved by the Engineering Services Division prior to the issuance of any building permits and commencement of construction.

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

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

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

**Response:** All run-off from the area is, and will continue to be, collected in local and regional storm drain facilities. These waters will be transported with other urban run-off into City and County drainage facilities. Therefore, the Project will not directly affect existing environmentally sensitive areas.

- q. Tributary to an already impaired water body, as listed on the Clean Water Act Section 303(d) list? If so, can it result in an increase in any pollutant for which the water body is already impaired?

**Response:** All run-off from the area is, and will continue to be, collected in local and regional storm drain facilities. These waters will be transported with other urban run-off into City and County drainage facilities. Therefore, the Project will not directly affect already impaired waters.

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

**Response:** All run-off from the area is, and will continue to be, collected in local and regional storm drain facilities. These waters will be transported with other urban run-off into City and County drainage facilities. Therefore, the Project will not significantly affect surface water quality.

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

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

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

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

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



**V. AIR QUALITY**

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

**Response:** The proposed residential use and operations that are anticipated do not appear to create the potential for significant amounts of air pollutants. Therefore, there will be no violations of any air quality standard. No additional impacts are seen to existing air quality standards nor additional sources created that would contribute to an existing or projected air quality violation. Furthermore, the City's General Plan EIR addressed issues as they relate to Air Quality and the proposed future project does not exceed the maximum densities and development intensity that was address within the EIR.

- b. Expose sensitive receptors to pollutants.

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

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

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

- d. Create objectionable odors.

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

**VI. TRANSPORTATION**

- a. Increased vehicle trips or traffic congestion.

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

**Response:** (a and b) The development is likely to increase vehicle trips and traffic congestion in the area, but not beyond the scope analyzed in the General Plan EIR. However, the number of trips generated by the proposed residential project is lower than the trips generated by the higher density residential project that is allowed under the General Plan. The Traffic Engineering Division has reviewed this project and finds that no significant traffic-related on-site, or off-site improvements for this project are necessary beyond that conditioned for right-of-way improvements.

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

- c. Inadequate emergency access to nearby uses.

**Response:** Emergency access to the proposed development and surrounding areas will not be affected. As addressed in the EIR for the City's current General Plan, Police and Fire services in the area are adequate to accommodate both existing and future development provided the project complies with the conditions of approval included on the project during the entitlement review process by the Police and Fire Departments.

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

**Response:** The project has been designed to accommodate the parking needs for the project and which will meet the requirements of the Community Center Specific Plan. The project has been designed to conform to the parking requirements of the Community Center Specific Plan. Therefore, no impact to parking is anticipated.
- e. Hazards or barriers for pedestrians or bicyclists.    

**Response:** Barriers for pedestrians or bicyclists may occur during the period of construction. If barriers are required the applicant will be required to submit a traffic safety plan for review and approval by the City prior to the commencement of construction in the public right-of-way in order to ensure the safety of pedestrians and/or bicyclists.
- f. Conflicts with adopted policies supporting alternative transportation.    

**Response:** The proposed future development will not impact existing or proposed policies pertaining to alternative transportation, and mass transit stops are in close proximity to the development.
- g. Rail, waterborne or air traffic impacts.    

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

**VII. BIOLOGICAL RESOURCES**

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

**Response:** In general, wildlife diversity in the project area is low due to the urbanized nature of the area and its surroundings. The site, which has been vacant for some years, had been previously developed with single-family residential homes and a commercial development. There are no areas where any type of favorable habitat has existed on the site for at least the past 30 years. Endangered species are not expected to occur in the area due to the lack of suitable habitat. No impacts are expected.
- b. Locally designated species (e.g., heritage trees).    

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

**Response:** The site is devoid of native vegetation and there are no locally designated natural communities on the project site.
- d. Wetland habitat (e.g., marsh, riparian and vernal pool).    

**Response:** There are no wetland habitats in the area of the project site.
- e. Wildlife dispersal or migration corridors.    

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

**VIII. ENERGY AND MINERAL RESOURCES**

- a. Conflict with adopted energy conservation plans.

**Response:** The proposed development for this site is not in conflict with adopted energy conservation plans. All structures 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. Therefore, the development will not create uses that use non-renewable resources in a wasteful manner.

**IX. HAZARDS**

- a. A risk of accidental explosion or release of hazardous substances (e.g., oil, pesticides, chemicals, and radiation).

- b. Possible interference with an emergency response plan or emergency evacuation plan.

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

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

**Response:** (a through d) There will be no health hazards or potential for health hazards created by the proposed development or uses. The development will not create any health hazards or increase the potential of exposure to existing hazards. The project will not increase the risk of accidental explosion, release of hazardous substances, or create an interference with existing emergency response or evacuation plans. Any chemicals that are used for development of the site will be required to be stored pursuant to Fire Department storage requirements for hazardous substances, i.e., paint chemicals.

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

**Response:** There are no anticipated physical changes that would increase fire hazards within the project area.

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

**Response:** The project will not use new treatment BMP's that could create an increase in odors or vectors.

**X. NOISE**

- a. Increases in existing noise levels.

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

The development, and subsequent activities, is subject to the City's noise ordinance. Activities, that are likely to be noise generators within the proposed development, are typical residential

uses and are not anticipated to be above what has been addressed within the EIR for the City's General Plan. However, during the entitlement process for the project, should the final design warrant further study, the developer/applicant shall be required to submit a noise study to address any potential noise impacts associated with the development.

- b. Exposure of people to extreme noise levels.

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

**XI. PUBLIC SERVICES**

- a. Fire protection.

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

However, new construction will occur, and, due to the nature of the uses, there will be a slight increase in fire protection services. In order to mitigate impacts associated with this development, the development shall comply with the conditions of approval of the Fire Department including, but not limited to, providing a fire sprinkler system, and ensuring clearly unobstructed emergency paths of travel, per the Fire Department's specifications, and pay any related fees applied to actual entitlement plans.

- b. Police protection.

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

- c. Schools.

**Response:** The proposed development will not increase the number of homes within the Garden Grove Unified School District. However, any potentially related impact is mitigated through the adoption of and subsequently applied mitigation school fees currently applied to new development in the City by the Garden Grove Unified School District. In order to ensure this concern is satisfied, the Developer shall provide the Community Development Department proof of payment of appropriate school fees, adopted by the Garden Grove Unified School District, prior to the issuance of building permits in accordance with the provisions of state law.

- d. Maintenance of public facilities, including roads.

**Response:** It is likely that the project, and the additional demand on the infrastructure, will increase maintenance requirements. The existing public facilities appear to be in reasonable condition and adequate to meet the demands of the proposed development. Should any infrastructure be inadequate to serve the site, then the developer will be required to make such improvements as part of the proposed development.

- e. Other governmental services.

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

**XII. UTILITIES AND SERVICE SYSTEMS**

- a. Power or natural gas.      
**Response:** There are no impacts to power or natural gas caused by this project. The existing infrastructure is adequate to meet the demands of the area including those generated by this project.
- b. Communication systems.      
**Response:** There are no impacts to communications systems caused by this project. The existing infrastructure is existing and adequate to meet the demands in the area including those generated by this project.
- c. Local or regional water treatment or distribution facilities.      
**Response:** There are no impacts to water treatment or distribution facilities caused by this project. The existing infrastructure is adequate to meet the demands of the area including those generated by this project.
- d. Sewer or septic tanks.      
**Response:** 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. Furthermore, the Garden Grove Sanitary District reviewed the analysis that was prepared for the General Plan's EIR, which addressed future impacts of development within the area. The Garden Grove Sanitation District's latest assessment does not indicate deficiencies in the general area.
- e. Storm water drainage.      
**Response:** The project area is a highly urbanized area and storm water drainage facilities are in place and adequate to meet the needs for this area including those generated by this project.
- f. Solid waste disposal.      
**Response:** Solid waste disposal services are administered by the Garden Grove Sanitary District. Collection services are provided via a contract with a private trash collection contractor. During final project design the applicant will be required to coordinate with the Garden Grove Sanitary District and their contractor for specific times for trash pick-up and confirm that the number of trash receptacles and location is sufficient for the proposed development.

**XIII. AESTHETICS**

- a. Affect on a scenic vista or scenic highway.      
**Response:** The project area is not adjacent to any scenic vistas or highways. The physical improvements for this site will be compatible with the Community Design Guidelines as stated in the General Plan and with other improvements and developments in the area.
- b. Have a demonstrable negative aesthetic effect.      
**Response:** The proposed development, along with recommended conditions of approval, will be compatible with the goals and objectives of the Design Guidelines contained in the City's adopted General Plan, and with the existing improvements and developments in the area. Therefore, there will be no demonstrable negative aesthetic effects caused by the proposed development.

- c. Create light or glare.      
**Response:** During the design phase of the project, the project will be required to provide additional lighting in the area. The project is required to adhere to all Municipal Code requirements pertaining to minimum lighting levels. Additionally, the lighting will not be permitted to spill onto adjoining properties.

**XIV. CULTURAL RESOURCES**

- a. Disturb paleontological resources.      
**Response:** There are no known paleontological resources in the area. If unanticipated paleontological resources are discovered during construction, all attempts will be made to preserve in place or leave in an undisturbed state in compliance with CEQA Section 21083.2.
- b. Disturb archaeological resources.      
**Response:** There are no known archaeological resources in the area. If unanticipated archaeological artifacts are discovered during construction, all attempts will be made to preserve in place or leave in an undisturbed state in compliance with CEQA Section 21083.2.
- c. Affect historical resources.      
**Response:** There are no known historical resources on the site. The Garden Grove General Plan Update notes 13-historically significant or potentially significant sites within the City limits. None of these sites are located in the project area.
- d. Have the potential to cause physical change that would affect unique ethnic cultural values.      
**Response:** There are no structures or activities that have unique cultural or ethnic value. The project, therefore will not have the potential to affect unique ethnic or cultural values.
- e. Restrict existing religious or sacred uses within the potential impact area.      
**Response:** The proposed development, and the use of the property, will not restrict religious or sacred uses. Therefore, there is no potential to restrict existing religious or sacred uses within the area of the project.

**XV. RECREATION**

- a. Increase the demand for neighborhood or regional parks or other recreational facilities.
- b. Affect existing recreation facilities.      
**Response:** (a and b) The area to be developed does not contain public open space or otherwise reduce neighborhood or regional park facilities. The development will provide a private recreation area for the guests as well as an urban trail that will be available for public use as well. In addition, the developer is required to pay park in-lieu fees that are applied to the City's parks and recreation programs.

**XVI. MANDATORY FINDINGS OF SIGNIFICANCE**

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

examples of the major periods of California history or prehistory.

- b. The project does not have the potential to achieve short-term,     to the disadvantage of long-term environmental goals.
- c. The project does not have impacts that are individually, but     cumulatively considerable ("Cumulatively considerable" means the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of current projects and the effects of probable future projects).
- d. The project does not have environmental effects that will cause     substantial adverse effects on human beings, either directly or indirectly.

**XVII. EARLIER ANALYSIS**

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

**a. EARLIER ANALYSIS:**

- 1. The City of Garden Grove General Plan Update.
- 2. The City of Garden Grove Existing Conditions Report.
- 3. The City of Garden Grove Final Environmental Impact Report for the General Plan Update, State Clearinghouse No. 200804179, August 2008.
- 4. Title 9 of the Garden Grove Municipal Code.
- 5. Redevelopment Project Plan and subsequent EIR dated July 2, 2002, Resolution No. 629.
- 6. Garden Grove Sanitary District Sewer Deficiency Analysis and Sewer Improvement Master Plan.

**b. IMPACTS ADEQUATELY ADDRESSED:**

- 1. Land Use
- 2. Population and Housing
- 3. Geophysical
- 4. Water
- 5. Air Quality
- 6. Transportation
- 10. Noise
- 11. Public Services

**c. MITIGATION MEASURES:**

The project is consistent with the analysis that was done within the City of Garden Grove Final Environmental Impact Report for the General Plan Update, State Clearinghouse No. 200804179 and Redevelopment Project Plan and EIR, July 2, 2002. The project will be required to adhere to all mitigation measures as stated within the current General Plan's EIR, Redevelopment Plan EIR, as well as conditions of approval and any future studies that may be required during the design phase and entitlement review process for the project.

CenturyTriangleChecklist

## RESOLUTION NO. 5714

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-125-10, AND DEVELOPMENT AGREEMENT NO. DA-181-10.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on July 1, 2010, does hereby recommend adoption of a Negative Declaration and recommends approval of Planned Unit Development No. PUD-125-10 and Development Agreement No. DA-181-10 to City Council for land located on the northwest corner of Century Boulevard and Taft Street, at 13031, 13035, 13051, 13061, 13063, and 13081 Taft Street, 13082 Century Boulevard, 10671, 10681, and 10691 Walnut Street, Parcel Nos. 099-091-20, 21, 22, 23, 24, 25, 26, & 31; 099-092-01, 02, 04, 05, & 06.

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-125-10 and Development Agreement No. DA-181-10, 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 CCSP-CC43 (Community Center Specific Plan-Community Commercial District) to Planned Unit Development No. PUD-125-10 to allow the development of a 53-unit townhouse multi-family residential subdivision; a Site Plan to construct the 53 townhomes with associated site improvements that include parking, open space, and an urban trail; and a Tentative Tract Map to create the one-lot subdivision for the purpose of selling each townhome as a condominium. 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 Civic Institution and Residential/Commercial Mixed Use 1 and is currently zoned CCSP-CC43 (Community Center Specific Plan-Community Commercial District). The 3-acre site is currently vacant, but had been previously developed with ten single-family homes and a commercial building.
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 July 1, 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 July 1, 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 9.08.030.020 and 9.32.030, are as follows:

**FACTS:**

The minimum site requirement for a Planned Unit Development Residential zoning is three (3) acres. The proposed site area is three acres, which includes both the net developable site area and the area encumbered for the urban trail and alley way improvements.

The net developable area of the site is 2.67-acres in area and is currently vacant, but had been previously developed with ten single-family homes and a commercial building.

The site has a General Plan Land Use designation of Civic Institution and Residential/Commercial Mixed Use 1 and is currently zoned CCSP-CC43 (Community Center Specific Plan-Community Commercial District).

The Planned Unit Development would facilitate the development of the site with 53 townhomes with associated site improvements that include parking, open space, an urban trail, and alley improvements.

The application for the Planned Unit Development and the Development Agreement is being processed in conjunction with Site Plan No. SP-457-10 and Tentative Tract Map No. TT-17369.

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 townhouse multi-family Residential community that is within the allowable density for the General Plan Land Use designation. The proposed development includes a network of passive open space areas within the interior of the site. Additionally, in order to provide some active open space area and meet the General Plans policies that encourage the creation of both private and public open spaces, the applicant has provided an urban trail on the outside boundaries of the project, along Taft Street and Century Boulevard, that will connect to the project's interior opens space network. The main entry into the development is from Century Boulevard and includes decorative paving, landscaping, and decorative walls on either side of the entry. The new development will improve the site and is in keeping with well-designed modern residences. The property is surrounded by commercial development to the north, east, and west, with both commercial and residential development to the south. The design of the project provides a community of townhomes 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 the City's General Plan. The site provides a network of open space throughout the development 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 3-acres in size. The project was designed to create a residential community with a network of open space that includes an urban trail, 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 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 of Title 9 of the City's Municipal Code), the base zoning and the R-3 (Multiple-Family Residential) zoning development standards.

#### 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 9.32.030 (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-125-10 are found under Planning Commission Resolution No. 5715 for Site Plan No. SP-457-10 and Tentative Tract Map No. TT-17369.

ADOPTED this 1st day of July, 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 July 1, 2010, by the following votes:

AYES:	COMMISSIONERS:	BEARD, CABRAL, ELLSWORTH, PAK
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	BONIKOWSKI, BUI
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 July 22, 2010.



## RESOLUTION NO. 5715

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE ADOPTING A NEGATIVE DECLARATION AND APPROVING SITE PLAN NO. SP-457-10 AND TENTATIVE TRACT MAP NO. TT-17369.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on July 1, 2010, does hereby adopt a Negative Declaration and approves Site Plan No. SP-457-10 and Tentative Tract Map No. TT-17369, for land located on the northwest corner of Century Boulevard and Taft Street, at 13031, 13035, 13051, 13061, 13063, and 13081 Taft Street, 13082 Century Boulevard, 10671, 10681, and 10691 Walnut Street, Parcel Nos. 099-091-20, 21, 22, 23, 24, 25, 26, & 31; 099-092-01, 02, 04, 05, & 06.

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-457-10 and Tentative Tract Map No. TT-17369, 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 CCSP-CC43 (Community Center Specific Plan-Community Commercial District) to Planned Unit Development No. PUD-125-10 to allow the development of a 53 unit townhouse multi-family residential subdivision; a Site Plan to construct the 53 townhomes with associated site improvements that include parking, open space, and an urban trail; and a Tentative Tract Map to create the one-lot subdivision for the purpose of selling each townhome as a condominium. 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 Civic Institution and Residential/Commercial Mixed Use 1 and is currently zoned CCSP-CC43 (Community Center Specific Plan-Community Commercial District). The 3-acre site is currently vacant, but had been previously developed with ten single-family homes and a commercial building.
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 July 1, 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 July 1, 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 9.08.030.020 and 9.32.030, are as follows:

**FACTS:**

The minimum site requirement for a Planned Unit Development Residential zoning is three (3) acres. The proposed site area is three acres, which includes both the net developable site area and the area encumbered for the urban trail and alley way improvements.

The net developable area of the site is 2.67-acres in area and is currently vacant, but had been previously developed with ten single-family homes and a commercial building.

The site has a General Plan Land Use designation of Civic Institution and Residential/Commercial Mixed Use 1 and is currently zoned CCSP-CC43 (Community Center Specific Plan-Community Commercial District).

The Planned Unit Development would facilitate the development of the site with 53 townhomes with associated site improvements that include parking, open space, an urban trail, and alley improvements.

The application for Site Plan No. SP-457-10 and Tentative Tract Map No. TT-17369 is being processed in conjunction with Planned Unit Development No. PUD-125-10 and Development Agreement No. DA-181-10.

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 Civic Institution and Residential/Commercial Mixed Use 1 General Plan Land Use designation, the Specific Plan 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 53 townhome 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 one-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 53-unit townhouse one-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 53 unit townhouse one-lot residential 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 53-unit townhouse one-lot residential 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 9.32.030 (Site Plan) and 9.40.010 (Subdivisions).
2. In order to fulfill the purpose and intent of the Municipal Code, and, thereby, promote the health, safety, and general welfare, the following conditions of approval, attached as "Exhibit A", shall apply to Site Plan No. SP-457-10, and Tentative Tract Map No. TT-17369.
3. Approval of this Site Plan and Tentative Tract Map shall be contingent upon the approval of Planned Unit Development No. PUD-125-10.

ADOPTED this 1st day of July, 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 July 1, 2010, by the following votes:

AYES:	COMMISSIONERS:	BEARD, CABRAL, ELLSWORTH, PAK
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	BONIKOWSKI, BUI
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 July 22, 2010.

## **EXHIBIT "A"**

### **Site Plan No. SP-457-10, Tentative Tract Map No. TT-17369**

13031, 13035, 13051, 13061, 13063, and 13081 Taft Street,  
13082 Century Boulevard, 10671, 10681, and 10691 Walnut 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-125-10 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 Community Center Specific Plan, and the base zoning of R-3 (Multiple-Family 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 reflect 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. Aboveground utility equipment (e.g., electrical, gas, telephone, cable TV) shall not be located in the street setbacks, within the common areas along Taft Street and Century Boulevard, 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. 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.

11. The applicant shall provide hydrology and hydraulic calculations with scaled map. The calculations shall be per Orange County Hydrology manual and certified by an approved registered civil engineer. The developer is strongly advised to take advantage of the LID (Low Impact Development) principles.
12. 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.
13. Prior to the issuance of a building permit, the applicant shall dedicate 10'-0" wide strip of land along the west side of Taft 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.
14. Prior to issuance of a building permit, the property owner shall dedicate to the City of Garden Grove for the proposed street widening purposes a 10'-0" wide strip of land along the south side of the existing public alley from the west side of Taft Street to the west side of the existing Parcel No. 099-091-20.
15. The applicant shall construct the following public improvements along the west side of Taft 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 6" high concrete curb and gutter type "C" per City Standard Plan No. B-113.
  - c. Construct 6'-0" wide concrete sidewalk adjacent to the property line and along the frontage of the property.
  - d. Prior to the issuance of a grading permit, the applicant shall design continuous landscaping along Taft Street, separating the sidewalk from the

street. No sidewalk connections shall be permitted mid-block joining the new sidewalk to the roadway.

16. The applicant shall construct the following public improvements along the east side of Century Boulevard from the north property line to the south property line of the subdivision:
  - a. Remove all existing drive approaches and reconstruct matching curb and gutter.
  - b. Remove existing sidewalk and reconstruct 4" thick meandering sidewalk along the property line.
  - c. Construct landscape and irrigation system both sides of the meandering sidewalk within the public right-of-way.
  - d. Prior to the issuance of a grading permit, the applicant shall design continuous landscaping along Taft Street, separating the sidewalk from the street. No sidewalk connections shall be permitted mid-block joining the new sidewalk to the roadway.
17. The applicant shall construct the following public improvements along the Public Alley that is located on the north side of the proposed subdivision:
  - a. Remove existing A.C. and base material and reconstruct 3" A.C. over 4" AB from north right-of-way line to south right-of-way line.
  - b. Construct a 4'-0" wide alley gutter along the center of said alley from east right-of-way line to west right-of-way line. The alley gutter shall be constructed in accordance with the City Standard Plan No. B-118.
  - c. Construct alley apron and cross gutter in accordance with the City Standard Plan No. B-118 along Taft Street at the alley entrance.
18. Prepare and submit to the City, for review and approval, street improvement plans. A registered civil engineer shall prepare street improvement plans.
19. Construct a 35'-0" radius curb return at the northwest corner of Taft Street and Century Boulevard.
20. Construct handicap ramp at the northwest corner of Taft Street and Century Boulevard. Dedicate to the City of Garden Grove a sufficient piece of land to accommodate the construction of said handicap ramp and public sidewalk.
21. The proposed modified drive approach along Century Boulevard shall be constructed as per the City Engineer's approval.

22. A separate street permit is required for work performed within the public right-of-way.
23. New trash enclosures shall be constructed per Garden Grove Standard Plan B-502. The trash enclosures shall be located to allow pick-up and maneuvering, including turnarounds in the area of the enclosures.
24. 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.
25. 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.



26. Prior to issuance of any grading or building permits for projects that will result in soil disturbance of one (1) 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.
27. 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.
28. Prior to occupancy of a building permit, the applicant shall prepare a traffic signal modification plan to address the required traffic signal pole relocation at the northwest corner of Taft Street and Century Boulevard. A registered civil engineer, in a manner meeting the approval of the City Traffic Engineer, shall design said plan.
29. Prior to occupancy of a grading permit, the applicant shall design overhead street lighting within the development in a manner meeting the approval of the City Engineer.
30. The applicant shall provide wheel stops for the 18'-0" long parking spaces within the project site to prevent cars from overhanging the sidewalk.
31. Prior to issuance of certificates of occupancy, the applicant shall restrict parking on Taft Street along the property frontage in a manner meeting the approval of the City Traffic Engineer.
32. The Developer and the City of Garden Grove shall execute a separate reimbursement agreement, in which the City will reimburse the developer for the cost of design and construction of the above items in Conditions No. 15, 17, 19, 20, and 28.

### **Garden Grove Fire Department**

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

33. A fire emergency access shall be provided off of Taft Street and shall be 20'-0" x 13'-6". The fire access area shall be paved with grass pavers or similar product. Any fencing that crosses the subject fire emergency access shall be provided with a knox box. An emergency access plan shall be

submitted to the Fire Department for review and approval prior to installation of the fire access.

34. The entry into the project shall be wide enough to provide two-way traffic. All streets and entry points shall be indicated on a 2006 AutoCad program and be given to the Garden Grove Fire Department in order to verify that all access points and turning angles will accommodate fire apparatus. 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."
35. Fire hydrants shall be provided on site. Four to five hydrants shall be used for this project and the 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 within 40'-0" of the Fire Department connection (FDC). All sprinklers shall be on their own dedicated lines. 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.
36. 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.
37. All Fire related aspects of the proposed project shall comply with California Fire Codes and the California Building Codes 2007 Edition.
38. 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.

39. 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.
40. Stairway widths shall be large enough to accommodate EMS equipment.
41. Vegetation and planter boxes shall not obstruct Fire Department ladder placement to upstairs windows.
42. All buildings shall be sprinklered according to NFPA 13 standards and shall have fire alarms according to NPA 72 under the current year adopted by the Garden Grove Fire Department.
43. All Fire Department connections shall have a 3'-0" clearance and shall be clear of all obstructions and vegetation.

#### **Building Services Division**

44. The primary level of at least 10 percent of the units shall be accessible to the physically disabled.
45. Accessible units shall be connected by an accessible route to the garage serving the accessible units, public streets, or sidewalks, and all common areas.
46. The buildings 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:

47. Developer to install a looped 8" water main system within private streets and shall be constructed per City Standards and dedicated to the City. Bonding will be required.
48. Water meters and boxes shall be installed by City forces upon payment of applicable fees and after new water system (including water services) pass all bacteriological and pressure tests.
49. Water meters shall be located within the City right-of-way or within dedicated waterline easement. Fire services and large water services 3" and larger, shall be installed by contractor with Class A or C-34 license, per City water standards and inspected by approved Public Works inspection.
50. A composite utility site plan shall be part of the water plan approval.

51. A Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed for the landscape system. Cross connection inspector shall be notified for inspection after the installation is completed. Owner shall have RPPD device tested once a year thereafter by a certified backflow device tester and the test results to be submitted to Public Works, Water Services Division. Property owner must open a water account upon installation of RPPD device.
52. It shall be the responsibility of owner/developer to abandon any existing private water well(s) per Orange County Health Department requirements. Abandonment(s) shall be inspected by Orange County Health Department inspector after permits have been obtained.
53. Owner shall dedicate all rights to underground water without the right to surface entry.
54. City shall determine if existing water services(s) is/are usable and meets current City Standards. Any existing meter and service located within new driveway(s) shall be relocated at owner's expense. Any new or existing water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.
55. Prior to the sewer main within the defunct Walnut Street right-of-way being abandoned, developer shall connect 8" private sewer main system and the existing portion of the sewer that remains for the connections to the north of the development into a public sewer manhole provided by Garden Grove Sanitary District (GGSD). This public manhole provided by GGSD ties into the County sewer trunk main on Century Boulevard also provided by GGSD.
56. Owner shall install a new 8" sewer main system per City Standards with clean-outs on each individual house lateral.
57. Owner shall install new sewer laterals with clean outs. Lateral in public right-of-way shall be 4" min. dia., extra strength VCP with wedgelock joints.
58. Contractor shall abandon any existing unused sewer lateral(s) on Taft Street and on Century Boulevard 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**

59. 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.
- e. The landscape treatment along the street frontages, including the area designated as the urban trail, shall incorporate the landscape area between the sidewalk and the dwelling units and the sidewalk and curb with ground cover, shrubs and bushes, and trees that highlight the project's entrance, create the walkable urban trail path, as well as enhance the exterior appearance along Taft Street and Century Boulevard. 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 landscape areas, including the areas located within the urban trail and public right-of-ways along Taft Street and Century Boulevard, are the responsibility of the Homeowner's Association.
- g. The urban trail shall include decorative lighting, canopy trees, palm trees, shrubs, and ground covers on either side of the sidewalk, decorative paving connecting the urban trail to the open space areas within the project's interior, and distance markers placed within the concrete sidewalks. The

final design of the markers shall be reviewed and approved by the Planning Division prior to the installation of the markers. The distance markers shall also be included within the open space areas located within the project's interior.

60. 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.
61. 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.
62. 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 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 and urban trail, 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 on the streets within the project.
- h. Due to the fact that the urban trail is part of the Code required open space of the project, the maintenance of the urban trail landscaping, lighting, and distance markers, shall be the responsibility of the Homeowner's Association.
- i. Storage of boats, recreational vehicles, or commercial vehicles on the property is prohibited.
- j. 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 and urban trail.
- k. 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.
- l. The CC&R's shall include language regarding Homeowner's Association responsibilities under National Pollutant Discharge Elimination System (NPDES) regulations.
- m. 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.
- n. 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-125-10, Site Plan No. SP-457-10, and Tentative Tract Map No. TT-17369. 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-125-10, Site Plan No. SP-457-10, and Tentative Tract Map No. TT-17369. 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-125-10, Site Plan No. SP-457-10, and Tentative Tract Map No. TT-17369 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-125-10, Site Plan No. SP-457-10, and Tentative Tract Map No. TT-17369.

- 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-125-10, Site Plan No. SP-457-10, and Tentative Tract Map No. TT-17369 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-125-10, Site Plan No. SP-457-10, and Tentative Tract Map No. TT-17369 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-125-10, Site Plan No. SP-457-10, and Tentative Tract Map No. TT-17369 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.
63. 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 and is completely screened from view from the street and/or common open space area.
  - 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.

64. 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 westerly property line and shall be constructed to a maximum height of seven feet, as measured from highest point of finished grade on the project's side. A higher wall may be constructed if needed for sound attenuation. These walls shall use split-face block with decorative caps, subject to Community Development Department's approval.
  - b. The applicant shall work with the existing property owner(s) along the westerly property line in designing and constructing the required block wall. 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.
65. 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 of 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, the use of low-sodium parking lot lights, and to ensure compliance with Title 24.
66. 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 (26 units). The improvements shall include landscaping, a water feature, benches, barbeque equipment, and related equipment and improvements.
67. 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 with a minimum 1-inch reveal lines; multi-paned windows that are recessed a minimum of 2-inches with the mullions on the exterior of the glazing and window sills; dimensional decorative caps along the top of the parapets; metal decorative railings and metal awnings; 5'-0" building pop-outs; decorative door trim with decorative paneled

front doors; paneled roll-up garage doors with garage door openers; decorative entry lights; and varied parapet heights. The tower features shall be varied in height ranging from 3'-0" to 4'-0" above the parapet height. Decorative dimensional molding shall be placed between the first and second floors in order to provide additional building enhancements and break up flatness of the front and side building elevations. Plans submitted for building permit shall include details of the above requirements.

68. The entry drive from Century Boulevard shall have enhanced concrete treatment, enhanced landscape treatment, decorative lighting, as well as decorative walls shown on the plans that are submitted for Planning Division review and approval. All details of the decorative entry shall be submitted on the required landscape plans for review and approval of the Community Development Department.
69. A decorative corner treatment shall be provided at the corner of Taft Street and Century Boulevard and shall include a water feature, decorative wall with project identification, decorative paving, and an 8'-0" wood overhead trellis with flowering vines. Landscaping within this area shall be consistent with the landscaping within the urban trail and shall include flowering ground covers, shrubs, canopy trees, and palm trees.
70. All open space, including the common open space areas and the urban trail 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.
71. 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.
72. In the event any legal action or proceeding is filed against the City and/or applicant, seeking to attack, set aside, void or annul any of the Project entitlements, applicant shall have the right and obligation to either: (1) defend the City with legal counsel mutually selected by the applicant and the office of the City Attorney; legal fees shall be limited so as not to exceed \$250 per hour; or (2) request that the City rescind the entitlement approvals, in which case the applicant would have no obligation to defend or indemnify the City; however, applicant shall reimburse the City for any costs incurred or assessed against the City as a result of the filing of such legal action or proceeding, provided the City acts promptly to rescind the entitlements.

MINUTE EXCERPT

GARDEN GROVE PLANNING COMMISSION

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PUBLIC HEARING: NEGATIVE DECLARATION  
PLANNED UNIT DEVELOPMENT NO. PUD-125-10  
SITE PLAN NO. SP-457-10  
TENTATIVE TRACT MAP NO. TT-17369  
DEVELOPMENT AGREEMENT NO. DA-181-10  
APPLICANT: BRANDYWINE HOMES  
LOCATION: NORTHWEST CORNER OF CENTURY BOULEVARD AND TAFT STREET AT  
13031, 13035, 13051, 13061, 13063, 13081 TAFT STREET, 13082 CENTURY  
BOULEVARD, 10671, 10681, 10691 WALNUT STREET  
DATE: JUNE 17, 2010

REQUEST: To rezone a three-acre site from CCSP-CC43 (Community Center Specific Plan-Community Commercial District) to Planned Unit Development for the allowance to create a 53-unit townhouse multi-family subdivision; a Site Plan to construct the 53 townhomes with associated site improvements that include street parking, open space areas, and an urban trail; and a Tentative Tract Map to create the one-lot subdivision for the purpose of selling each townhome as a condominium. A Development Agreement is also included. The site is in the CCSP-CC43 (Community Center Specific Plan-Community Commercial District) zone.

Staff recommended that the case be continued to the July 1, 2010 Planning Commission meeting to allow time to republish a revised legal advertisement.

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

There being no further comments, the public portion of the hearing was left open to be continued to the July 1, 2010 Planning Commission meeting.

Commissioner Ellsworth moved to continue the case to the July 1, 2010 Planning Commission meeting, seconded by Commissioner Pak. The motion carried with the following vote:

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

DRAFT MINUTE EXCERPT

GARDEN GROVE PLANNING COMMISSION

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PUBLIC HEARING: NEGATIVE DECLARATION  
PLANNED UNIT DEVELOPMENT NO. PUD-125-10  
SITE PLAN NO. SP-457-10  
TENTATIVE TRACT MAP NO. TT-17369  
DEVELOPMENT AGREEMENT NO. DA-181-10

APPLICANT: BRANDYWINE HOMES

LOCATION: NORTHWEST CORNER OF CENTURY BOULEVARD AND TAFT STREET AT  
13031, 13035, 13051, 13061, 13063, 13081 TAFT STREET, 13082 CENTURY  
BOULEVARD, 10671, 10681, 10691 WALNUT STREET

DATE: JULY 1, 2010

REQUEST: To rezone a three-acre site from CCSP-CC43 (Community Center Specific Plan-Community Commercial District) to Planned Unit Development for the allowance to create a 53-unit townhouse multi-family subdivision; a Site Plan to construct the 53 townhomes with associated site improvements that include street parking, open space areas, and an urban trail; and a Tentative Tract Map to create the one-lot subdivision for the purpose of selling each townhome as a condominium. A Development Agreement is also included. The site is in the CCSP-CC43 (Community Center Specific Plan-Community Commercial District) zone.

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

Chair Beard asked staff to clarify the vacated Walnut Street 'street parking', whether the project incorporated perimeter walls, and the urban trail. Staff explained that street parking would be available on Century Boulevard only; and that a part of the project is on the vacated portion of Walnut Street. Also, that the most southerly portion of the Taft Street side of the project would have a wrought iron fence with the remainder of the development to be open and that the urban trail consists of the meandering and straight sidewalk that includes shade trees, shrubs, distance markers, and a connection to other future developments and park systems.

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

Mr. Jim Barisic, a representative of Brandywine Homes, approached the Commission and described the project citing that the development would be an enhancement to the City.

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

Mr. Bryan Sevy, an architect from the KTG Architecture Group, gave a Power Point presentation on the project.

Commissioner Pak asked for an explanation of a 'great room'. Mr. Sevy replied that 'great room' is the name used for a living and dining space combined into one formal space along with an open kitchen.

Commissioner Pak asked if the balconies might need awnings in the future. Mr. Sevy responded that ninety percent of the plans have a canopy to shade the balcony; however, the Homeowner's Association would regulate this type of modification also.

Commissioner Ellsworth asked how Costco, the gas station, traffic, and lights would affect the development. Staff referred to a condition of approval that would restrict parking on both sides of Taft Street and stated that street lighting would also be within the project; that there would be spillover light from Costco, however, mature canopy trees would eventually diffuse the light; and that the right turn only would remain at Taft Street and Garden Grove Boulevard.

Commissioner Cabral asked if Costco had expressed any concerns. Staff replied no.

Commissioner Cabral stated that twenty-five guest parking spaces seemed low, and though the count complies with code, there may be parking spillover into Costco. Staff replied that any spillover could use the street parking.

Commissioner Pak asked if a median would be installed on Century Boulevard. Staff replied that currently, there is a two-way left turn lane that would remain.

Commissioner Pak asked if trash pick-up had been addressed. Staff replied that Garden Grove Disposal had reviewed the project and the trash truck traffic would be in a forward motion.

Chair Beard asked for clarification of the main entrance features. Mr. Sevy responded that there is a small play area, a water feature, a trellis, and landscaping; that walkways are tied into the parking areas; and that the home sizes are mixed within the plan.

Commissioner Pak asked if the project had a recreation room amenity. Mr. Sevy replied that the common amenity spaces are outdoors as the trend is to not have a meeting facility to help keep costs down; that the facilities are not utilized; and that the project is designed for young professional buyers with incomes starting at \$100,000.

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

The Commissioners agreed that the area was blighted and needed a good development, and that the project would bring in more people, money, and enhance the area as well as be a good investment in the community.

Commissioner Ellsworth moved to recommend adoption of the Negative Declaration, and approval of Planned Unit Development No. PUD-125-10, and Development Agreement No. DA-181-10 to City Council, and approve Site Plan No. SP-457-10 and Tentative Tract Map No. TT-17369, seconded by Commissioner Cabral, pursuant to the facts and reasons contained in Resolution Nos. 5714 (PUD/DA) and 5715 (SP/TT). The motion carried with the following vote:

AYES:	COMMISSIONERS: BEARD, CABRAL, ELLSWORTH, PAK
NOES:	COMMISSIONERS: NONE
ABSENT:	COMMISSIONERS: BONIKOWSKI, BUI
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-125-10, CHANGING THE ZONING DESIGNATION FROM CCSP-CC43 (COMMUNITY CENTER SPECIFIC PLAN – COMMUNITY COMMERCIAL DISTRICT) TO PLANNED UNIT DEVELOPMENT NO. PUD-125-10

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 3-acres of land zoned from CCSP-CC43 (Community Center Specific Plan-Community Commercial District) to Planned Unit Development No. PUD-125-10 to allow the development of a 53-unit townhouse multi-family residential subdivision; a Site Plan to construct the 53 townhomes with associated site improvements that include parking, open space, and an urban trail; and a Tentative Tract Map to create the one-lot subdivision for the purpose of selling each townhome as a condominium for land located on the northwest corner of Century Boulevard and Taft Street, at 13031, 13035, 13051, 13061, 13063, and 13081 Taft Street, 13082 Century Boulevard, 10671, 10681, and 10691 Walnut Street, Parcel Nos. 099-091-20, 21, 22, 23, 24, 25, 26, and 31; 099-092-01, 02, 04, 05, and 06;

WHEREAS, the Planning Commission, at a Public Hearing held on July 1, 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-125-10 and Development Agreement No. DA-181-10;

WHEREAS, pursuant to the Planning Commission Resolution No. 5714, at a Public Hearing held on July 1, 2010, recommended approval of Planned Unit Development No. PUD-125-10;

WHEREAS, pursuant to a legal notice, a Public Hearing was held by the City Council on August 10, 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 August 10, 2010, does hereby adopt a Negative Declaration for land located on the northwest corner of Century Boulevard and Taft Street, at 13031, 13035, 13051, 13061, 13063, and 13081 Taft Street, 13082 Century Boulevard, 10671, 10681, and 10691 Walnut Street, Parcel Nos. 099-091-20, 21, 22, 23, 24, 25, 26, & 31; 099-092-01, 02, 04, 05, & 06.

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



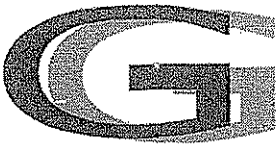
Section 1. The City Council of the City of Garden Grove has considered the proposed Negative Declaration together with comments received during the public review process. The record of proceedings on which the City Council of the City of Garden Grove decision is based is located at the City of Garden 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-125-10 is hereby approved pursuant to the facts and reasons stated in Planning Commission Resolution No. 5714, a copy of which is on file in the City Clerk's Office 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-125-10 zone as shown thereon. Zone Map part T-15 is amended accordingly.

Section 4. 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.

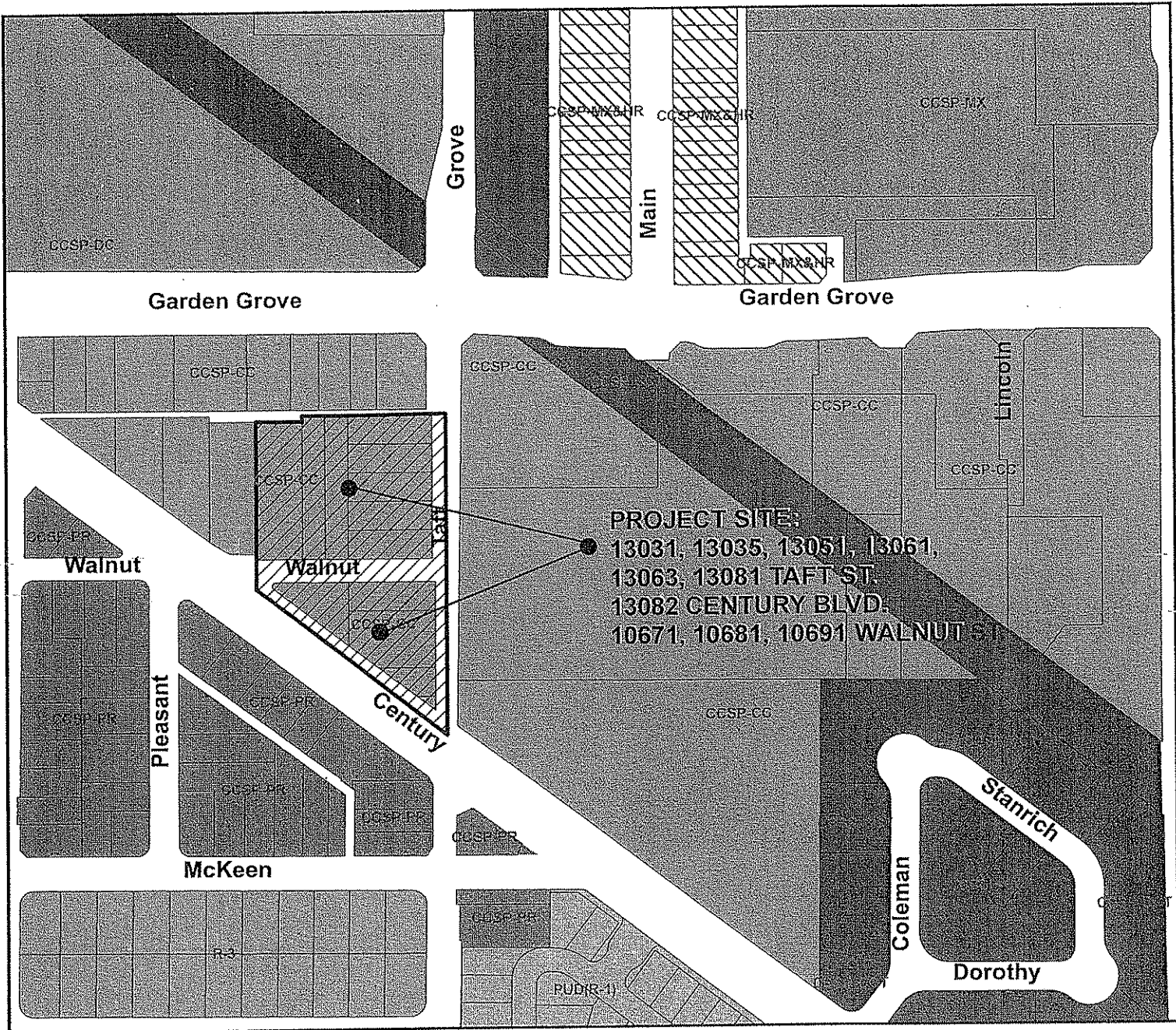
Section 5. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after adoption.



GARDEN GROVE

# PLANNED UNIT DEVELOPMENT NO. PUD-125-10

## REZONE FROM CCSP-CC43 TO PUD-125-10



### LEGEND

 PROJECT SITE- 3 ACRES, INCLUDES URBAN TRAIL AND RELATED IMPROVEMENTS.

### NOTES

SITE ADDRESS:

13031, 13035, 13051, 13061, 13063, 13081 TAFT ST.  
13082 CENTURY BLVD.  
10671, 10681, 10691 WALNUT ST.



CITY OF GARDEN GROVE  
COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION  
GIS SYSTEM  
JUNE 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-181-10 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 the Planning Commission Resolution No. 5714, at a Public Hearing held on July 1, 2010, recommended approval of Development Agreement No. DA-181-10 between Brandywine Homes and the City of Garden Grove; and

WHEREAS, pursuant to a legal notice a Public Hearing was held by the City Council on August 10, 2010, and all interested persons were given an opportunity to be heard.

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, in Regular Session assembled on August 10, 2010, does hereby adopt a Negative Declaration, for land located on the northwest corner of Century Boulevard and Taft Street, at 13031, 13035, 13051, 13061, 13063, and 13081 Taft Street, 13082 Century Boulevard, 10671, 10681, and 10691 Walnut Street, Parcel Nos. 099-091-20, 21, 22, 23, 24, 25, 26, and 31; 099-092-01, 02, 04, 05, and 06.

Section 2. A Development Agreement is hereby adopted for Site Plan No. SP-457-10 and Tentative Tract Map No. TT-17369 for property located on the northwest corner of Century Boulevard and Taft Street, at 13031, 13035, 13051, 13061, 13063, and 13081 Taft Street, 13082 Century Boulevard, 10671, 10681, and 10691 Walnut Street, Parcel Nos. 099-091-20, 21, 22, 23, 24, 25, 26, and 31; 099-092-01, 02, 04, 05, and 06. A copy of Development Agreement No. DA-181-10 is on file in the City Clerk's Office.

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.

RECORDING REQUESTED BY )  
AND WHEN RECORDED MAIL TO: )

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

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(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-181-10**

**SP-457-10 and TT-17369**  
(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 townhouse multi-family residential project consisting of fifty-three (53) townhouse dwelling units to be constructed on a 3-acre site and related improvements (the "PROJECT") on that certain real property located on the northwest corner of Taft Street and Century Boulevard, at 13031, 13035, 13051, 13063, and 13081 Taft Street, 13082 Century Boulevard, and 10671, 10681, and 10691 Walnut Street, Parcel Nos. 099-091-20, 21, 22, 23, 24, 25, 26, & 31 and 099-092-01, 02, 04, 05, & 06.
- B. The Planning Commission approved Site Plan No. SP-457-10 and Tentative Tract Map No. TT-17369, for the PROJECT, on July 1, 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 fifty-three (53) three-story townhomes. The project will consist of four different floor plans. Plan 1 is a 1,691 square foot, 3 bedroom, 3 ½ bathroom home with an attached two-car garage; Plan 2 is a 1,738 square foot, 3 bedroom, 2 ½ bathroom home with an attached two-car garage; Plan 3 is a 1,945 square foot, 4 bedroom, 3 ½ bathroom home with an attached two-car garage; and Plan four is a 2,259 square foot, 4 bedroom, 3 ½ bathroom home with an attached two-car garage. The development will also include passive open space areas that include the creation of an urban trail that is in part public open space. The PROJECT has been granted the following entitlements: Site Plan No. SP-457-10 and Tentative Tract Map No. TT-17369. The development is processed in conjunction with a zone change to Planned Unit Development No. PUD-125-10. The PUD is subject to the development standards that have been approved through the PUD process and the associated entitlements. The base zoning for the project is CCSP-CC43 (Community Center Specific Plan-Community Commercial District).
3. Density/Intensity. The density or intensity of the PROJECT is as follows: townhouse multi-family residential development consisting of fifty-three (53) townhouses with related improvements on 2.67-acres. The site area is 3-acres, which includes an urban trail, which is designated as part of the development.

4. Maximum Height and Building Size. The maximum height and building sizes are as follows: The maximum building height shall be three stories with an overall height not to exceed 37 feet and the homes range in size from 1,691 to 2,259 square feet, as indicated on the site plan and elevations.
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-457-10 and Tentative Tract Map No. TT-17369.
6. Improvements. The improvements described in Planning Commission Resolution No. 5715 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-457-10 and Tentative Tract Map No. TT-17369.
7. Scope of PROJECT. The PROJECT shall consist of a townhouse multi-family residential subdivision consisting of fifty-three (53) three-story townhomes with related improvements, including development of the urban trail.
8. Resolution/Material Terms. All conditions of approval as per Resolution No. 5715 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 \$101,548.00.
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 \$101,548 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. 5715 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.

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. 5715, 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

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**

See Attached  
Notary Public Document

By: David Barisic

Its: Vice President

Date: 7-20-10  
(Signature must be notarized.)

**APPROVED AS TO FORM:**

Amy Sandoval, for  
Garden Grove City Attorney

Date: 7-29-10

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.

ACKNOWLEDGMENT

State of California  
County of Orange

On 7/20/10 before me, TORU HORIMACHI, Notary Public  
(insert name and title of the officer)

personally appeared David Barisic  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~  
subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in  
his/~~her/their~~ authorized capacity(~~ies~~), and that by his/~~her/their~~ signature(s) on the instrument the  
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing  
paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature] (Seal)

