

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

| | | | |
|----------|--|-------|-----------------------|
| To: | Matthew Fertal | From: | Susan Emery |
| Dept: | City Manager | Dept: | Community Development |
| Subject: | CONSIDERATION OF A DEVELOPMENT AGREEMENT (DA-182-10) | Date: | September 28, 2010 |

OBJECTIVE

To consider a Development Agreement (DA-182-10) between the City of Garden Grove and the Olson Company for the purpose of facilitating the development of the southwest corner of Garden Grove Boulevard and West Street, at 12034 Garden Grove Boulevard, with a twelve-lot subdivision.

BACKGROUND

On September 2, 2010, the Planning Commission approved Tentative Tract Map No. TT-17384 for the purpose of improving the site with a small-lot subdivision consisting of twelve, two-story, detached single-family homes, and recommended that City Council approve the accompanying Development Agreement No. DA-182-10. Regarding public testimony, aside from the project representative addressing Planning Commission in support of the proposal, two persons spoke with concerns and no one spoke in opposition to the proposed project.

DISCUSSION

The proposed Development Agreement is part of the proposal to complete the remaining un-built area of the Sycamore Walk residential development located at the southwest corner of Garden Grove Boulevard and West Street. The applicant's approval of a Tentative Tract Map No. TT-17384 is to improve the 36,155 square foot site with twelve single-family homes in the manner of a small-lot subdivision that joins with the existing small-lot residential development to the east of this parcel.

The build-out will have two floor plans in similar plan layout as the existing development. Plan 1, approximately 1,292 square feet in floor area, has three bedrooms and two and half bathrooms; and, Plan 2, approximately 1,688 square feet in floor area, will have three bedrooms and a den, or fourth bedroom option with three baths, and both plans will have two-car garages consisting of 436 square feet and 429 square feet respectively.

DEVELOPMENT AGREEMENT NO. DA-182-10

September 28, 2010

Page 2

The proposed architectural style will match that of the existing residential development. The site will also be finished with landscaping and the perimeter walls will be completed to match that of the existing development.

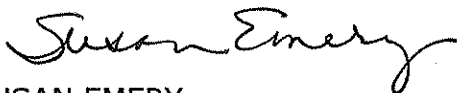
FINANCIAL IMPACTS

None.

RECOMMENDATION

The Planning Commission recommends that the City Council:

- Introduce and conduct the first reading of the attached Ordinance approving the Development Agreement (DA-182-10) with Olson Company facilitating the development of the southwest corner of Garden Grove Boulevard and West Street, at 12034 Garden Grove Boulevard.



SUSAN EMERY
Community Development Director



By: Karl Hill
Planning Services Manager

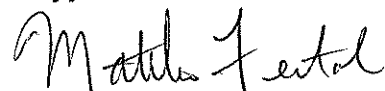
Attachment 1: Planning Commission Staff Report dated September 2, 2010

Attachment 2: Planning Commission Resolution No. 5717 with Exhibit "A" Conditions of Approval, Development Agreement, Resolution No. 4718, Revised Soil Vapor Survey dated August 9, 2010

Attachment 3: Planning Commission Draft Minute Excerpt of September 2, 2010

Attachment 4: Draft City Council Development Agreement Ordinance

Approved for Agenda Listing



Matthew Fertal
City Manager

COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

| | |
|---|--|
| AGENDA ITEM NO.: C.1. | SITE LOCATION: Southwest corner of Garden Grove Boulevard and West Street, 12034 Garden Grove Boulevard |
| HEARING DATE: September 2, 2010 | GENERAL PLAN: Residential Commercial Mixed-Use |
| CASE NO.: Tentative Tract Map No. TT-17384 and Development Agreement DA-182-10 | ZONE: Planned Unit Development No. PUD-113-96 (R) |
| APPLICANT: The Olson Company | APN: 100-504-32 and 80 |
| PROPERTY OWNER: Garden Grove Agency for Community Development | CEQA DETERMINATION: Exempt, Infill Development |

REQUEST:

To complete the build-out of the Sycamore Walk residential development through the proposed Tentative Tract Map No. TT-17384. The proposed build-out consists of a twelve-lot, small-lot subdivision, with twelve (12) homes and one common lot on a 36,155 square foot site, to be joined with the existing small-lot subdivision immediately east of this site. A Development Agreement is also included.

BACKGROUND:

The applicant, The Olson Company, had originally requested, and subsequently received, approval of a Site Plan (SP-178-96) in order to develop a 5.2-acre site with 70, two story, single-family homes with a Tentative Tract Map (TT-15399) on property located within the Harbor Corridor Specific Plan. A zone change was requested as well to rezone the development site from Transition Zone West to Planned Unit Development No. PUD-113-96. The Planning Commission approved the Site Plan and Tentative Tract Map and recommended approval of the zone change on December 12, 1996 (see Exhibit "B"). The City Council approved the rezone on January 28, 1997.

Although the overall 5.2-acre site was approved for development, the western portion was delayed development due to underground soil contamination, primarily from a former gas station that was located at the southeast corner of Garden Grove Boulevard and Rockinghorse Road. Subsequently only 48 homes were constructed on the eastern half of the site along with a swimming pool recreation area and the main entrance to the site at West Street and Garden Grove Boulevard.

Due to the length of timing concerning the underground soil contamination remediation process, the Garden Grove Agency for Community Development, which retained ownership of the western portion of this site, elected to allow the

immediate corner of Garden Grove Boulevard and Rockinghorse Road to be developed with a restaurant, Los Sanchez Mexican Restaurant, including the rezoning of this site to C-1, Neighborhood Commercial. The remnant parcel, approximately 36,155 square feet in land area, situated between Los Sanchez restaurant and the Sycamore Walk residential development, was left in an unimproved state and was the focus area for the soil contamination remediation efforts.

At this time, the remediation has been completed to a level that now allows residential development to occur on this site, thereby allowing the completion of the Sycamore Walk residential development. Attached to this report is the Draft Letter "Revised Soil Vapor Survey and Human Health Risk Assessment" indicating that the project may move forward (see Exhibit "C").

It is also noted that the purpose for filing a new Tract Map on the subject site is due to the original map layout being changed with the development of the corner parcel with a restaurant, and that the length of time, approximately fourteen years since the original map was approved, has well expired. Therefore, the filing of a new map is necessary.

DISCUSSION:

The applicant is requesting the approval of a Tentative Tract Map to improve the 36,155 square foot site with twelve single-family homes in the manner of a small-lot subdivision that joins with the existing small-lot residential development to the east of this parcel. The subdivision will facilitate the build-out of the originally planned Sycamore Walk development.

The build-out will have two floor plans in similar plan layout as the existing development. Plan 1, approximately 1,292 square feet in floor area, has three bedrooms and two and half bathrooms; and, Plan 2, approximately 1,688 square feet in floor area, will have three bedrooms and a den, or fourth bedroom option with three baths, and both plans will have two-car garages consisting of 436 square feet and 429 square feet respectively.

The residential architectural style will match that of the existing with stucco treatment, window accents, and columns with stone accents at the residence main entrance. The site will also be finished with landscaping and the perimeter walls will be completed to match that of the existing development.

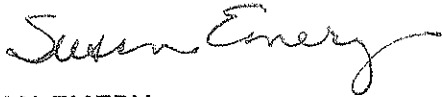
The applicant is required to have current CC&R's to be modified to reflect this addition of twelve single-family homes, as well as fold in any new conditions applicable to the long term matters regarding a residential development typical of CC&R's such as maintenance of the common areas, matters that govern the Associations rules and regulations, and any other related matters as result of the addition of these new twelve units.

DEVELOPMENT AGREEMENT

The developer will be required to enter into a Development Agreement with the City. The applicant is guaranteed that they will be able to construct the proposed twelve single-family homes under Tentative Tract Map No. TT-17384 and related improvements over a period of four years and the City will receive a development agreement payment not to exceed \$22,992.00.

RECOMMENDATION:

Staff recommends that the Planning Commission approve Tentative Tract Map No. TT-17384 with the recommended Conditions of Approval, and that the City Council approve the Development Agreement No. DA-182-10.

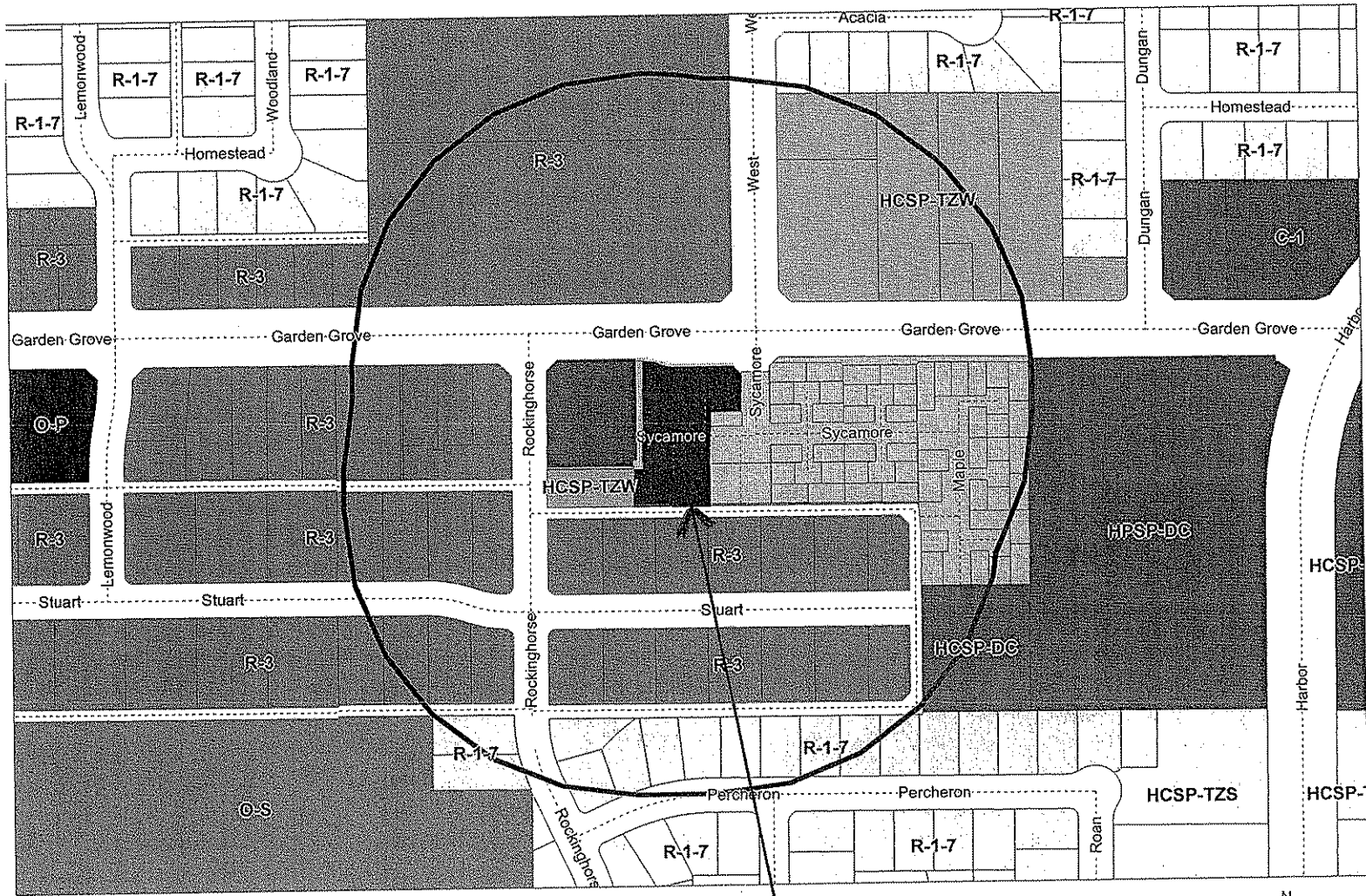


SUSAN EMERY
Community Development Director



By: Karl Hill
Planning Services Manager

Tentative Tract Map No. TT-17384 and Dev. Agreement



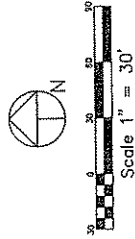
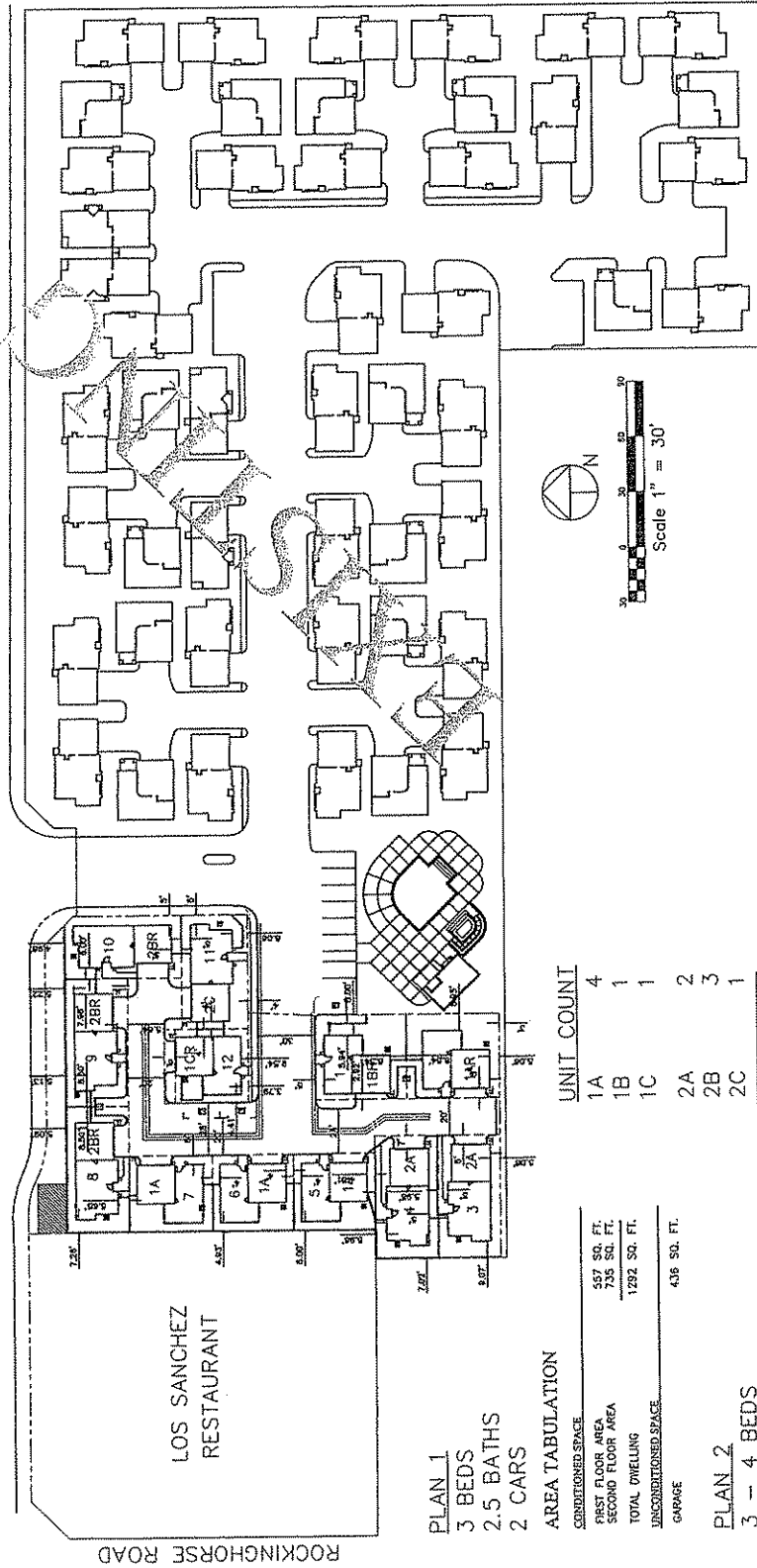
SCALE 1 : 3,492



SUBJECT SITE



GARDEN GROVE BOULEVARD



ROCKINGHORSE ROAD

LOS SANCHEZ RESTAURANT

PLAN 1
3 BEDS
2.5 BATHS
2 CARS

AREA TABULATION

| | |
|---------------------|--------------|
| CONDITIONED SPACE | 557 SQ. FT. |
| FIRST FLOOR AREA | 728 SQ. FT. |
| SECOND FLOOR AREA | 1292 SQ. FT. |
| TOTAL DWELLING | |
| UNCONDITIONED SPACE | |
| GARAGE | 438 SQ. FT. |

PLAN 2
3 - 4 BEDS
3 BATHS
2 CARS

AREA TABULATION

| | |
|---------------------|--------------|
| CONDITIONED SPACE | |
| FIRST FLOOR AREA | 703 SQ. FT. |
| SECOND FLOOR AREA | 1018 SQ. FT. |
| TOTAL DWELLING | 1719 SQ. FT. |
| UNCONDITIONED SPACE | |
| GARAGE | 429 SQ. FT. |

| UNIT COUNT | |
|--------------|-----------|
| 1A | 4 |
| 1B | 1 |
| 1C | 1 |
| 2A | 2 |
| 2B | 3 |
| 2C | 1 |
| TOTAL | 12 |

PARKING

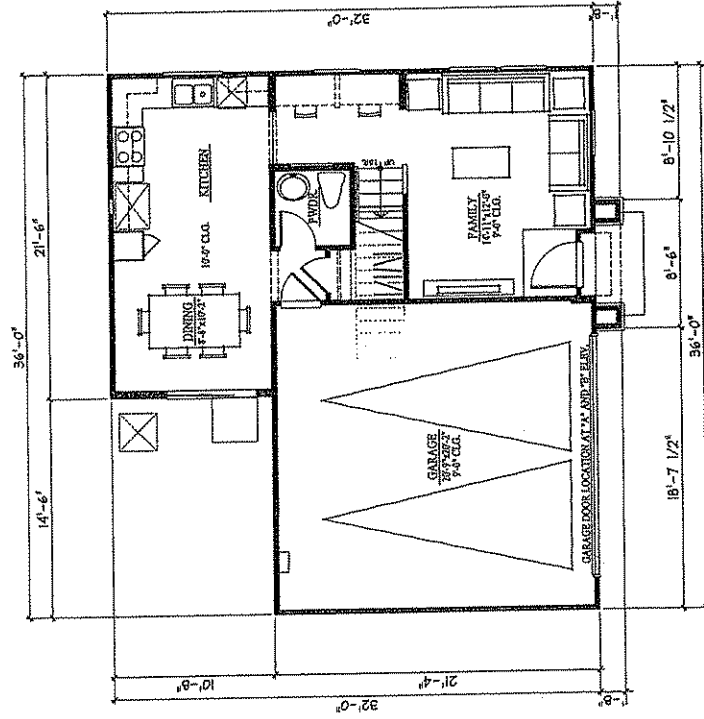
| | |
|----------------|-----------|
| PRIVATE GARAGE | 24 |
| GUEST | 5 |
| TOTAL | 29 |

SITE PLAN
SYCAMORE WALK

Job #: 10007
 Date: Aug 1, 2010
 Title: Architect
 Scale: 1/4" = 1'-0"
 24436

KEVIN L. CROOK
 ARCHITECT
 INC.
 2000 N. GARDEN GROVE BOULEVARD
 SUITE 100
 GARDEN GROVE, CA 92640
 TEL: 949.441.1100
 FAX: 949.441.1101
 WWW.KLCA.COM

PLAN 01.01 SITE PLAN 07-20-2010-14

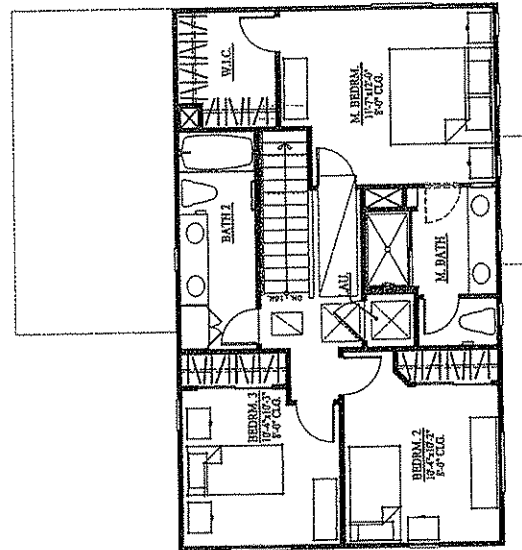


FIRST FLOOR PLAN "A"

AREA TABULATION

| | |
|--------------------|-------------|
| CONDENSEMENTS | 212 SQ. FT. |
| 2ND FLOOR PLAN | 212 SQ. FT. |
| TOTAL BUILDING | 424 SQ. FT. |
| ADJUSTMENT/RELEASE | 424 SQ. FT. |
| GARAGE | 498 SQ. FT. |

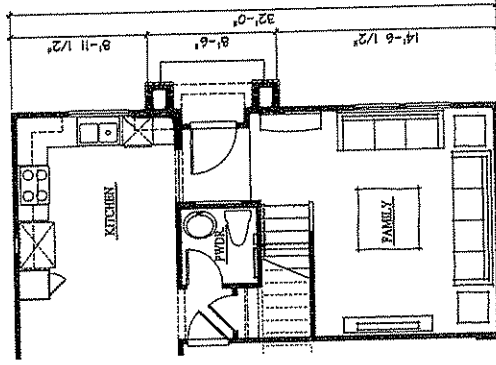
PLAN 1
 SYCAMORE WALK



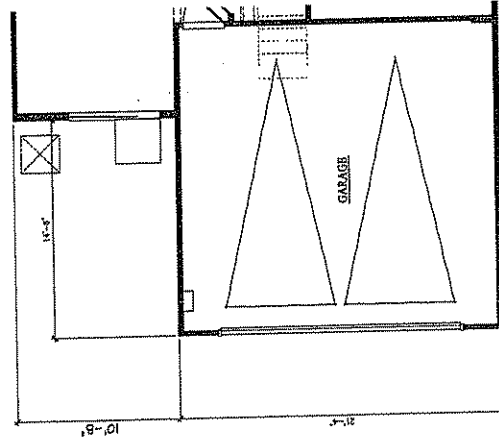
SECOND FLOOR PLAN "A"



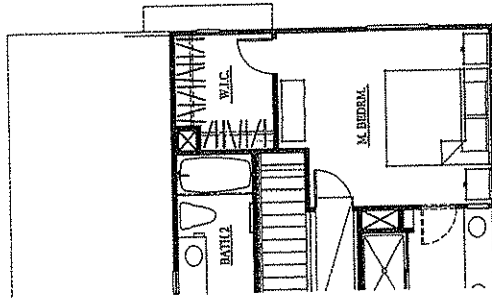
Job #: 10007
 Date: Aug 11, 2010
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 24x36 Scale: 1/4"=1'-0"



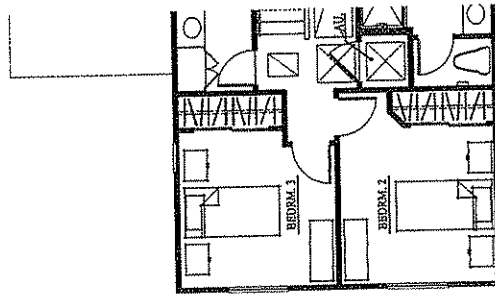
PARTIAL FIRST
FLOOR PLAN "B" & "C"



PARTIAL FIRST
FLOOR PLAN "C"



PARTIAL SECOND
FLOOR PLAN "B" & "C"



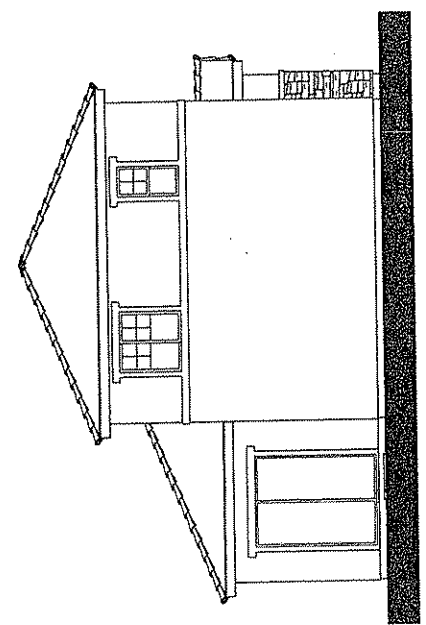
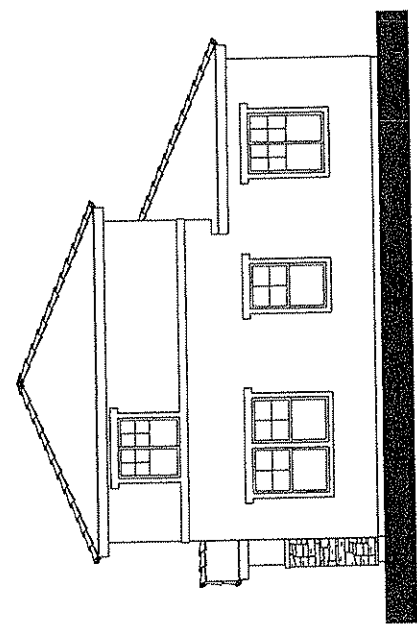
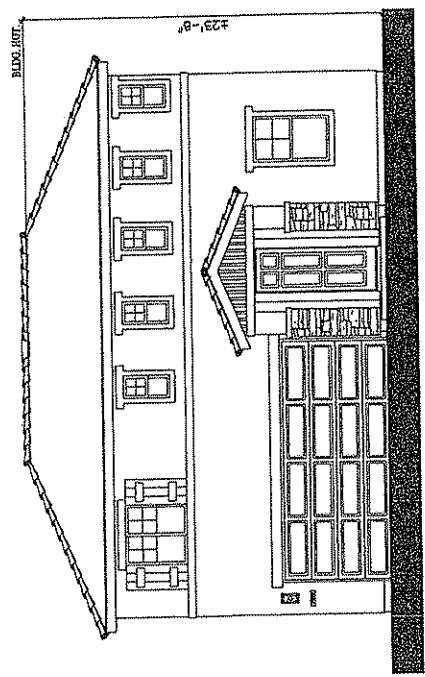
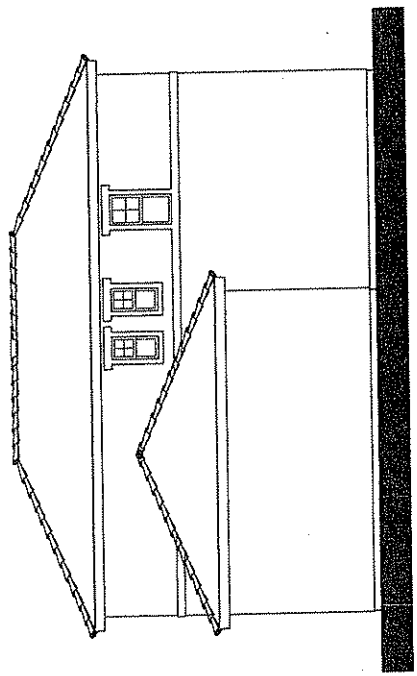
PARTIAL SECOND
FLOOR PLAN "C"

PLAN 1 SYCAMORE WALK

KEVIN L. CROOK
ARCHITECT
INC.
10007
11/1/2010



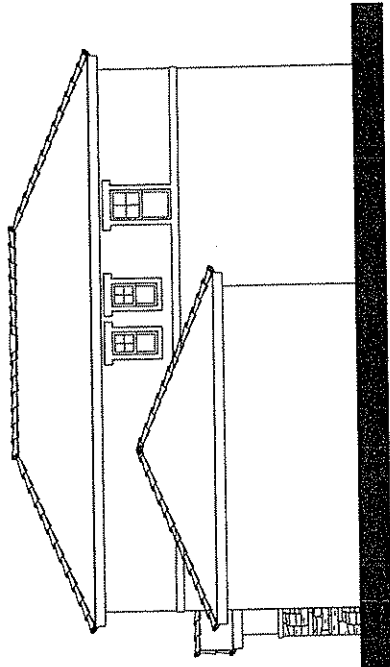
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24x36 Scale: 1/4"=1'-0"



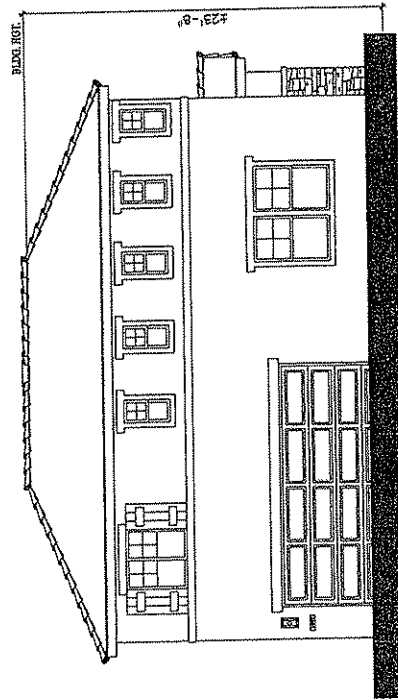
PLAN 1 SYCAMORE WALK



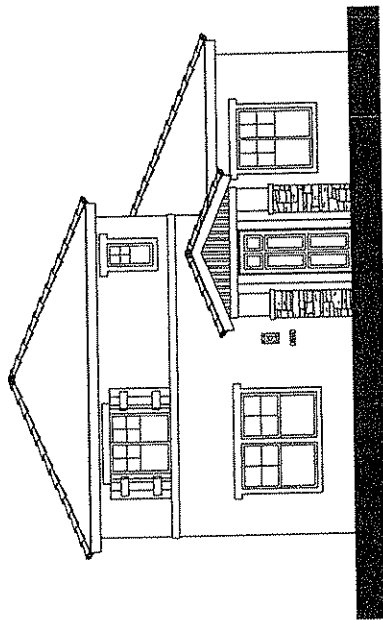
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11x17 Scale: 1/8"=1'-0"
24x36 Scale: 1/4"=1'-0"



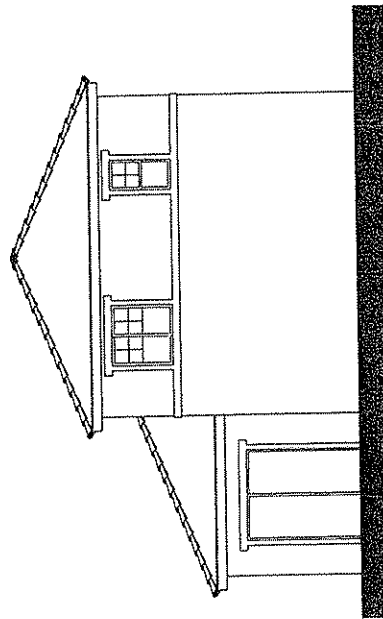
REAR ELEVATION "B"



FRONT ELEVATION "B"



RIGHT ELEVATION "B"



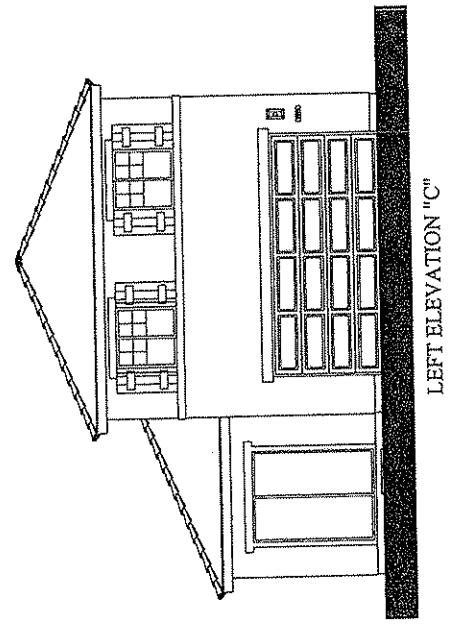
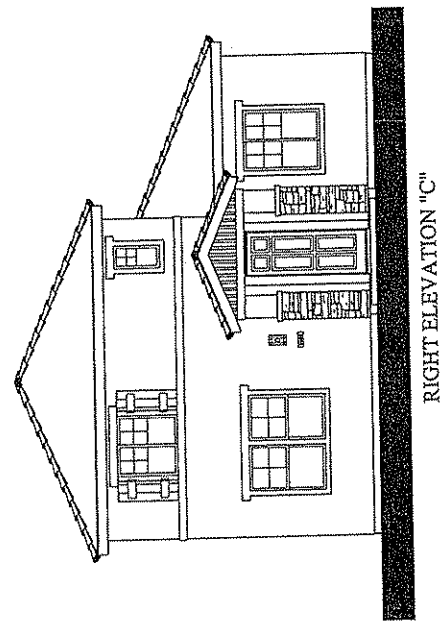
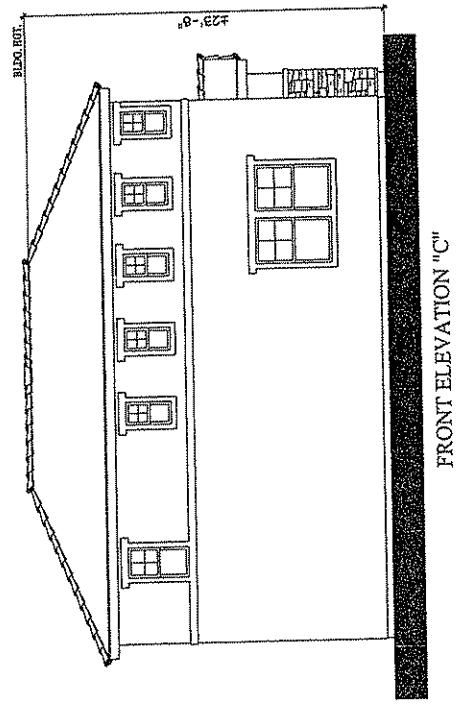
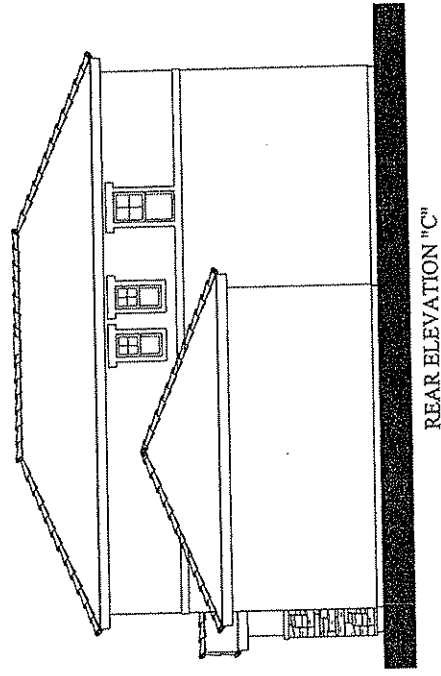
LEFT ELEVATION "B"

PLAN 1
SYCAMORE WALK

KEVIN L. CROOK ARCHITECT INC.
11111 S. 24th St. Suite 100
Tucson, AZ 85710
Phone: 520-885-1111
Fax: 520-885-1112



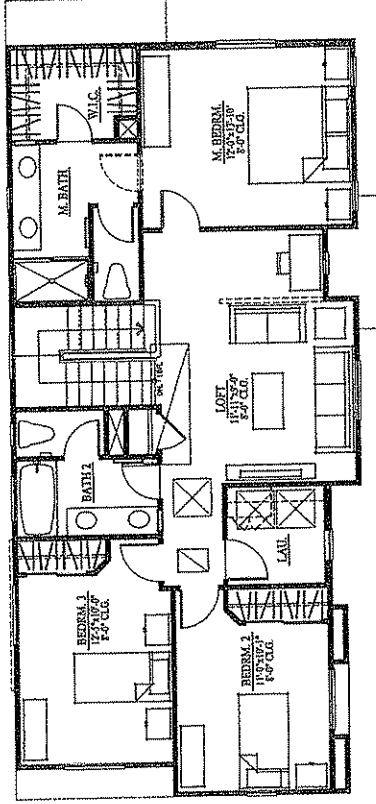
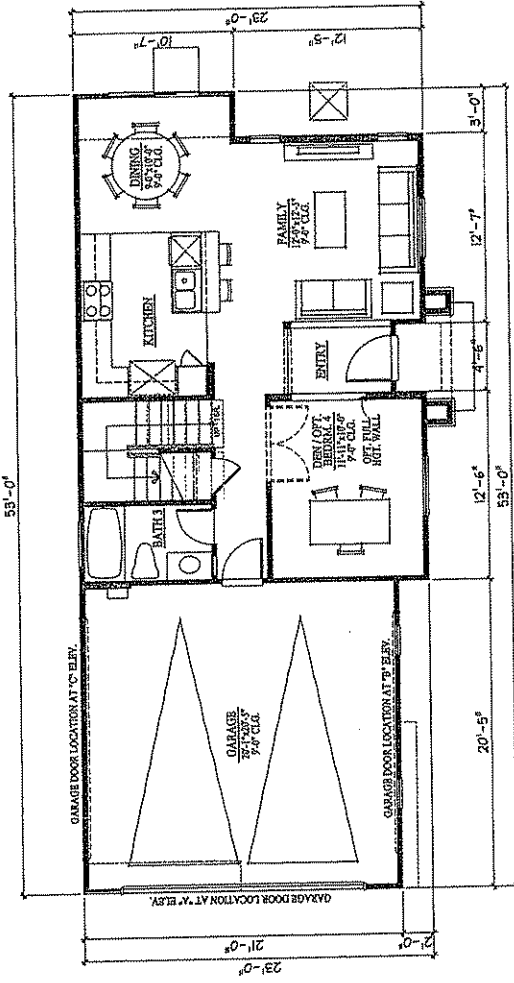
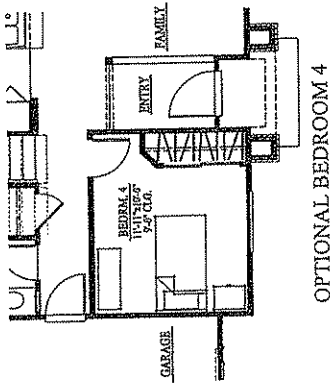
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Date: Aug. 11, 2010
11x17 Scale: 1/8"=1'-0"
24x36 Scale: 1/4"=1'-0"



PLAN 1
SYCAMORE WALK



Job #: 10007
Date: Aug 11, 2010
11x17 Scale: 1/8"=1'-0"
24x36 Scale: 1/4"=1'-0"



AREA TABULATION

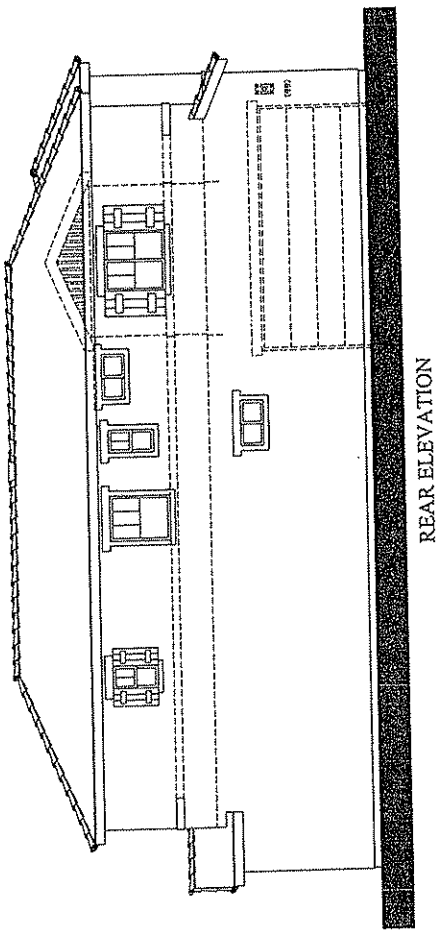
| | | |
|---------|---------|---------|
| CEILING | 100.00 | SQ. FT. |
| FLOOR | 100.00 | SQ. FT. |
| WALLS | 1719.00 | SQ. FT. |
| DOORS | 439.00 | SQ. FT. |
| TOTAL | 2338.00 | SQ. FT. |

PLAN 2
SYCAMORE WALK

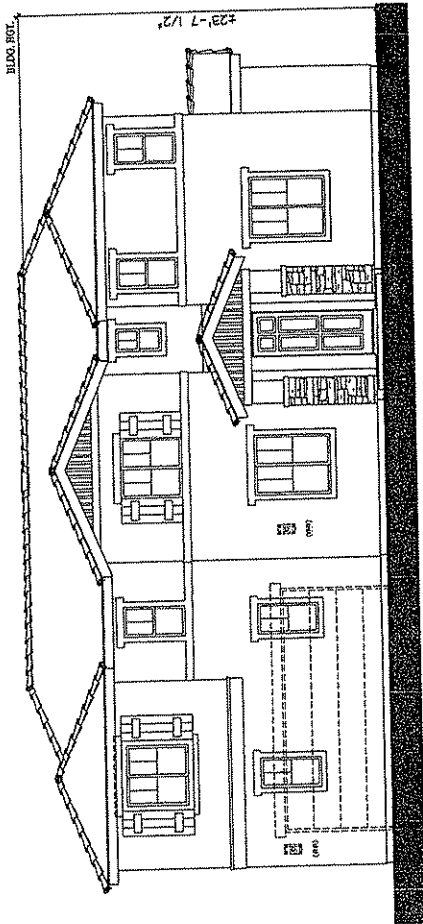
KEVIN L. CROOK ARCHITECT INC.



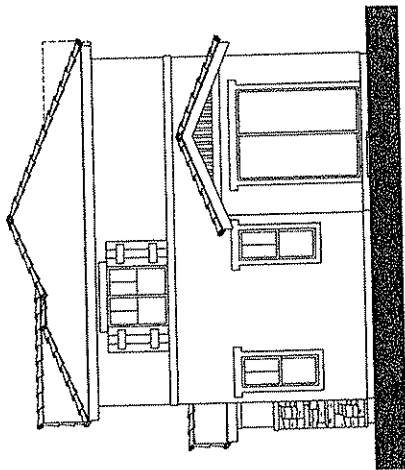
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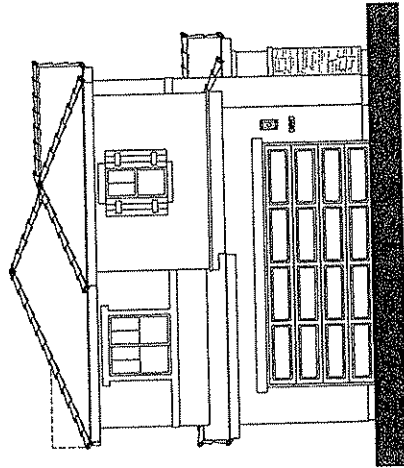
REAR ELEVATION



FRONT ELEVATION



RIGHT ELEVATION



LEFT ELEVATION

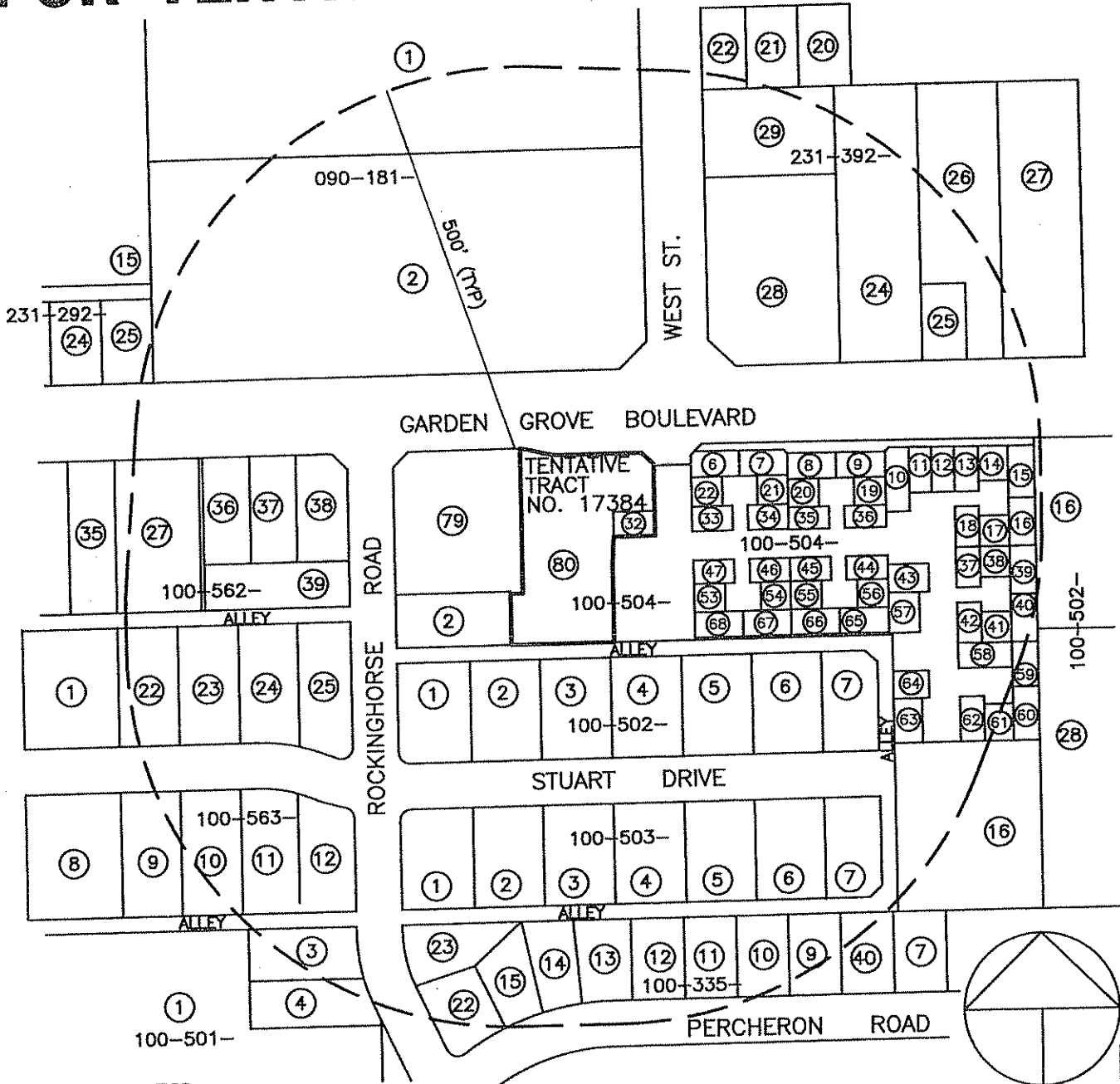
PLAN 2
SYCAMORE WALK

KEVIN L. CROOK ARCHITECT INC.
© Copyright 2010 Kevin L. Crook



Job #: 10007
Date: Aug 11, 2010
11x17 Scale: 1/8"=1'-0"
24x36 Scale: 1/4"=1'-0"

AREA MAP FOR TENTATIVE TRACT NO. 17384



PREPARED BY:



ALAN R. SHORT, P.E.
Alan R. Short
ALAN R. SHORT, P.E.
R.C.E. 30873, EXPIRES 3/31/12

25911 Pinewood Lane
Laguna Hills, CA 92653
(949) 586-5200
ALANSHORT@COX.NET

DATE: 6/23/10

DEVELOPER:

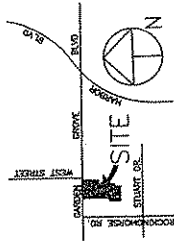
THE OLSON COMPANY
3010 OLD RANCH PARKWAY, SUITE 100
SEAL BEACH, CALIFORNIA 90740-2751
(562) 596-4770
ATTENTION: MS. KIM PRIJATEL

1"=200'

6/23/10

SHEET 1 OF 1

EXISTING FACILITIES PLAN FOR TENTATIVE TRACT NO. 17384



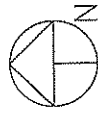
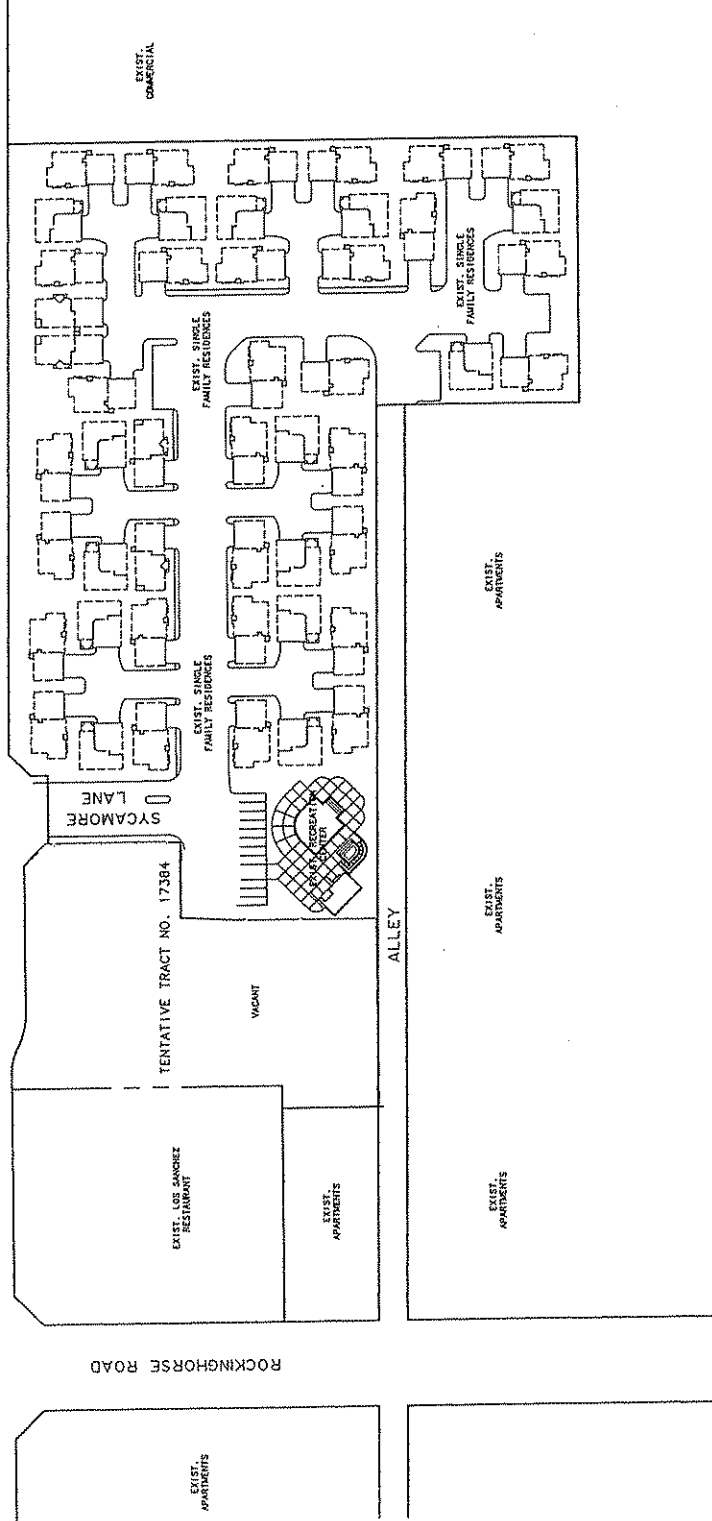
EXIST. MOBILE HOMES
EXIST. MOBILE HOMES
EXIST. MOBILE HOMES

EXIST. COMMERCIAL
EXIST. COMMERCIAL
EXIST. COMMERCIAL

WEST ST.

GARDEN GROVE BOULEVARD

ROCKINGHORSE ROAD



DEVELOPER:
THE BANK GROUP
3010 S. BANK PARKWAY, SUITE 100
DANA POINT, CALIFORNIA 92629
(949) 365-4170
ATTENTION: MR. KIM PHILLIPS

PREPARED BY:

 Alan R. Smith, P.E. DATE: 3/22/18
 R.C.T., 3881, DUBLIN, CA 94568

EXISTING FACILITIES PLAN
TENTATIVE TRACT
NO. 17384

9/23/10

SHEET 1 OF 1

TENTATIVE TRACT NUMBER 17384

A VESTING TENTATIVE TRACT MAP

GENERAL NOTES

1. EXISTING LAND USE: VACANT, SINGLE-FAMILY RESIDENTIAL.
2. PROPOSED LAND USE: SINGLE-FAMILY RESIDENTIAL.
3. EXISTING ZONING: TRADITIONAL ZONE WEST HARBOR CORRIDOR SPECIFIC PLAN.
4. PROPOSED ZONING: TRADITIONAL ZONE WEST HARBOR CORRIDOR SPECIFIC PLAN.
5. PROPOSED ZONING: TRADITIONAL ZONE WEST HARBOR CORRIDOR SPECIFIC PLAN.
6. PROPOSED ZONING: TRADITIONAL ZONE WEST HARBOR CORRIDOR SPECIFIC PLAN.
7. OTHER SERVICE PROVIDED BY: CITY OF GARDEN.
8. FOR INFORMATION: (INDICATE ANY OTHER TRACT THAT IS BEING VESTED BY THIS TENTATIVE TRACT MAP.)
9. ELECTRIC SERVICE PROVIDED BY: SOUTHERN CALIFORNIA Edison.
10. TELEPHONE SERVICE PROVIDED BY: SBC COMMUNICATIONS.
11. CABLE TELEVISION PROVIDED BY: THE WATSON GROUP DISTRICT.
12. STREET IMPROVEMENTS SHALL BE PROVIDED BY THE CITY OF GARDEN.
13. ALL LOTS SHALL BE IN ACCORDANCE WITH HOMEOWNERS ASSOCIATION MAINTENANCE AGREEMENT.
14. PROPERTY IS LOCATED WITHIN FLOOD ZONE "A" (AREAL WATER SURFACE ELEVATION 100.00) AND FLOOD ZONE "X" (AREAL WATER SURFACE ELEVATION 100.00) PER FIRM NUMBER: 0402001437, DATED DECEMBER 1, 2004.
15. EXISTING LOT NUMBER: 100-004-004.
16. EXISTING LOT NUMBER: 100-004-004.
17. EXISTING LOT NUMBER: 100-004-004.

- ### LEGEND
- TRACT BOUNDARY
 - 2024' PAV. ELEVATION
 - EXISTING DRIVE
 - EXISTING WATER
 - EXISTING DRAIN
 - PROPOSED WATER
 - PROPOSED DRAIN
 - PROPOSED FIRE HYDRANT
 - EXISTING FIRE HYDRANT
 - AREA DRAIN LINE
 - TOP OF CURB ELEV.
 - FLOW LINE ELEVATION
 - 12 PROPOSED LOT NUMBER

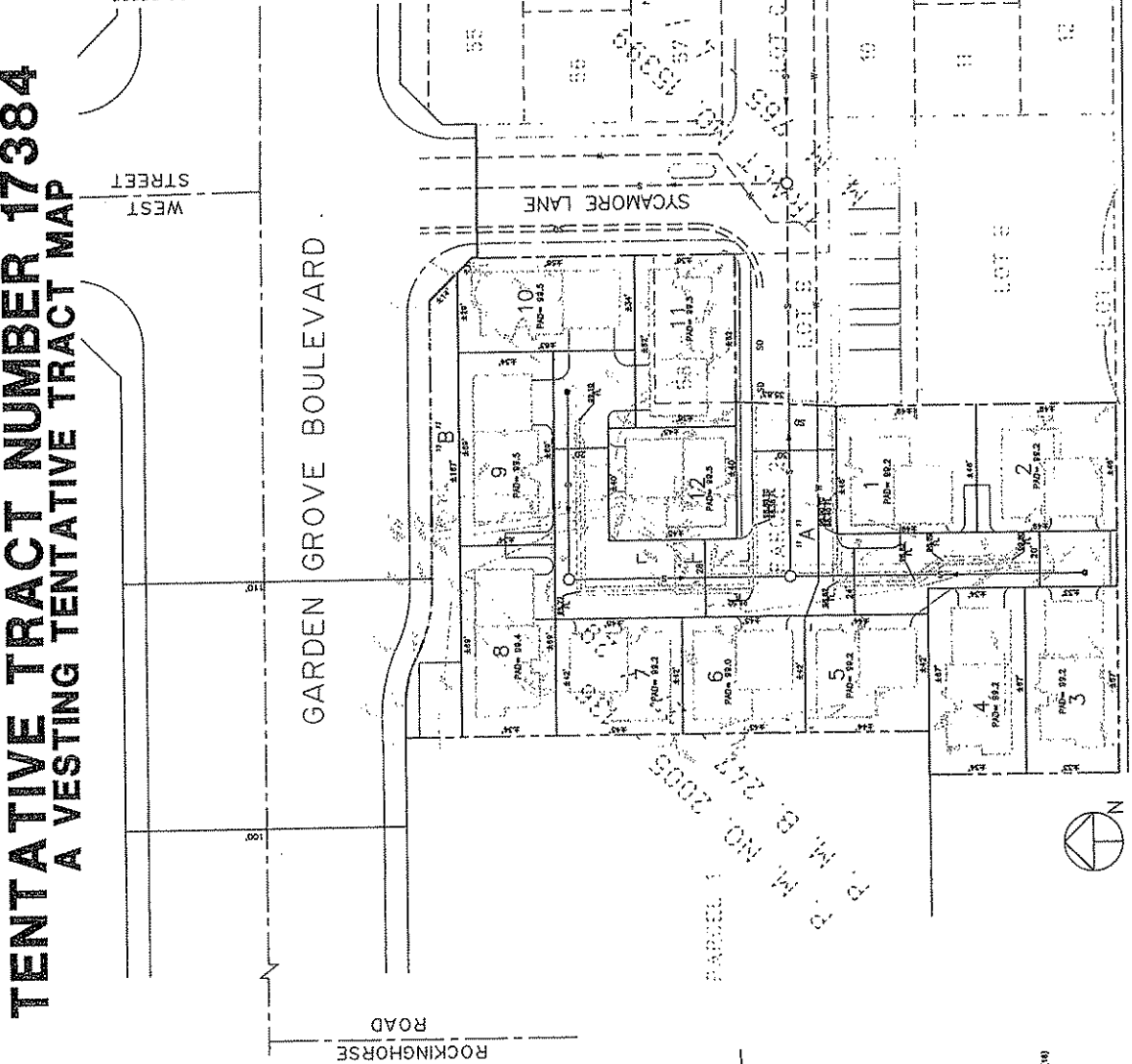
DEVELOPER:
 THE SUN COMPANY
 2110 104th AVENUE, SUITE 100
 GARDEN, CALIFORNIA 92540-1000
 ATTENTION: MR. RIM PHILLIPS



STATEMENT OF OWNERSHIP:
 I, THE UNDERSIGNED, DO HEREBY STATE AND AFFIRM THAT I AM THE OWNER OF THE TENTATIVE TRACT MAP AND THAT I HAVE COMPLETED THE REQUIRED FILING AND RECORDING OF THIS TENTATIVE TRACT MAP WITH THE COUNTY CLERK OF GARDEN, CALIFORNIA. I HAVE ALSO FILED THIS TENTATIVE TRACT MAP WITH THE COUNTY CLERK OF GARDEN, CALIFORNIA. I HAVE ALSO FILED THIS TENTATIVE TRACT MAP WITH THE COUNTY CLERK OF GARDEN, CALIFORNIA. I HAVE ALSO FILED THIS TENTATIVE TRACT MAP WITH THE COUNTY CLERK OF GARDEN, CALIFORNIA.

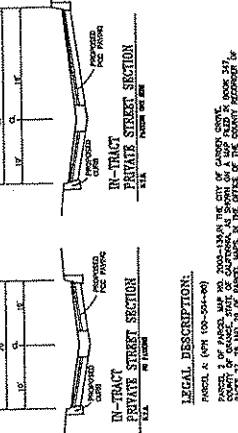
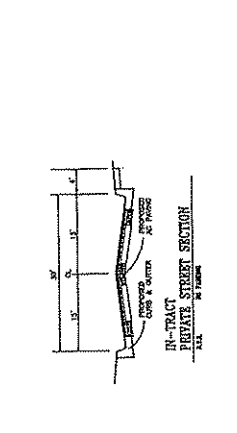
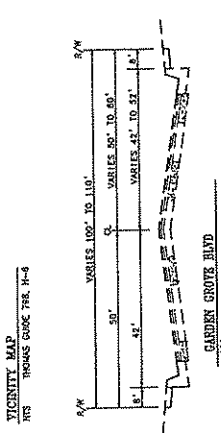
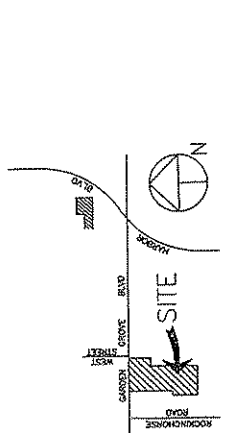
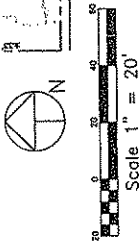
EXISTING ASSessor'S PARCEL NUMBERS: 100-004-004 & 80
DATE: 7/21/12
CROSS AREA: 4004 AC
TOTAL LOTS: 12 UNIMPROVED
DATE: 7/21/12

VESTING TENTATIVE TRACT NO. 17384



PROPERTY ADDRESS:
 1204 GARDEN GROVE BLVD. & SYCAMORE LANE
 GARDEN, CA 92540

DENSITY CALCULATIONS:
 PROPOSED RESIDENTIAL LOTS: 12 UNITS
 TOTAL AREA: 4004 AC
 DENSITY: 1.44 UNITS/AC



LEGAL DESCRIPTION:
 PARCELS 8, 9, 10, 11, 12 (100-004-004)
 PARCELS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 (100-004-004)
 PARCELS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 (100-004-004)
 PARCELS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 (100-004-004)

EXISTING EASEMENTS:
 THE TRACT BOUNDARY IS DEFINED BY THE TRACT MAP NO. 17384 (100-004-004) DATED APRIL 29, 2010.
 (1) An easement for access, utility and electric lines is shown in Book 22, Page 123 of Deeds.
 (2) An easement for access, utility and electric lines is shown in Book 22, Page 123 of Deeds.
 (3) An easement for the public utility and proposed easements, recorded September 1, 1999 in Book 22, Page 123 of Deeds.
 (4) An easement for the public utility and proposed easements, recorded September 1, 1999 in Book 22, Page 123 of Deeds.
 (5) An easement for the public utility and proposed easements, recorded September 1, 1999 in Book 22, Page 123 of Deeds.




PROFESSIONAL BUILDERS ASSOCIATION OF LOS ANGELES
 LANDSCAPE ARCHITECTS
 1811 W. Century Boulevard
 Century City, CA 90047
 (310) 414-1171 / Fax (310) 414-2068

THE O'SON COMPANY
 SYCAMORE WALK II
 SITE REVISIONS
 GARDEN GROVE, CA TRACT# 1738A

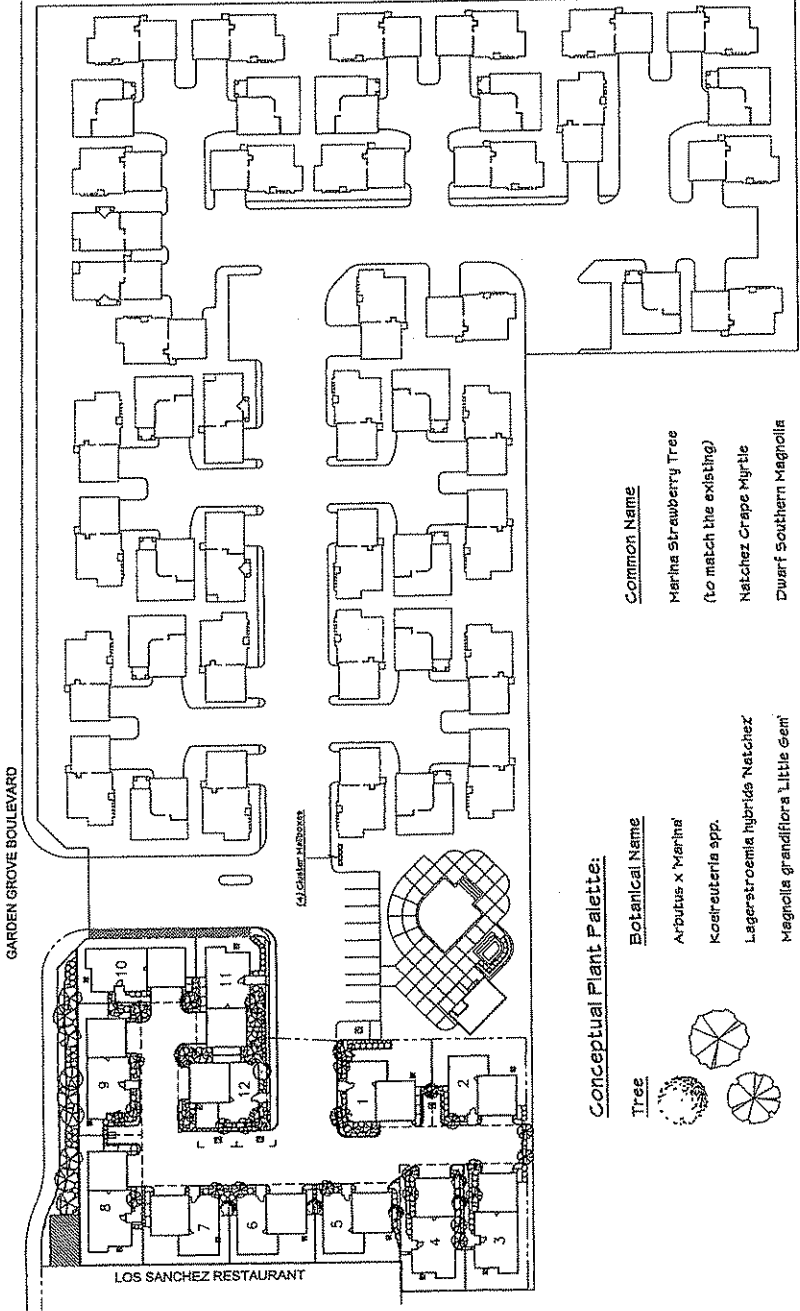
THE O'SON COMPANY
 3010 OLD RANCH PARKWAY, SUITE 400
 SEAL BEACH, CA 92740
 (562) 596-4770
 (562) 596-4703 FAX

CONCEPTUAL LANDSCAPE PLAN















DATE: 11/20/11
 SCALE: 1"=30'
 SHEET: 0-6-10
 DRAWN BY: JTK



DATE: 11/20/11
 SCALE: 1"=30'
 SHEET: 0-6-10
 DRAWN BY: JTK



Conceptual Plant Palette:

| <u>Tree</u> | <u>Botanical Name</u> | <u>Common Name</u> |
|---|--|------------------------------|
|  | Arbutus x Marina | Marina Strawberry Tree |
|  | Koeberuteria spp. | (to match the existing) |
|  | Lagerstroemia hybrida Natchez | Natchez Grape Myrtle |
|  | Magnolia grandiflora Little Gem | Dwarf Southern Magnolia |
|  | Magnolia x soulangeana | Saucer Magnolia |
|  | Pinus spp. | Pine (to match the existing) |
| <u>Shrub</u> | <u>Botanical Name</u> | <u>Common Name</u> |
|  | Abelia x grandiflora 'Sunrise' | Sunrise Variegated Abelia |
|  | Euonymus japonicus 'Microphyllus Variegatus' | Variegated Boxleaf Euonymus |
|  | Ligustrum japonicum | Japanese Privet |
|  | Phormium tenax | New Zealand Flax |
|  | Photinia x fraseri | Photinia |
|  | Rosa Iceberg | Iceberg Rose |
| <u>Groundcover</u> | <u>Botanical Name</u> | <u>Common Name</u> |
|  | Helichrysum petiolare | Licorice splash |
| <u>Vine</u> | <u>Botanical Name</u> | <u>Common Name</u> |
|  | Penthenocissus tricuspidata | Boston Ivy |



4) Quarter Mailboxes

RESOLUTION NO. 5717

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING APPROVAL OF DEVELOPMENT AGREEMENT NO. DA-182-10 AND APPROVING TENTATIVE TRACT MAP NO. TT-17384 FOR LAND LOCATED ON THE SOUTHWEST CORNER OF GARDEN GROVE BOULEVARD AND WEST STREET AT 12034 GARDEN GROVE BOULEVARD, PARCEL NOS. 100-504-32 AND 80.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on September 2, 2010, does hereby recommend approval of Development Agreement No. DA-182-10 and approve of Tentative Tract Map No. TT-17384.

BE IT FURTHER RESOLVED in the matter of Development Agreement No. DA-182-10 and Tentative Tract Map No. TT-17384, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by The Olson Company.
2. The applicant is requesting approval of Tentative Tract Map No. TT-17384 in order to complete the build-out of the Sycamore Walk residential development. The proposed build-out consists of a twelve-lot, small-lot subdivision, with twelve (12) homes and one common lot on a 36,155 square foot site, to be joined with the existing small-lot subdivision immediately east of this site. A Development Agreement is also included.
3. The City of Garden Grove has determined that this project is Exempt, In-fill Development Projects pursuant to Article 19, Section 15332, Categorical Exemptions of the California Environmental Quality Act.
4. The property has a General Plan designation of Residential Commercial Mixed Use and is zoned Planned Unit Development No. PUD-113-96-R. The site is vacant with a portion having been improved with a temporary parking lot.
5. Existing land use, zoning, and General Plan designation of property in the vicinity of the property have been reviewed.
6. Report submitted by the City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on September 2, 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 on September 2, 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 Section 9.32.060 (Tentative Maps - Findings Required) are as follows:

FACTS:

The site is 36,155 square feet in area and is vacant with a portion having been improved with a temporary parking lot.

The 5.2-acre site was originally approved for the development of 70, two-story, single-family homes under a Site Plan (SP-178-96) and Tentative Tract Map (TT-15399). The western portion was delayed development due to underground soil contamination, primarily from a former gas station that was located at the southeast corner of Garden Grove Boulevard and Rockinghorse Road. Subsequently only 48 homes were constructed on the eastern half of the site along with a swimming pool recreation area and the main entrance to the site at West Street and Garden Grove Boulevard.

A zone change was concurrently processed with Tentative Tract Map (TT-15399) that rezoned the development site from Transition Zone West to Planned Unit Development No. PUD-113-96. The Planning Commission approved the Site Plan and Tentative Tract Map and recommended approval of the zone change on December 12, 1996. The City Council approved the rezone on January 28, 1997.

Due to the length of timing in addressing the underground soil contamination remediation process, the Garden Grove Agency for Community Development, which retained ownership of the western portion of this site, elected to allow the immediate corner of Garden Grove Boulevard and Rockinghorse Road to be developed with a restaurant, Los Sanchez Mexican Restaurant, including the rezoning of this site to C-1, Neighborhood Commercial. The remnant parcel, approximately 36,155 square feet in land area, situated between Los Sanchez restaurant and the Sycamore Walk residential development, was left in an unimproved state and was the focus area for the soil contamination remediation efforts.

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

FINDINGS AND REASONS:

The proposal meets the required findings under section 9.32.060 (Tentative Maps – Findings Required).

1. The map is consistent with the General Plan in that the proposed parcel is of an appropriate size and configuration to allow for the construction of the approved small-lot single-family residential development. The subdivision of the parcel will allow the construction of 12 new, single-family detached houses. The project is consistent with the General Plan designation of Residential Commercial Mixed-Use.
2. The design of the proposed twelve-lot subdivision is consistent with the Residential Commercial Mixed-Use General Plan designation allowing a proposal with twelve single-family residences in an urban setting. Policies from the General Plan include improving the economic viability of the area by emphasizing appropriate development of vacant properties and consolidation of smaller parcels. The project will improve the site and the economic viability of the Garden Grove Boulevard corridor. The approved design meets the spirit and intent of the Municipal Code for residential small-lot subdivision.
3. The site is physically suitable for a small-lot residential project as Garden Grove Boulevard has transitioned from its past importance as a primary route to Los Angeles to a corridor with more residential planned unit developments and more neighborhood-serving commercial uses.
4. The project is classified as an in-fill project and therefore is further exempt from environmental review in regard to Article 19, Section 15332, Categorical Exemptions of the California Environmental Quality Act (CEQA).
5. The City's General Plan anticipated mixed-use developments of residential units combined with commercial/office uses. The proposed development is within the density limits permitted under the General Plan Land Use Designation of MU (Mixed Use). As stated in the General Plan, housing on the Garden Grove Boulevard corridor provides convenient access to jobs and activities, and supplies a resident clientele to support commercial sales and services along this thoroughfare. Based on the General Plan Update Housing Element, the estimated number of persons per household is 3.247. This estimate of persons per household does not exceed the population growth for the region. Therefore, the site is physically suitable for the proposed density.

6. The design of the subdivision will not cause serious public health problems. The conditions of approval of on-site and off-site improvements will safeguard the public health.
7. The design of the subdivision is not in conflict with the 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.
8. The design and improvements of the proposed subdivision are suitable for the twelve single-family detached homes and the subdivision can be developed in compliance with applicable zoning regulations.
9. The design of the subdivision does take into consideration and to the extent feasible, future passive and natural heating and cooling opportunities.
10. The design, density, and configuration of the subdivision provides a balance between effect of the subdivision on the housing needs of the region and of public service needs that the character of the subdivision is compatible with the design of existing structures and that the lot sizes of the subdivision are substantially the same as the lot sizes within this 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. That Tentative Tract Map No. TT-17384 does possess characteristics that justify the request in accordance with the Garden Grove General Plan and the Garden Grove Municipal Code.
2. In order to fulfill the purpose and intent of the Municipal Code, and thereby promote the health, safety, and general welfare, the attached Conditions of Approval (Exhibit "A") shall apply to Tentative Tract Map No. TT-17384.

EXHIBIT "A"

Tract Map No. 17384

12034 Garden Grove Boulevard

CONDITIONS OF APPROVAL

All conditions of approval originally applied to Site Plan No. SP-178-96 and Tentative Tract Map No. TT-15399 are attached to and made part of this Tentative Tract Map approval in addition to the following:

GENERAL CONDITIONS

1. The applicant shall record a "Notice Of Agreement With Conditions of Approval and Discretionary Permit," as prepared by the City Attorney's Office, on the property. Proof of such recordation is required prior to the recordation of the Final Parcel Map. 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 of the Planning Commission.
2. Approval of this Tentative Tract Map shall not be construed to mean any waiver of: Applicable and appropriate zoning regulations, or any Federal, State, County, and City laws and regulations. Unless otherwise expressly specified, all other requirements of the Garden Grove Municipal Code shall apply. The applicant shall obtain, and abide by, any necessary permits or licenses required to prepare, process and receive Final Tract Map approval including recordation of this map, in compliance with all applicable laws.
3. The approved floor plan, plot plan, building design and colors, parking and circulation of the new subdivision, are integral parts of the decision approving this Tentative Tract Map application. There shall be no change in the design of the plans and the operation of the residential development without the approval of the Community Development Department. Any change in the approved plans or use of the property, that has the effect of expanding or intensifying the proposed development, shall require a new Tentative Tract Map.
4. The applicant/property owner shall submit signed letters acknowledging receipt of the decision approving Tentative Tract Map No. TT-17384, and his/her agreement with all conditions of approval.

Fire Department Conditions

5. Fire access roads shall be maintained at a minimum width clearance of 20 feet and a height clearance of 13.5 feet.
6. Vehicle parking shall only be in designated areas, no fire lane shall be blocked or impeded at any time that deters emergency access.
7. Submit fire access road on 2006 Auto Cad program and submit to the City's Traffic Engineering Division to ensure that fire apparatus are able to execute turns on the new proposed roadways.
8. An all-weather access road shall be put in place prior to the delivery of any combustible material to the site.
9. The new proposed fire hydrant shall be tied into the existing eight (8") inch water line and shall be put in place prior to the delivery of any combustible material to the site and the fire hydrant shall have a flow of 1500 gpm at 20 psi. The fire hydrant(s) shall adhere to the City Public Works standards. A list of all materials and piping shall be submitted along with the Underground Plans to the Fire Department prior to building permit issuance.

Engineering Services Division Conditions

10. Ties to Horizontal Control: Prior to the recordation of the 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, Subarticle 18. The surveyor/engineer shall submit record information to the City in Auto Cad DWG format.
11. Digital Map Subdivision: Prior to recordation of the 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, Subarticle 18. The surveyor/engineer shall submit record information to the City in Auto Cad DWG format.
12. The Applicant/Developer is subject to all applied traffic mitigation fees.
13. Prior to the issuance of any building permits, the applicant shall prepare and submit for approval a final Tract Map for the proposed subdivision.

14. A geotechnical study prepared by a registered geotechnical engineer is required. The report shall analyze the liquefaction and contamination potential of the site and make recommendations. The report shall analyze sub-surface issues related to the past uses of the site, including sub-surface tanks, basement, and septic facilities. This site has already been found to have contaminates and will require Environmental Clearance from the County, however, should additional material be found, the same process will be required and may also 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.
15. 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 or minimize 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 demolition, water, and sewer improvements.
16. Parkway Landscaping along Garden Grove Boulevard shall be designed to drain to the existing parkway culvert in a manner such that LID principles are incorporated.
17. The storm drain plans for the existing Tract 15399 shall be revised to show changes required per this development.
18. A separate street permit is required for work performed within the public right-of-way.
19. 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.
 - f. Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs.
20. 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.
 - d. Submit for review and approval by the City an Operations and Maintenance (O&M) Plan for all structural BMPs.
21. Any new or required block walls and/or retaining walls shall be shown on the grading plans. Block walls shall be developed to City Standards or designed by a professional registered engineer.

Public Works Water Services Division

22. A composite utility site plan shall be part of the water plan approval.
23. Water system within private streets shall be constructed per City Standards by developer and dedicated to the City. Bonding will be required.
24. 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.
25. A Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed for meter protection for the landscape system. Installation shall be per City Standards and shall be tested by a certified backflow device tester immediately after installation. Cross connection

inspector shall be notified for inspection after the installation is completed. Owner shall have RPPD device tested once a year thereafter by a certified backflow device tester and the test results to be submitted to Public Works, Water Services Division. Property owner must open a water account upon installation of RPPD device.

26. Owner shall dedicate all rights to underground water without the right to surface entry.
27. Any new or existing water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.
28. No permanent structures, trees, or deep-rooted plants shall be placed over sewer main or water main.
29. Location and number of fire hydrants shall be as required by Water Services Division and the Fire Department.
30. The developer shall install a new private sewer 8" sewer main system per City Standards.
31. Contractor shall abandon any existing unused sewer lateral(s) at street right-of-way on the property owner's side. The sewer pipe shall be capped with an expansion sewer plug and encased in concrete.

Community Development Department Conditions

32. Prior to the recordation of the Final Tract Map, the applicant shall provide to the City for review and approval, new Conditions, Covenants, and Restrictions (CC&R's) for the subject site that reflect the inclusion of this new subdivision with the prior recorded Conditions, Covenants, and Restrictions (CC&R's) for the existing subdivision under Tract Map No. TT-15399. The new CC&R's shall include the conditions contained herein and the existing conditions of approval originally applied to Site Plan (SP-178-96) and Tentative Tract Map (TT-15399). The new CC&R's may be prepared in a manner as an addendum to the original CC&R's provided such format and approach is approved by the City.
33. The developer/property owner shall enter into a binding Development Agreement with the City of Garden Grove. This includes the payment of a Development Agreement fee in accordance with City Council Ordinance.
34. 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.
35. The applicant/property owner, and his successors, shall indemnify the City of Garden Grove from any lawsuit(s) filed against the proposed development that includes the City in such a lawsuit. The applicant/property owner and his successor, shall represent the City of Garden Grove if a lawsuit(s) is filed which names, includes and/or takes action against the City of Garden Grove as it pertains to any matters relating to the proposed project, and should any such action occur, the applicant/property owner and his successors, shall pay all related fees, and court costs, should such lawsuit(s) be filed.
 36. The applicant shall submit a complete landscape and irrigation plan. The plan shall be submitted to, and be approved by, the Community Development Department, Planning Services Division prior to the issuance of building permits. The landscaping plan shall comply with all the landscaping requirements as specified in Title 9 of the City of Garden Grove Municipal Code.
 37. A complete, permanent, automatic remote control irrigation system shall be provided for all landscape areas shown on the plan. Subsurface irrigation systems are encouraged. The irrigation plan for the trees planted in the setback areas, adjacent to the sidewalks, shall have a deep-water irrigation system that shall be specified on the landscape plan. If sprinklers are used, they shall be low flow/precipitation sprinkler heads for water conservation.
 38. Landscaping treatment shall be installed within the front setback areas. The landscaping shall incorporate a mixture of groundcover, flowerbeds, shrubs, and trees. The landscaping shall be done in a manner to reduce, deter and/or prevent graffiti. The Community Development Department shall review the type and location of all proposed trees.
 39. The perimeter of the site shall be completed with block walls to define the exterior boundary of the development. All new walls shall match height, material, configuration, and any other enhancement or treatment with the existing block walls surrounding the existing improved residential subdivision to the immediate east of this site. This includes matching cap treatment, color and texture, and continuity in height with those walls along

Garden Grove Boulevard, the side and rear walls, and the walls along the main entrance to the site.

40. Remediation equipment to be located along Garden Grove Boulevard shall be screened to the satisfaction of the City. In the event the remediation equipment is removed, the Developer is responsible for landscaping this area and landscaped to match the existing plant material along the development's Garden Grove Boulevard's street frontage.
41. All construction drawings are subject to the latest edition of the California Building Code.
42. All USA markings in the public right-of-way shall be removed at the completion of the project. The site shall be maintained free of graffiti throughout the duration of the project.

RECORDING REQUESTED BY)
AND WHEN RECORDED MAIL TO:)

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

(Space above for Recorder.)

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

Dated: _____

DEVELOPMENT AGREEMENT

Tentative Tract Map No. 17384

(The Olson Company)

THIS AGREEMENT is made this 15th day of September, 2000, by the CITY OF GARDEN GROVE, a municipal corporation ("CITY"), and The Olson Company ("PROPERTY DEVELOPER").

RECITALS

The following recitals are a substantive part of this Agreement:

- A. The CITY and DEVELOPER desire to enter into this DEVELOPMENT AGREEMENT to complete the build-out of the Sycamore Walk residential development through the proposed Tentative Tract Map No. TT-17384. The proposed build-out consists of a twelve-lot, small-lot subdivision, with twelve (12) homes and one common lot on a 36,155 square foot site, to be joined with the existing small-lot subdivision immediately east of this site (the "PROJECT") on that certain real property located at the southwest corner of Garden Grove Boulevard and West Street at 12034 Garden Grove Boulevard (the "PROPERTY"). Parcel Nos. 100-504-32 and 80.

- B. The Planning Commission approved Tentative Tract Map No. TT-17384 for the PROJECT, on September 2, 2010, conditioned upon DEVELOPER entering into a 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. This renewal shall not unreasonably be withheld.
2. **Permitted Uses/Land Use Entitlements.** The following uses are permitted on the PROPERTY: To complete the build-out of the Sycamore Walk residential development through the proposed Tentative Tract Map No. TT-17384. The proposed build-out consists of a twelve-lot, small-lot subdivision, with twelve (12) homes and one common lot on a 36,155 square foot site, to be joined with the existing small-lot subdivision immediately east of this site (the "PROJECT") on that certain real property located at the southwest corner of Garden Grove Boulevard and West Street at 12034 Garden Grove Boulevard.
3. **Density/Intensity.** The density or intensity of the PROJECT is as follows: Expand the existing Sycamore Walk residential development by adding a twelve lot subdivision thereby facilitating the build-out of the unimproved land area of 36,155 square feet with twelve new two-story, single-family detached homes.

4. Maximum Height and Building Size. The maximum height and building sizes are as follows: The maximum building height shall be two stories above grade with an overall height of approximately 24 feet and the two floor plans proposed for this development are approximately 1,300 and 1,700 square feet, with both plans having two-car garages of 436 square feet and 429 square feet respectively.
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 Tentative Tract Map No. TT-17384.
6. Improvements. The improvements described in Planning Commission Resolution No. 5717 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 Tentative Tract Map No. TT-17384.
7. Scope of PROJECT. The PROJECT shall consist of a twelve-lot, small-lot subdivision, with twelve (12) homes and one common lot on a 36,155 square foot site, to be joined with the existing small-lot subdivision immediately east of this site.
8. Resolution/Material Terms. All conditions of approval as per Resolution No. 5717 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 the development agreement payment to the CITY as follows:
 - 9.1 Amount. \$9,000.00 for the development and shall be paid prior to issuance of any building permits.
 - 9.2 Amount. The Developer shall pay \$13,992.00 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 issuance of any building permits.
 - 9.3 Not to Exceed. Payment under this Agreement shall not exceed \$22,992.00.

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 \$22,992.00 shall be due and payable prior to the issuance of building permits 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 of any nature 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. 5717 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:
The Olson Company
3010 Old Ranch Parkway, # 100
Seal Beach, CA 90740
 - 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. 5717, 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, and subcontractors hired by DEVELOPER.
25. Modification. This Agreement may be modified only by subsequent mutual written agreement executed by CITY, and the DEVELOPER.
26. 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 not be deemed to be in default, and all performance and other dates specified in this Agreement shall be extended, where delays or default are due to causes beyond the control and without the fault of the party claiming an extension of time to perform, which may include, without limitation, the following: war, insurrection, strikes, lockouts, riots, floods, earthquakes, fires, assaults, acts of God, acts of the public enemy, epidemics, quarantine restrictions, freight embargoes, lack of transportation, governmental restrictions or priority, litigation, unusually severe weather, inability to secure necessary labor, material or tools, acts or omissions of the other party, or acts or failures to act of any public or governmental entity (except that the City's acts or failure to act shall not excuse performance of the City hereunder). An extension of the time for any such cause shall be for the period of the enforced delay and shall commence to run from the time of the commencement of the cause, if notice

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

Date: _____

"CITY"
CITY OF GARDEN GROVE

BY _____

ATTEST:

CITY CLERK

DATE: _____

"PROPERTY OWNER/DEVELOPER"
The Olson Company

By: 

Its: CHAIRMAN

Date: 9/15/10
(Signature must be notarized.)

APPROVED AS TO FORM:



Garden Grove City Attorney

Date: 9/21/10

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.

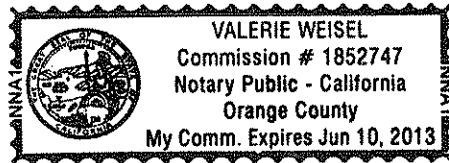
STATE OF CALIFORNIA)
) ss.
COUNTY OF ORANGE)

On September 15, 2010, before me, Valerie Weisel, Notary Public, personally appeared Stephen Olson, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person 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.

Valerie Weisel (SEAL)
Valerie Weisel
Notary Public
State of California



CERTIFICATE OF SECRETARY

The undersigned, Katherine M. Chandler, duly elected and acting Secretary of In Town Living, Inc., hereby certifies that the following resolutions were adopted by the unanimous vote of the Directors of **In Town Living, Inc.**, a Delaware corporation (the "Corporation"), acting pursuant to its bylaws and by the authorization of Sections 108(c) and 141(f) of the Delaware General Corporation Law ("DGC"), and that resolutions were effective as of December 17, 2009, and that said resolutions are in full force and effect:

Appointment of Officers

RESOLVED: That the following persons are appointed as officers of the Corporation to the offices set forth opposite their respective names, to serve until their respective successors are duly elected and qualified or until any such officer's earlier resignation or removal:

| <u>Name</u> | <u>Officer</u> |
|-----------------------|---|
| Stephen E. Olson | Chairman of the Board and Chief Executive Officer |
| Scott Laurie | President and Chief Operating Officer |
| Mario Urzua | Senior Vice President and Chief Financial Officer |
| Katherine M. Chandler | Senior Vice President, General Counsel and Secretary |
| Leighton Ko | Senior Vice President, Chief Accounting Officer |
| Michael Ugar | Senior Vice President, Operations |
| Tak Fujii | Senior Vice President, Chief Information Officer |
| Todd J. Olson | Senior Vice President; President- Community Development |
| William E. Holford | Senior Vice President, Marketing and Sales |
| Annita Goldy | Vice President, Human Resources and Assistant Secretary |
| Brenda Olson | Assistant Secretary |
| Donald P. Clark | Assistant Secretary |

Authority of Officers

RESOLVED: That in accordance with the powers of officers specified in the Corporation's bylaws, the officers of the Corporation are authorized to execute and deliver any agreement in the name of the Corporation and to otherwise obligate the Corporation with respect to the business of the corporation, within general guidelines and budgets approved by the Board; *provided, however*, that the Board may adopt from time to time specific limitations on the authority of such officers.

Dated: September 16, 2010



Katherine M. Chandler
Secretary

RESOLUTION NO. 4718

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE ADOPTING A NEGATIVE DECLARATION AND APPROVING SITE PLAN NO. SP-178-96 AND VESTING TENTATIVE TRACT MAP NO. TT-15399 LOCATED ON THE SOUTH SIDE OF GARDEN GROVE BOULEVARD, EAST OF ROCKINGHORSE ROAD, PARCEL NOS. 100-501-03, 04, 05, 07, 18, 19, 22, 25, 26.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on December 12, 1996 hereby adopts a Negative Declaration, finds a de minimis impact on fish and wildlife resources, and approves Site Plan No. SP-178-96 and Vesting Tentative Tract Map No. TT-15399.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-178-96, and Vesting Tentative Tract Map No. TT-15399, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by The Olson Company.
2. The applicant requests approval of a Site Plan in order to develop a 5.2 acre site with 70, two story, single family homes with a Vesting Tentative Tract Map on property currently located within the Harbor Corridor Specific Plan. A zone change has been requested to rezone the development site from Transition Zone West to Planned Unit Development No. PUD-113-96.
3. The project will not have a significant adverse effect on the environment, therefore the City of Garden Grove has prepared a Negative Declaration of Environmental Impact pursuant to the California Environmental Quality Act. The Negative Declaration reflects the independent judgment of the City. As evidenced by the Negative Declaration documents, there is no impact on fish and wildlife resources.
4. The property has a General Plan Land Use designation of Mixed Use, and is currently zoned Harbor Corridor Specific Plan, Transition Zone West. The site is currently improved with older retail and automotive uses with the easterly portion vacant.
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 December 12, 1996, 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 December 12, 1996; 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 9.24.030, and 9.32.060 are as follows:

FACTS:

The site is currently improved with various retail and automotive uses. A motel, located on the easterly portion of the project site, has recently been demolished creating a vacant parcel.

The site is approximately 5.2 acres in area.

The Site Plan and Tentative Tract Map are being processed in conjunction with a zone change request to Residential Planned Unit Development.

The site is located within a redevelopment project area.

FINDINGS AND REASONS:

SITE PLAN:

1. The Site Plan complies with the spirit and intent of the provisions, conditions and requirements of the Municipal Code and other applicable ordinances.

The Site Plan is designed within the parameters of a Planned Unit Development (PUD). The site provides landscape setbacks along street frontages, ingress and egress from a major arterial, private yards and common open space, enclosed parking, and other development-related requirements such as unit size, and building and wall heights.

2. The proposed development does 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 plan has been reviewed by the City's Traffic Engineering Section and all appropriate conditions of approval and mitigation measures, including dedication and improvement of a right-turn lane into the development, will minimize any adverse impacts to surrounding streets. The development meets the minimum number of off-street parking spaces required for multiple-family residential

development. Additionally the project is designed with adequate pedestrian walkways for access into, and throughout, the development.

3. The development, as proposed, will not adversely effect essential public facilities such as streets and alleys, utilities and drainage channels.

The streets in the area are adequate to accommodate the development provided the developer provides the additional dedication and improvements for the right turn lane into the project. Utilities and drainage channels in the area are existing and adequate to accommodate the development. The proposed development will provide more landscaping than the existing improvements and will likely reduce runoff, thereby, improving drainage in the area.

4. The development does has a reasonable degree of physical, functional, and visual compatibility with neighboring uses and desirable neighborhood characteristics.

The development is consistent with the surrounding area. The property to the east is improved with an existing commercial retail shopping center, the properties to the south and west are existing multi-family residential areas, and the area across Garden Grove Boulevard, is improved with a mobile home park and neighborhood commercial retail center. The design of the proposed use will insure a reasonable degree of compatibility with adjacent uses.

5. Through the planning and design of buildings and building placement, the provision of open space landscaping and other site amenities will attain an attractive environment for the occupants of the property.

The project has been designed in accordance with City Code provisions for providing an adequate amount of public and private open spaces. Through the conditions of approval for the project, the necessary agreements for the protection and maintenance of private areas reserved for common use will be achieved.

VESTING TENTATIVE TRACT MAP:

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

The map is consistent with the provisions of the Harbor Corridor Specific Plan and the Garden Grove General Plan for residential development.

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

With the conditions of approval and the mitigation measures as recommended by staff, the design and improvement of the subject lot are consistent with the spirit and intent of the Harbor Corridor Specific Plan and General Plan provisions for location of lots, proximity to similar uses, lot width, and overall depth.

3. The site is physically suitable for the type of development and complies with the spirit and intent of the Harbor Corridor Specific Plan.

The site is adequate in size and shape to accommodate the project, including facilities for parking, open space, trash collection, and emergency access.

4. The requirements of the California Environmental Quality Act have been satisfied.

Staff has prepared a Negative Declaration for this project pursuant to CEQA guidelines. Mitigation measures required as part of the Negative Declaration have been incorporated into the project.

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

The site is adequate to accommodate the number of units proposed by the developer.

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

The conditions of approval for on- and off-site improvements and for remediation of soil contamination will safeguard the public health.

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

The project has been designed to avoid development over existing easements. Where applicable, such easements will be relocated to not create adverse impacts.

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

The design of the subdivision is suitable for the medium density residential project and complies with the spirit and intent of the zoning regulations.

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

The project has been designed in accordance with Government Code Section 66473.1, which encourages the orientation of units to take advantage of shade and prevailing breezes.

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

The project has been reviewed in relation to the housing needs and goals of the City and is compatible with existing residential projects in the area.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT

In addition to the foregoing, the 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 Vesting Tentative Tract Map possess characteristics that would indicate justification of the request in accordance with Municipal Code Sections 9.24.030.3 (Site Plan), 9.32.060 (Tentative Maps), and the Harbor Corridor Specific Plan.
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 shall apply to Site Plan No. SP-178-96, and Vesting Tentative Tract Map No. TT-15399:

CONDITIONS OF APPROVAL:

- A. 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.
- B. Approval of this Site Plan and Vesting Tentative Tract Map 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.
- C. Minor modifications shall be approved by the Community Development Department and/or Planning Commission. If other than minor changes are made in the proposed development, a new Site Plan application shall be filed which reflects the revisions made.
- D. All lighting structures shall be placed so as to confine direct rays to the subject property. All exterior lights shall be reviewed and approved by the City's Planning Section. Lighting adjacent to residential properties shall be restricted to low decorative type wall-mounted lights, or a ground lighting system. Lighting shall be provided throughout all parking and drive areas at a minimum of two footcandles of light on the parking areas. Lighting in the parking areas shall be directed, positioned, or shielded in such manner so as not to unreasonably illuminate the window area of nearby residences.
- E. The developer 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:
 - 1. All on- and off-site utilities within the perimeter of the site and to the centerline of the adjacent streets shall be installed or relocated underground.
 - 2. Above-ground utility equipment (e.g., electrical, gas, telephone, cable TV) shall not be located in the street setbacks, within the common recreation areas, or any parking areas and shall be screened to the satisfaction of the Community Development Department.
 - 3. No roof-mounted mechanical equipment 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.

4. All ground- or wall-mounted mechanical equipment shall be screened from view from any place on or off the site.
- F. The following provisions of the Public Work's Engineering Division shall be complied with:
1. The developer shall revise Vesting Tentative Tract Map No. TT-15399 to include cross sections for all streets within the development. All property lines shall be at least three (3') feet from any building wall. There shall be no assumed property lines. All revisions/modifications to TT-15399 shall be reviewed and approved by the Community Development and Public Works Departments (Planning, Building and Engineering Divisions) prior to approval of the final map. The Tract Map shall be recorded prior to the issuance of any permits. Field survey required.
 2. **TIES TO HORIZONTAL CONTROL:**
Prior to the recordation of a final map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18.
 3. **DIGITAL MAP SUBMISSION:**
Prior to the recordation of a final map, the surveyor/engineer preparing the map shall submit to the County Surveyor a digital graphics file of said map in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18.
 4. Any required right-of-way necessary to construct adjacent street(s) to their ultimate right-of-way width shall be dedicated to the City. Right-of-way for a turn lane shall be dedicated to the City. This requirement is reasonably related to the nature of the residential project. It is projected to generate an increased demand on traffic due to the density of the project. This dedication is roughly proportional to the nature and extent of the impact of the project.
 5. All deficient improvements in the public right-of-way from the street center line to property line shall be constructed. Damaged improvements shall be replaced as required. Unused driveway approaches shall be removed.

6. Grading, water, sewer, and approved utility plans shall be required. Plans shall be prepared by a registered Civil Engineer and signed by utility companies prior to permit issuance. The grading plan shall show an enhanced colored and stamped concrete treatment (excluding scoring) or brick pavers at the main vehicular entry. The type and style of the entry paving shall be subject to approval by the Community Development and Public Works Departments. The auto court area within the six-unit residential clusters shall be paved in concrete.
7. Separate plans prepared by a Registered Civil Engineer shall be required for construction of improvements within the public right-of-way.
8. The developer shall provide hydrology and hydraulic calculations to size storm drains per OCEMA Standards. Parkway culverts to be constructed per OCEMA Standard Plan 1309 (type B). Finish floor of garages to be 12 inches above flood level as approved by City Engineer. All drainage shall be directed to Garden Grove Boulevard.
9. Driveway approaches shall be constructed in conformance with Garden Grove STD Plan B-210. Reconstruction of on-site curbs adjacent to the driveway is also required. Separate street permit required prior to the start of work.
10. All on-site improvements to be removed prior to start of construction including the existing wall along the alley.
11. Wheelchair ramps to be constructed in new and/or existing landing(s).
12. Names for public/private streets to be submitted to the Community Development and Public Works Departments for approval.
13. Blanket easement shall be required for all public water systems on private property.
14. Property owner shall dedicate all rights to underground water without the right to subsurface entry.
15. Access rights to adjacent arterial highways shall be dedicated to the City, except at the approved driveway locations as shown on the approved plan. Access to the public alley adjacent to the project is only permitted for emergency purposes, not for general public or private access. The design, material, and appearance of the gate for this emergency access is subject to

- the approval of the Community Development, Fire, and Public Works Departments.
16. Developer shall comply with the Transportation Demand Management (TDM) and Congestion Management Plan (CMP) ordinances (if required).
 17. Bonds shall be posted to secure all work within the public right-of-way and all public improvements.
 18. Development shall be subject to the Traffic Mitigation Ordinance and impact fees.
 19. Any new or required block walls and/or retaining walls shall be shown on the grading plans. Block walls shall be solid decorative masonry. Patio walls shall be decoratively designed so as to match the building. Block walls shall be developed to a height of six (6) feet as measured from highest adjacent grade, with the exception of the wall along the alley which shall be eight (8') feet high as measured from highest point of grade. The perimeter block wall along Garden Grove Boulevard and Rockinghorse Road shall be of a design that enhances the project's residential architecture. The wall shall have a block or break cap, and large columns at all 45 and 90 degree turns. All perimeter walls shall be constructed in the first phase of the project. The materials, height, and location of all walls shall be approved by Community Development and Public Works Departments prior to issuance of permits.
 20. Remove all existing drive approaches along property frontage and replace with concrete curb, gutter, and sidewalk per City STD B-113 and B-106.
 21. Construct concrete right turn lane on Garden Grove Boulevard into project. The lane shall be designed with accompanying sidewalk and handicap access ramps per Public Works Standards, this includes length, width, and cross sections. If at grade entrance design is used, then additional Right-of-Way dedication will be required.
 22. The project developer shall work with the City's Traffic Engineer for the design of intersection modifications at West Street, Garden Grove Boulevard and the project entrance.
 23. All on-site drive aisles with the exception of the drive aisles serving the interior auto court for the clustered units, shall be a minimum width of 25 feet with no building or planter overhangs permitted within this area. The parallel parking stalls are permitted along the main driveway through the

development provided that an overall drive aisle width is not less than 33' feet, curb face to curb face.

24. Storm drain system shall be subject to approval of the City Engineer.
 25. Remove and reconstruct south property line wall per City Engineer.
 26. Developer shall comply with Orange County NPDES requirements.
- G. The following provisions of the Public Works' Traffic Engineering Division shall be complied with:
1. All entrances to the property shall be posted with a sign indicating that unauthorized vehicles will be removed at the owner's expense. The signs shall be of the size, type, and location specified in the California Vehicle Code and Garden Grove Municipal Code.
 2. One van accessible handicap parking stall shall be provided adjacent to the recreation area and be marked and signed in accordance with C.V.C. 22511.8(a). All nonenclosed ninety degree angled parking stalls shall be standard size (9 feet x 19 feet) and hairpin striped. All parallel parking spaces shall be 8 feet x 23 feet and striped accordingly. All enclosed garages shall be minimum 19 feet x 19 feet clear (interior dimensioned) and unobstructed for parking purposes only. All curbs not associated with a parking stall shall be painted red and parking shall be prohibited in those areas.
 3. Garden Grove Boulevard shall be signed to prohibit parking.
 4. Security gate configuration and design shall be approved by City Engineer, Fire Department, and Community Development Department prior to issuance of building permits.
 5. A bus stop along the Garden Grove Boulevard frontage is required. Developer shall construct a bus pad per City requirements. Bus stop location design and approval are subject to both City and Orange County Transit Authority approval.
 6. Traffic signal modifications will be required to provide phasing for the driveway exit and signal design and installation shall be to current standards. Ingress and egress shall align with the appropriate traffic lanes on West Street.

- H. The following provisions of the Garden Grove Fire Department and the Uniform Fire Code shall be met:
1. On-site fire hydrants shall be provided, connected to a water supply capable of delivering the required fire flow. Number and location shall be determined by the Fire Department. All on-site fire hydrants shall be operable prior to delivery of combustible material on the site.
 2. All roadways throughout the project shall be designated fire lanes with a minimum width of 20 feet and vertical clearance of a minimum of 13 feet, 6 inches.
 3. Fire lanes shall be posted and marked in accordance with Fire Department specifications and requirements. Make curb cuts as required. Gate at main entrance shall be minimum 20 feet clear width.
 4. Address numbers shall be visible from the street (in contrasting colors).
 5. Access gates shall be openable with approved rapid entry device.
 6. Prior to the issuance of any permits for the project, all soil contamination shall be remediated to the satisfaction of OCEMA. Closure letters from OCEMA on hazardous materials are required.
 7. A secondary means of ingress/egress shall be provided to the complex for emergency vehicles. Location to be approved by the Community Development, Public Works and the Fire Departments.
- I. The building plans, site plans and all construction shall comply with the current editions of the U.B.C., U.P.C., U.M.C., and N.E.C. as amended by the City of Garden Grove and State of California handicap access, energy conservation and sound transmission control requirements, including the following:
1. Common areas and facilities shall comply with disabled access requirements.
 2. Provide sufficient pedestrian exits from exit courts (interior streets and open areas).
 3. It is recommended that the developer obtain a copy of the above amended code sections before completing the final design.

- J. The following provisions of the Garden Grove Public Works' Water Services Division shall be met:
1. All improvements and modifications shall be borne by the developer/owner.
 2. All one and a half inch (1 1/2") meter(s) and larger shall have an approved backflow device per City Standard B-771 A or B and inspected by City cross connection specialist prior to receiving water service.
 3. The 10-inch water mains on each side of the proposed development shall be connected with a new 10-inch water main. The new 10-inch main shall be AWWA C.900, Class 200 PVC (minimum). Water lines to be a minimum of 10 feet from permanent structures and foundations. Water main easement shall be adjusted due to new water main location. All improvements and easement realignments to be at developer's expense. Water service to be master metered.
 4. The water system for fire protection purposes shall be constructed in the first phase of the project.
 5. The water system shall be of a loop design. Location of water lines for the loop system shall be determined by the Public Works Department (Water and Engineering Divisions).
- K. The following provisions of the Garden Grove Sanitation District shall be met:
1. The developer shall provide on-site sanitary sewer facilities connecting to the off-site District facilities as required by the Sanitary District.
 2. The project shall be designed with sufficient grade to permit a gravity flow sewerage system to the District's sewer line in Garden Grove Boulevard.
 3. Individual trash/recycling containers are subject to approval of the District Board. Responsibility for cost of containers to be determined by the Board.
 4. The trash collection pick-up is by automated truck service. Due to this type of service, the location and placement of the trash barrels for disposal pick-up, and the weekday and time span for setting out and putting away trash barrels shall be approved by the Garden Grove Sanitary District and the Community Development Department. Said requirements shall be

incorporated into the Conditions, Covenants, and Restrictions (CC&R's) governing this project.

- L. The developer/owner shall submit a complete landscape plan governing the entire development. Said plan shall include type, size, location and quantity of all plant material. This includes enhanced landscaping for the walkway areas. It shall include irrigation plans and staking and planting specifications. The landscape plan is also subject to the following:
1. A complete, permanent, automatic remote control irrigation system shall be provided for all landscaped areas shown on the plan. The sprinklers shall be of low flow/precipitation sprinkler heads for water conservation.
 2. The plan shall provide a mixture of a minimum of ten percent (10%) of the trees at 48-inch box, ten percent (10%) of the trees at 36-inch box, fifteen percent (15%) of the trees at 24-inch box and sixty percent (60%) of the trees at 15-gallon, the remaining five percent (5%) may be of any size. These trees shall be incorporated into the landscaped frontages of all streets. Where clinging vines are considered for covering walls, Boston Ivy shall be used. Minor modifications in these requirements may be permitted with the approval of the Planning Services staff.
 3. The developer shall be responsible for installation and maintenance of all landscaping on the property.
 4. No trees shall be planted closer than five feet (5') from any public right-of-way. Trees planted within ten feet (10') of any public right of way shall be planted in a root barrier shield. All landscaping along street frontages adjacent to driveways shall be of the low height variety to ensure safe site clearance.
 5. The landscape treatment along Garden Grove Boulevard shall incorporate mounding and berming with trees, shrubs and bushes, and ground cover that highlight the project's entrance as well as enhance the exterior appearance between the sidewalk and the perimeter wall. In addition, the landscape treatment shall be designed to attenuate noise from Garden Grove Boulevard to the maximum extent possible. Along the south property line, trees shall be placed in a manner that screen views from second story windows of the residences.
- M. No exterior piping, plumbing, or mechanical duct work shall be permitted on any exterior facade and/or visible from any public right-of-way or adjoining property.

- N. All signs require a separate permit and shall be installed in accordance with the provisions of the sign ordinance and shall be approved by the Development Services Department prior to installation.
- O. 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:
1. Monday through Saturday - not before 7 a.m. and not after 8 p.m. (of the same day).
 2. Sunday and Federal Holidays may work same hours but subject to noise restrictions as stipulated in section 8.47.010 of the Municipal Code.
- P. The developer/owner shall enter into a maintenance agreement with the City of Garden Grove to ensure proper maintenance and upkeep of the property.
- Q. The developer/owner shall enter into a binding Development Agreement with the City of Garden Grove. This includes the payment of a Development Impact Mitigation Payment in accordance with City Council Resolution.
- R. 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 and two copies of the recorded CC&R's shall be provided to the Planning Division prior to occupancy of any units. The CC&R's shall include the following stipulations:
1. Space sufficient for the parking of two (2) vehicles shall be maintained within the garages at all times. A minimum interior space of 19 feet by 19 feet shall be kept clear at all times for the parking of vehicles within each garage.
 2. There shall be no business activities, day care, or garage sales conducted within or from the garages.
 3. Garages shall not be rented or leased separately from the attached dwelling unit and shall not be made unavailable to the occupants of the unit.
 4. The owners and/or occupants of any unit shall maintain no more than two (2) vehicles on the property at any one time.

5. Residents shall not park or store vehicles anywhere on the site except within the garage for their dwelling unit.
 6. Residents shall not park in on-street spaces designated for guests. Additionally, on-street guest parking spaces shall not be assigned to any unit. Those units provided with two guest parking spaces in their driveway apron may utilize this area for guest or temporary parking, however, overnight, 24-hour or long term parking shall be prohibited.
 7. Trash containers shall be stored within designated storage areas only and not within the garage parking area.
 8. 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.
 9. Patio cover structures may be added, with necessary building permits, per the design guidelines established by the developer (and approved by the Community Development Department). The minimum rear and side yard setback for all accessory structures and patio covers shall be three feet. No enclosed patios or other additions to residential units are permitted. Detached structures shall not exceed 120 square feet in size.
 10. Fences and walls located in front yard areas or adjacent to parking areas or drive aisles shall not exceed 36-inches in height. Wood fencing located adjacent to any street or driveway is prohibited.
 11. Storage of boats or recreational vehicles on the property or individual lots is prohibited.
 12. The CC&Rs shall include specific provisions addressing the placement of trash containers for pick up and the duration of time prior to and after trash collection that trash containers may be placed in the drive aisles.
 13. The above stipulations shall not be modified without the approval of the City of Garden Grove.
- S. The developer/owner shall comply with all provisions of the Community Development Department including, but not limited to, the following:
1. The developer/owner shall submit an overall streetscape plan showing decorative wall treatments and enhanced landscaping along Garden Grove

Boulevard. This plan shall be approved by the Community Development Department prior to the issuance of building permits.

2. In order to provide easier circulation for larger vehicles such as trash trucks and moving vans the developer shall provide rolled curbs throughout the project.
3. The facades of units directly facing Garden Grove Boulevard 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.
4. The areas shown on the approved plans as future phases shall be improved with landscaping and irrigation prior to the completion of phase one. If construction is commenced on the future phases prior to the completion of phase one, the future phases need not be landscaped.
5. Prior to submittal of working drawings for plan check, the developer shall submit detailed drawings showing the exterior of all buildings, architectural details, and window and door treatments. The garage doors shall be automatic roll-up type doors. The building elevations facing or siding on Garden Grove Boulevard and Rockinghorse Road shall have additional second story architectural enhancements in the form of window popouts, columns at corners, or similar treatments in order to articulate the buildings' visual appearance from the street right-of-way. These plans shall be approved by the Community Development Department prior to the submittal of plans for plan check.
6. 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 three feet of any property line. The equipment shall only be located in an enclosed rear or side yard provided the above distance stipulation is met. Those units not provided an air conditioning condensing

unit, shall designate a location on the unit's property that allows for a ground mounted unit, minimizes noise intrusion to adjacent units, and allows for ease of installation per the distance separations requirements noted immediately above. No wall mounted or roof type of air conditioning system is permitted. Additionally, on each residential lot, the developer shall provide a paved trash storage area which can accommodate at least two of the type of trash containers issued by the Sanitary District for individual trash pick-up. Location of these trash areas shall be included on the construction plans and shall be approved by the Community Development Department.

ADOPTED this 12th day of December 1996.

/s/ MARK ROSEN
CHAIRMAN

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 December 12, 1996, and carried by the following votes:

AYES: COMMISSIONERS: ROSEN, BEATTY, BUTTERFIELD, HESKETT, SCOVILLE,
WILKINS
NOES: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: HUTCHINSON

/s/ PRISCILLA STIERSTORFER
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 January 2, 1997.



California Regional Water Quality Control Board

Santa Ana Region



Linda S. Adams
Secretary for
Environmental Protection

3737 Main Street, Suite 500, Riverside, California 92501-3348
Phone (951) 782-4130 • FAX (951) 781-6288 • TDD (951) 782-3221
www.waterboards.ca.gov/santaana

Arnold Schwarzenegger
Governor

August 9, 2010

Mr. Gregory A. Brown, Project Manager
City of Garden Grove Redevelopment Agency
11222 Acacia Parkway
Post Office Box 3070
Garden Grove, California 92842

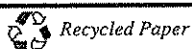
**SUBJECT: Revised Soil Vapor Survey and Human Health Risk Assessment
City of Garden Grove Community Development Site
(Former Target Gasoline Station)
11926 Garden Grove Boulevard, Garden Grove
Regional Board Case Number: 083003077T**

Dear Mr. Brown:

This letter is in response to the "Revised Soil Vapor Survey and Human Health Risk Assessment" submitted by your consultant, Stantec Consulting Services. The soil vapor survey and health risk assessment were conducted to assess if the residual petroleum hydrocarbons detected in the soil and soil vapor are suitable for residential development of the property. Stantec concludes that the results of the soil vapor survey and health risk assessment indicate "no unacceptable health effects...to future onsite residents" in the eastern portion of the property planned for residential development. Based on the conclusions of the health risk assessment conducted by Stantec and reviewed by SLR International Corporation, Board staff concurs that the property appears to be suitable for residential development and has no objection to the proposed residential development of the property.

From the 1960's to 1998, the subject site was used as a gasoline service station and a retail property (including a dry cleaner). Beginning in the 1990s, several phases of soil and groundwater investigation were conducted at the site. Free-phase petroleum hydrocarbons were identified on the groundwater at approximately 22.5 feet below ground surface (bgs). A soil vapor extraction system and a groundwater pump and treat system were installed and began operation in 2006. A total of 16,919 pounds of total petroleum hydrocarbons and 92 pounds of benzene were reportedly recovered by the remediation systems. The remediation system was shut down in 2009 when soil vapor influent concentrations had reached asymptotic levels and free product had been reduced to a thin thickness detected in only two wells. Confirmatory soil sampling and a soil gas survey were conducted to assess if the concentration of the residual petroleum hydrocarbons had been reduced to levels below regulatory concern for residential development.

California Environmental Protection Agency



The soil vapor survey was conducted in accordance with the December 14, 2009 "Soil Vapor Survey Work Plan" submitted by Stantec. On December 28, 2009, Stantec advanced 10 soil vapor probes across the site (SV-1 to SV-10). Seven soil vapor probes were located on the proposed residential property on the eastern portion of the property and three soil vapor probes were located on the commercial restaurant property on the western portion of the property. Soil vapor samples were collected at five feet bgs. In addition, a soil vapor sample was collected at 10 feet bgs from soil vapor probes SV-4 and SV-9.

In a January 29, 2010 letter, Board staff concurred with the proposed soil vapor survey and requested that an additional soil vapor probe be located on the residential portion of the property in the vicinity of RW-17. In response, Stantec indicated that the location of the remediation system and piping prevented installation of an additional soil vapor point near RW-17.

The results of the soil vapor survey are summarized below:

| Property | Total Petroleum Hydrocarbons | Benzene | Toluene | Ethyl-benzene | Xylene | Benzene CHHSL ¹ |
|----------------------|------------------------------|---------------------|---------------------|----------------------|---------------------|----------------------------|
| Existing Commercial | 6400 @ 5' 400,000 @ 10' | 36 @ 5' 73 @ 10' | 72 @ 5' 70 @ 10' | <15 @ 5' 37 @ 10' | 51 @ 5' 74 @ 10' | 122 |
| Proposed Residential | 23,000 @ 5' | 15 @ 5' | 37 @ 5' | <15 @ 5' | 31 @ 5' | 36.2 |

The results of the soil vapor survey indicated that only the soil sample collected at 10 feet bgs at SV-9, located on the western portion of the property currently developed as a restaurant, exceeded the residential CHHSL for benzene. None of the soil vapor samples collected on the planned residential portion of the property exceeded the residential CHHSLs for any of the analyzed volatile organic compounds.

Stantec conducted a health risk assessment using the soil gas and site specific physical data. Using the California Environmental Protection Agency modified version of the Johnston & Ettinger vapor intrusion health risk model, they calculated the cumulative risk for all the detected chemicals indicating that the cumulative cancer risk is below the "one in one million" cancer risk² and a non-cancer health hazard index below 1. They conclude that "these risk values indicate no unacceptable health effects to future on-site residential receptors under the current conditions." Stantec requested closure for soil

¹ CHHSL - Concentrations of hazardous materials in groundwater, soil, or soil gas that the California Environmental Protection Agency considers to be below thresholds of concern for risks to human health.

² The one-in-a million (10^{-6}) residential life long cancer risk is commonly used in regulatory decisions to be an acceptable "de minimis" risk because the risk is extremely low compared to the overall cancer rate and is considered insignificant.

remedial activities since they conclude that the "impact to human health resulting from vapor intrusion is considered unlikely given the soil vapor concentrations and soil properties at the site" and that the "site is safe for redevelopment with plans for continued groundwater remediation and monitoring."

An independent review of the health risk assessment was conducted by SLR International Corp (SLR). In a July 21, 2010 letter from Dr. Mark Stelljes of SLR, Dr. Stelljes concurs with the conclusion of the health risk assessment that the estimates for the lifetime estimated cancer risk and non-cancer health hazard levels are "below CalEPA target risk and hazard levels" and that the "site is safe for redevelopment" based on the "vapor intrusion pathway evaluation as presented in the reviewed report."

In a July 30, 2010 meeting with the City of Garden Grove Redevelopment Agency, Olson Company, and Stantec, Stantec requested that a no further action (NFA) letter be issued for all soil remediation activities at the site. Board staff indicated that a NFA letter would be issued once all remedial activities have been completed at the site. In the meeting, it was Board staff's understanding that the proposed residences would be constructed with a vapor barrier and that the purchasers of the properties would be given appropriate notification of the environmental condition of the property. Based on Stantec's conclusions that the results of the health risk assessment indicate that the residual petroleum hydrocarbons are below levels of regulatory concern for residential development and SLR concurrence with Stantec's methodology and conclusions, Board staff concurs that the property appears to be suitable for residential development and has no objection to the proposed residential development of the property.

If you have any questions, please contact Carl Bernhardt of our Underground Storage Tank Section at 951-782-4495 or by electronic mail at cbernhardt@waterboards.ca.gov.

Sincerely,

Kenneth R. Williams
Chief, Underground Storage Tank Section
Underground Tank Section

Addressee : Greg Brown, City of Garden Grove : gbrown@ci.garden-grove.ca.us

cc: Kimberly Prijatel, The Olson Company: kprijatel@theolsonco.com
Jim DeWoody, Stantec: JDeWoody@Stantec.com
Mark Stelljes, SLR Corporation

CAB/gardengrove 08 09 10



DRAFT MINUTE EXCERPT

GARDEN GROVE PLANNING COMMISSION

PUBLIC HEARING: TENTATIVE TRACT MAP NO. TT-17384
DEVELOPMENT AGREEMENT NO. DA-182-10
APPLICANT: THE OLSON COMPANY
LOCATION: SOUTHWEST CORNER OF GARDEN GROVE BOULEVARD AND WEST STREET
AT 12034 GARDEN GROVE BOULEVARD
DATE: SEPTEMBER 2, 2010

REQUEST: To complete the build-out of the Sycamore Walk residential development through the proposed Tentative Tract Map No. TT-17384. The proposed build-out consists of a twelve-lot, single-family residential small-lot subdivision, with twelve (12) homes and one (1) common lot on a 36,155 square foot site, to be joined with the existing small-lot subdivision immediately east of the site. The site is in the Planned Unit Development No. PUD-113-96 zone. A Development Agreement is also included.

Staff report was reviewed and recommended approval. It was noted that the Los Sanchez Restaurant, adjacent to the proposed development, has a temporary parking agreement with the City to utilize a portion of the property for overflow parking.

Chair Beard asked if the restaurant is using the additional parking area. Staff responded yes; however, demand has lessened and the parking agreement is not permanent.

Commissioner Pak questioned whether the Garden Grove Agency for Community Development has retained ownership of the property, noting that the Development Agreement indicates that the Developer has an equitable interest in the property. He also asked what the City would gain with this development.

Staff responded that the Agency retained ownership of the property until the remediation was complete, and that the Agency has a Disposition and Development Agreement with The Olson Company for this site with information regarding the details that can be made available to the Commission.

Chair Beard questioned the potential for litigation if there is an issue with contamination.

Staff noted that that Agency has been working with a consultant for soil remediation, and that the site was cleared by the California Regional Water

Quality Control Board for development; however, any litigation would be a private matter between the Developer and private property owners.

Chair Beard opened the Public Hearing to receive testimony in favor of or in opposition to the request.

Ms. Kim Prijatel, representative from The Olson Company, approached the Commission. She commented that this project is a major success story and described the proposed development. She stated that the site is ready to be developed, and The Olson Company is in escrow for the property with plans to close escrow upon approval of all entitlements. She noted that they have been working to annex with the Sycamore Walk Homeowners Association.

Chair Beard asked if she has read and agrees with the conditions of approval. Ms. Prijatel stated yes.

Commissioner Bonikowski asked if there will be additional parking spaces for the project, noting that there is no street parking. Ms. Prijatel stated there will be five additional spaces.

Commissioner Cabral questioned whether there has been any opposition from the Homeowners Association. Ms. Prijatel stated no.

Mr. Harry Krebs approached the Commission and stated he intended to speak in support of the concerns related to the loss of overflow parking for the Los Sanchez Restaurant; however, as no one from the restaurant attended the hearing, he formally withdrew from commenting.

Mr. Ky Dang of 12023 Sycamore Lane approached the Commission. He noted the shared gate and driveway for the proposed project, stating that the Homeowners Association paid for and built a wall separating their homes from the parking lot. He questioned whether this wall would be removed, and if the Homeowners Association will be reimbursed.

Staff noted that there is a condition of approval that requires the developer to provide new Conditions, Covenants, and Restrictions (CC&R's) that include the new subdivision prior to filing a final map.

Ms. Prijatel approached the Commission and assured the Commission that The Olson Company is willing to work with the Homeowners Association and will reimburse them for the wall.

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

Commissioner Pak received confirmation from staff after asking whether the water and sewer services are sufficient for the project, and that crime is low; he expressed his approval and support.

Chair Beard expressed his support for the project and noted that the project fits the area. He commented that the developer needs to work with the Homeowners Association; and the existing units appear well maintained.

Commissioner Bonikowski expressed his support for the project, and also commented that the existing units are well maintained.

Commissioner Pak moved to approve Tentative Tract Map No. TT-17384, and recommended approval of Development Agreement No. DA-182-10 to City Council, seconded by Commissioner Bonikowski, pursuant to the facts and reasons contained in Resolution No. 5717. The motion carried with the following vote:

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

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

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE
ADOPTING A DEVELOPMENT AGREEMENT BETWEEN THE OLSON COMPANY
(PROPERTY OWNER), AND THE CITY OF GARDEN GROVE

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

Section 1. A Development Agreement (DA-182-10) is hereby adopted Tentative Tract Map No. TT-17384 for property located on the southwest corner of Garden Grove Boulevard and West Street, 12034 Garden Grove Boulevard (Parcel Nos. 100-504-32 and 80). A copy of the Development Agreement is on file in the City Clerk's Office.

Section 2. Severability. If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words or portions thereof be declared invalid or unconstitutional.

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