

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To: Matthew Fertal
From: Susan Emery
Dept: City Manager
Dept: Community Development
Subject: CONSIDERATION OF A MITIGATED
NEGATIVE DECLARATION, PLANNED
UNIT DEVELOPMENT NO.
PUD-127-12, AND DEVELOPMENT
AGREEMENT NO. DA-184-12,
LOCATED AT 10901 HAZARD AVENUE,
GARDEN GROVE
Date: April 10, 2012

OBJECTIVE

To transmit a Planning Commission recommendation for approval to change the zoning designation for the property located at 10901 Hazard Avenue, Garden Grove, from Planned Unit Development No. PUD-101-81 to Planned Unit Development No. PUD-127-12 to allow the development of a 56-unit single-family residential small-lot subdivision and approve a Development Agreement for the project.

BACKGROUND

The subject property is a rectangular shaped lot located on the northwest corner of Euclid Street and Hazard Avenue with street frontages of 245 feet and 1,320 feet, respectively, with a land area of 5.97 acres. The property has a General Plan Land Use designation of Industrial/Residential Mixed Use 1 and is zoned PUD-104-81. The property currently consists of a single-family home, a strawberry stand, and an agricultural field that the current owners produce strawberries on. The properties to the North are zoned PUD-104-81 and are developed industrially. The properties to the West are zoned R-1 (Single-Family Residential) and are developed with single-family homes. The properties to the East and South, across Euclid Street and Hazard Avenue, are located within the City of Santa Ana and are developed with multi-family units and single-family homes.

The applicant is proposing to construct a 56-unit single-family residential small-lot subdivision with three different three-story plans. Plan 1 is an 1,835 square foot, 3-bedroom/loft with optional 4th bedroom, 3½-bathroom unit with an attached two-car garage. Plan 2 is a 2,500 square foot, 4-bedroom/loft, 3-bathroom with optional 4th bathroom unit with an attached two-car garage. Plan 3 is a 2,875 square foot, 5-bedroom with bonus room, 5-bathroom unit with an attached two-car garage. The project provides a total of 210 parking spaces, which complies with the City Code's minimum parking requirements. Parking will be provided within the unit's garages, on the individual driveways, and with guest parking dispersed

throughout the project, on the street. Main access to the site will be from Hazard Avenue via an enhanced gated driveway that will include wrought iron gates, decorative paving, and landscaping. A secondary, exit only access point will be located along the westerly property line, which will also function as an emergency access point. A secondary gated emergency access point will be located at the end of the cul-de-sac that is adjacent to Euclid Street.

The site design includes both private and common useable open space areas. Each home will be provided private rear yard areas with depths of 15-feet. The common open space areas are split into three separate areas. The main area located toward the center of the development includes a patio/shade structure, a fireplace, a bathroom building, turf area, pool, spa, cabana, security fencing around the pool area, accent tree in a raised planter, benches, and barbeque equipment. A secondary passive area, located at the end of the cul-de-sac, adjacent to Euclid Street, includes turf area, shade structure, trash receptacle, and benches. The third open space area is located at the northwest corner of the project, and is designated as a community garden, which is separated in areas for the cultivation of vegetables, fruits, other plants, and includes decorative fencing, benches, and trash receptacles.

The homes are traditional in design, exhibiting stucco exteriors, building pop-outs, multi-paned windows, decorative window trim, shutters, and varied rooflines with concrete tile roofing material. The facades of the homes will vary with different color schemes provided for each house plan.

At their March 1, 2012, Public Hearing, the Planning Commission approved Site Plan No. SP-467-12 and Tentative Tract Map No. TT-17432, and recommended that City Council approve the subject Planned Unit Development No. PUD-127-12 and Development Agreement No. DA-184-12. No one spoke in opposition of the project.

DISCUSSION

Planned Unit Development:

A Planned Unit Development (PUD) is a zoning designation that establishes development standards and uses that are specific to a particular project. The rezoning of the property to PUD is necessary to accommodate the proposed 56-unit single-family residential small-lot subdivision. The property is presently zoned PUD-104-81, which allows for a mix of industrial, office, and commercial uses. While the General Plan Land Use designation would allow the development of residential units, the current zoning would not permit any type of residential development.

Additionally, since the property's current Planned Unit Development zoning does not include standards for residential development, the proposed development has been designed to be in conformance with the adopted small-lot subdivision standards as they relate to building setbacks, building height, common and private open space,

parking, and access. The project proposes a density of 9.3 units per acre, which is within the General Plan's allowable density of 42 units per acre.

In regard to the Development Agreement, Government Code Section No. 65864 et. seq. provides authority to the City to enter into a Development Agreement. The Development Agreement will ensure that the applicant can build the project as approved within a period of four years. In return, the City will receive a development fee payment not to exceed \$107,296.00. Payment will be required at the time of building permit issuance.

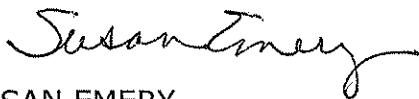
FINANCIAL IMPACTS

None.

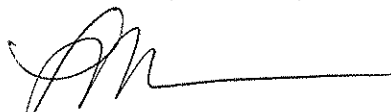
RECOMMENDATION

It is recommended that the City Council:

- Introduce and conduct the first reading of attached Ordinances regarding Planned Unit Development No. PUD-127-12 and Development Agreement No. DA-184-12 including the adoption of a Mitigated Negative Declaration and Mitigation Monitoring Program.



SUSAN EMERY
Community Development Director



By: Lee Marino
Senior Planner

- Attachment 1: Planning Commission Staff Report dated March 1, 2012
- Attachment 2: Planning Commission Resolution Nos. 5760-12 and 5761-12 with Exhibit "A" Conditions of Approval
- Attachment 3: Planning Commission Minute Excerpt of March 1, 2012
- Attachment 4: Draft City Council Ordinance for Planned Unit Development
- Attachment 5: Draft City Council Ordinance for Development Agreement
- Attachment 6: Initial Study, Mitigated Negative Declaration and Mitigation Monitoring Program

Approved for Agenda Listi



Matthew Ferial
City Manager

COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.2.	SITE LOCATION: Northwest corner of Euclid Street and Hazard Avenue, at 10901 Hazard Avenue
HEARING DATE: March 1, 2012	GENERAL PLAN: Industrial/Residential Mixed Use 1
CASE NOS.: Planned Unit Development No. PUD-127-12, Site Plan No. SP-467-12, Tentative Tract Map No. TT-17432, & Development Agreement No. DA-184-12	EXISTING ZONE: Planned Unit Development No. PUD-104-81 PROPOSED ZONE: Planned Unit Development No. PUD-127-12
APPLICANT: City Ventures	APN: 099-181-09
PROPERTY OWNER: Bunya/Sakai Family Trusts	CEQA DETERMINATION: Mitigated Negative Declaration

REQUEST:

A request to rezone a 5.97-acre lot located on the northwest corner of Euclid Street and Hazard Avenue, at 10901 Hazard Avenue from PUD-104-81 to Residential Planned Unit Development to allow the construction of a 56-unit, single-family residential small-lot subdivision; a Site Plan to construct the 56 homes along with street and open space improvements; a Tentative Tract Map to subdivide the property into 56 separate lots; and a Development Agreement.

PROJECT STATISTICS:

	<u>Provided</u>	<u>Code</u>
<u>Lot Size:</u>	5.97 acres	1 acre
<u>Density:</u>	9.3 units/acre	42 units/acre
<u>Private/Common Open Space:</u>	12,473 sq. ft.	11,200 sq. ft.
<u>Parking:</u>		
Enclosed Garage	112	112
Guest	<u>98</u>	<u>98</u>
Total	210 spaces	210 spaces
<u>Building Height:</u>	35'-0"	35'-0"

CASE NOS. PUD-127-12, SP-467-12, TT-17432, & DA-184-12

<u>Building Type Summary</u>	<u>Number of Bedrooms/Baths</u>	<u>Unit Size</u>	<u>Total Units</u>
Plan 1	3 Bed/Loft or 4 Bed, 3 ½ Bath	1,835 SF	6
Plan 2	4 Bed/Loft, 3 Bath, Opt. 4 bath	2,500 SF	15
<u>Plan 3</u>	5 Bed, Bonus Room, 5 Bath	2,875 SF	<u>35</u>
Total			56

BACKGROUND:

The subject property is a rectangular shaped lot located on the northwest corner of Euclid Street and Hazard Avenue with street frontages of 245 feet and 1,320 feet, respectively, with a land area of 5.97 acres. The property has a General Plan Land Use designation of Industrial/Residential Mixed Use 1 and is zoned PUD-104-81. The property currently consists of a single-family home, a strawberry stand, and an agricultural field that the current owners produce strawberries on. The properties to the North are zoned PUD-104-81 and are developed industrially. The properties to the West are zoned R-1 (Single-Family Residential) and are developed with single-family homes. The properties to the East and South, across Euclid Street and Hazard Avenue, are located within the City of Santa Ana and are developed with multi-family units and single-family homes.

On February 7, 2012, the applicant held a Community Meeting for all property owners within a 500 foot radius of the property in order to introduce the project and to get feedback from the public. At that meeting, one person from the surrounding neighborhood attended, and after reviewing the plans was favorable toward the project.

DISCUSSION:**ZONE CHANGE:**

The General Plan Land Use designation for this site is Mixed Use. The property is presently zoned PUD-104-81, which allows for a mix of industrial, office, and commercial uses. While the General Plan Land Use designation would allow the development of residential units, the current zoning would not permit any type of residential development.

The applicant is proposing to change the zoning designation of the property to Planned Unit Development No. PUD-127-12 in order to develop the site with a 56-unit, three-story, single-family residential small-lot subdivision. The rezoning of the property to Planned Unit Development No. PUD-127-12 would accommodate the proposed residential project in conformance with the Mixed Use General Plan Land Use designation.

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

SITE PLAN:Site Design and Circulation

The project consists of 56 three-story single-family homes. Main access to the site will be from Hazard Avenue via an enhanced gated driveway that will include wrought iron gates, decorative paving, and landscaping. A secondary, exit only access point will be located along the westerly property line, which will also function as an emergency access point. A secondary gated emergency access point will be located at the end of the cul-de-sac that is adjacent to Euclid Street. All gates are conditioned to maintain a Knoxbox system to allow access to emergency vehicles and personnel. Each home will be serviced by 16-foot wide driveways that gain direct access from the private road system.

Private rear yards have been provided for each home that maintain a depth of 15-feet. Common open space areas that total 12,473 square feet have been provided for both active and passive recreation, which exceeds the Code's minimum common open space requirement of 11,200 square feet. The Common open space areas are split into three separate areas. The main area located toward the center of the development includes a patio/shade structure, a fireplace, a bathroom building, turf area, pool, spa, cabana, security fencing around the pool area, accent tree in a raised planter, benches, and barbeque equipment. A secondary passive area, located at the end of the cul-de-sac, adjacent to Euclid Street, includes turf area, shade structure, trash receptacle, and benches. The third open space area is located at the northwest corner of the project, and is designated as a community garden, which is separated in areas for the cultivation of vegetables, fruits, other plants, and includes decorative fencing, benches, and trash receptacles.

Parking

The project provides a total of 210 parking spaces, which meets the Code required minimum parking standards. City Code requires 210 parking spaces for the development. The parking spaces include, 112 garaged parking spaces and a total of 98 open guest parking spaces (56 on the driveways of each home and 42 on the private street within the development).

Perimeter Walls and Landscaping

The applicant is proposing to construct a six-foot high masonry block wall along the northerly and westerly property lines. In addition, a 6-foot high masonry block wall is proposed behind a 10-foot landscape area along Euclid Street and Hazard Avenue. Conditions of approval require the walls to be decorative block or stuccoed block with decorative caps and pilasters. The landscaping along Euclid Street and Hazard Avenue will include trees, shrubs, vines, and flowering ground covers.

A decorative corner treatment at Euclid Street and Hazard Avenue has been proposed that plays homage to the history of the site as a strawberry field as well as provides an entry statement to the City, since the Euclid/Hazard intersection is one of the main entries into the City. The corner treatment includes a living wall

CASE NOS. PUD-127-12, SP-467-12, TT-17432, & DA-184-12

with metal frames and strawberry planting, agricultural themed row planting, three metal strawberry sculptures, and evergreen hedges.

Unit Design

The project consists of 56 three-story homes with three different floor plans. Plan One is a 1,835 square foot, 3-bedroom/loft with optional 4th bedroom, 3½-bathroom unit with an attached two-car garage. Plan Two is a 2,500 square foot, 4-bedroom/loft, 3-bathroom with optional 4th bathroom unit with an attached two-car garage. Plan Three is a 2,875 square foot, 5-bedroom with bonus room, 5-bathroom unit with an attached two-car garage.

Building Architecture

The architectural style of the homes are traditional in design, exhibiting a stucco exteriors, building pop-outs, multi-paned windows, decorative window trim, shutters, and varied rooflines with concrete tile roofing material. The facades of the homes will vary with different color schemes provided for each house plan.

TENTATIVE TRACT MAP:

In accordance with the State Subdivision Map Act, the developer has filed a Tentative Tract Map for the project to create a one-lot subdivision for the purpose of selling each unit as a condominium. The Tentative Tract Map is in conformance with the City General Plan, the City's Zoning Ordinance requirements for the site and small-lot subdivisions, as well as the City's Subdivision Ordinance and the State Subdivision Map Act.

DEVELOPMENT AGREEMENT:

The applicant is entering into a Development Agreement with the City. The applicant will be guaranteed four years in which to construct the project and the City will receive from the developer a Development Agreement fee not to exceed \$107,296.00 Development Agreement payments are designed to reduce the economic costs of new projects to the public and mitigate development-related concerns on the community. The Planning Commission recommendation on the Development Agreement will be forwarded to the City Council for final action.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following actions:

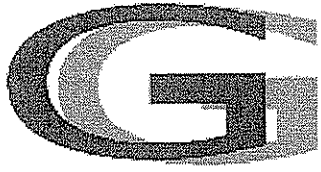
1. Adopt the Mitigated Negative Declaration; and
2. Approve Site Plan No. SP-467-12 and Tentative Tract Map No. TT-17432, subject to the recommended Conditions of Approval; and,
3. Recommend adoption of a Mitigated Negative Declaration and approval of Planned Unit Development No. PUD-127-12 and Development Agreement No. DA-184-12 to the City Council.



Karl Hill
Planning Services Manager



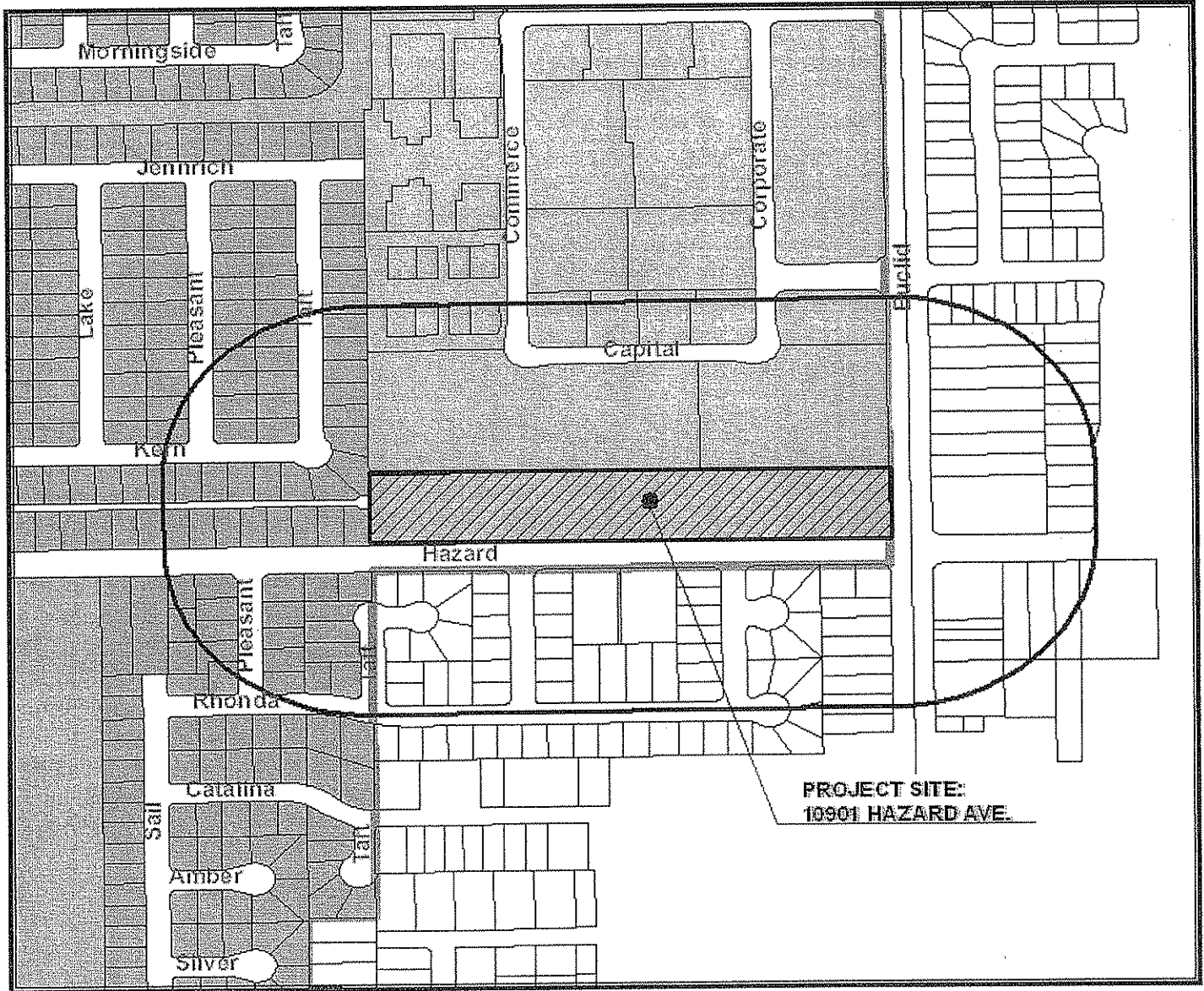
By: Lee Marino
Senior Planner



PLANNED UNIT DEVELOPMENT NO. PUD-127-12


GARDEN GROVE


CASE NO. SP-467-12, TT-17432 & DA-184-12



**PROJECT SITE:
10901 HAZARD AVE.**

LEGEND

 PROJECT SITE - 10901 HAZARD AVE.

 500 FEET RADIUS

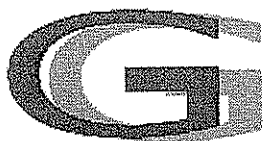
NOTES

1. GENERAL PLAN: INDUSTRIAL/RESIDENTIAL MIXED USE 1
2. ZONE: PLANNED UNIT DEVELOPMENT NO.(PUD-104-81)



0 125 250 500 750 Feet

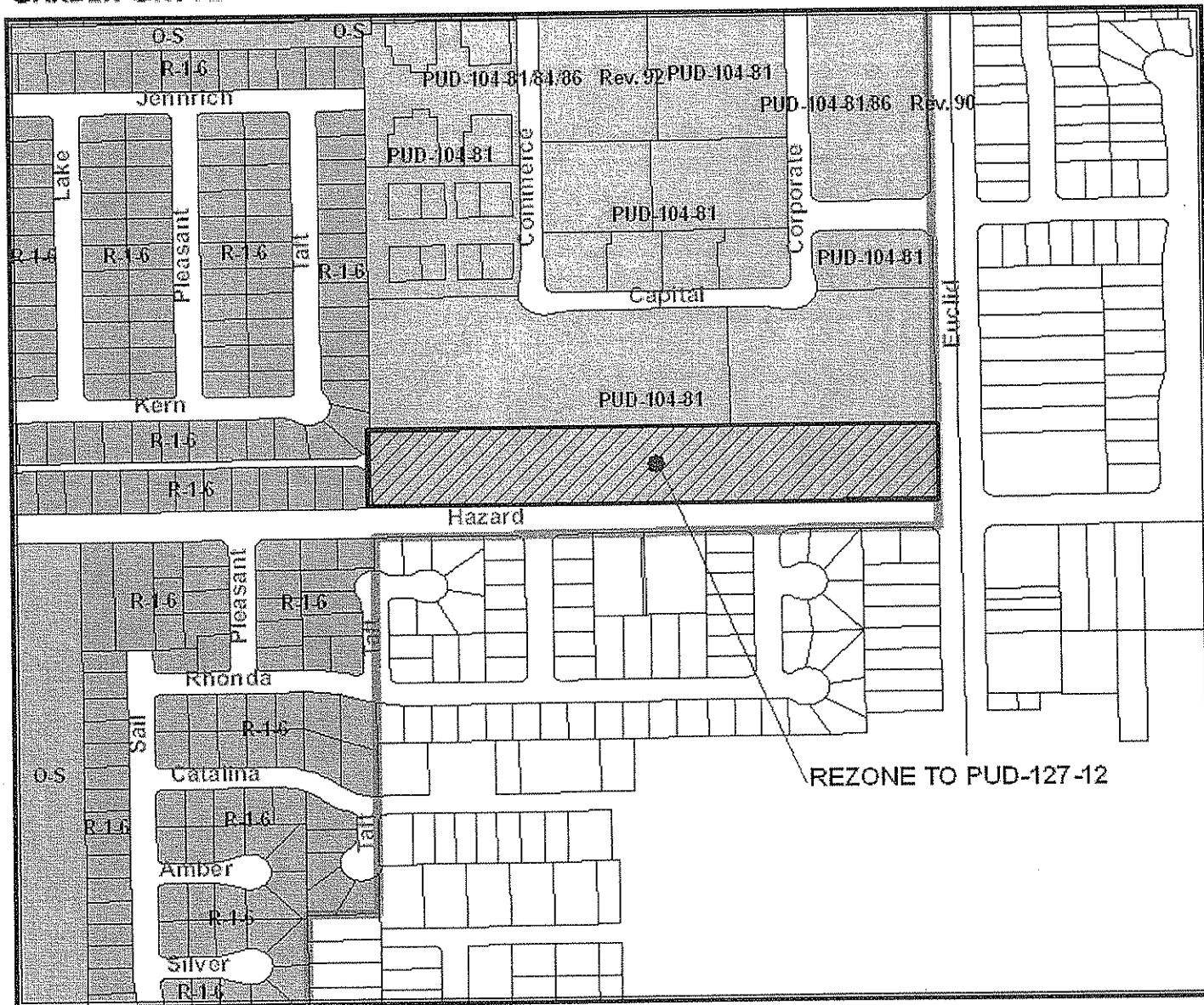
CITY OF GARDEN GROVE
 COMMUNITY DEVELOPMENT DEPARTMENT
 PLANNING DIVISION
 GIS SYSTEM
 MARCH 20 12



PLANNED UNIT DEVELOPMENT NO. PUD-127-12

REZONE FROM PUD-104-81 TO PUD-127-12

GARDEN GROVE



LEGEND

 PROJECT SITE

NOTES

1. SITE ADDRESS: 10901 HAZARD AVENUE



0 125 250 500 750 Feet

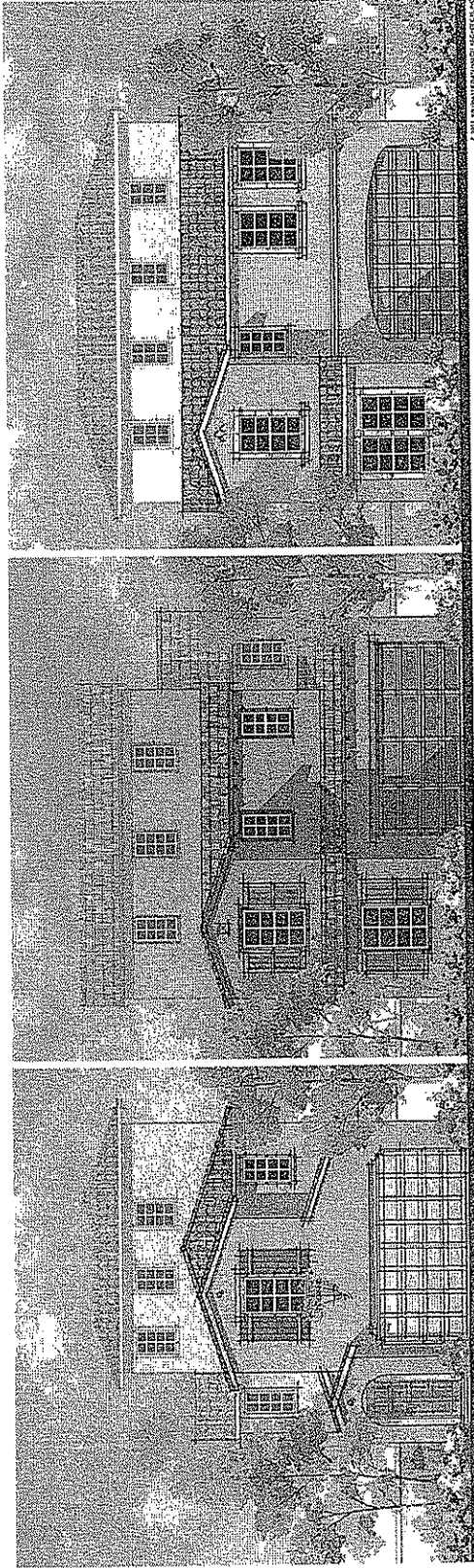
CITY OF GARDEN GROVE
 COMMUNITY DEVELOPMENT DEPARTMENT
 PLANNING DIVISION
 GIS SYSTEM
 MARCH 20 12

EUCLID AND HAZARD

Garden Grove, CA

City Ventures

December 12, 2011



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- LANDSCAPE ARCHITECTURE
- ENTRY AND REC AREA
- CORNER PARK
- COMMUNITY GARDEN

CITY VENTURES
 2850 Redhill Ave., Suite 200
 San Joaquin, CA 92705
 (949) 251-9030

WILLIAM HEZMALHALCH ARCHITECTS
 2850 Redhill Ave., Suite 200
 San Joaquin, CA 92705
 (949) 250-0607

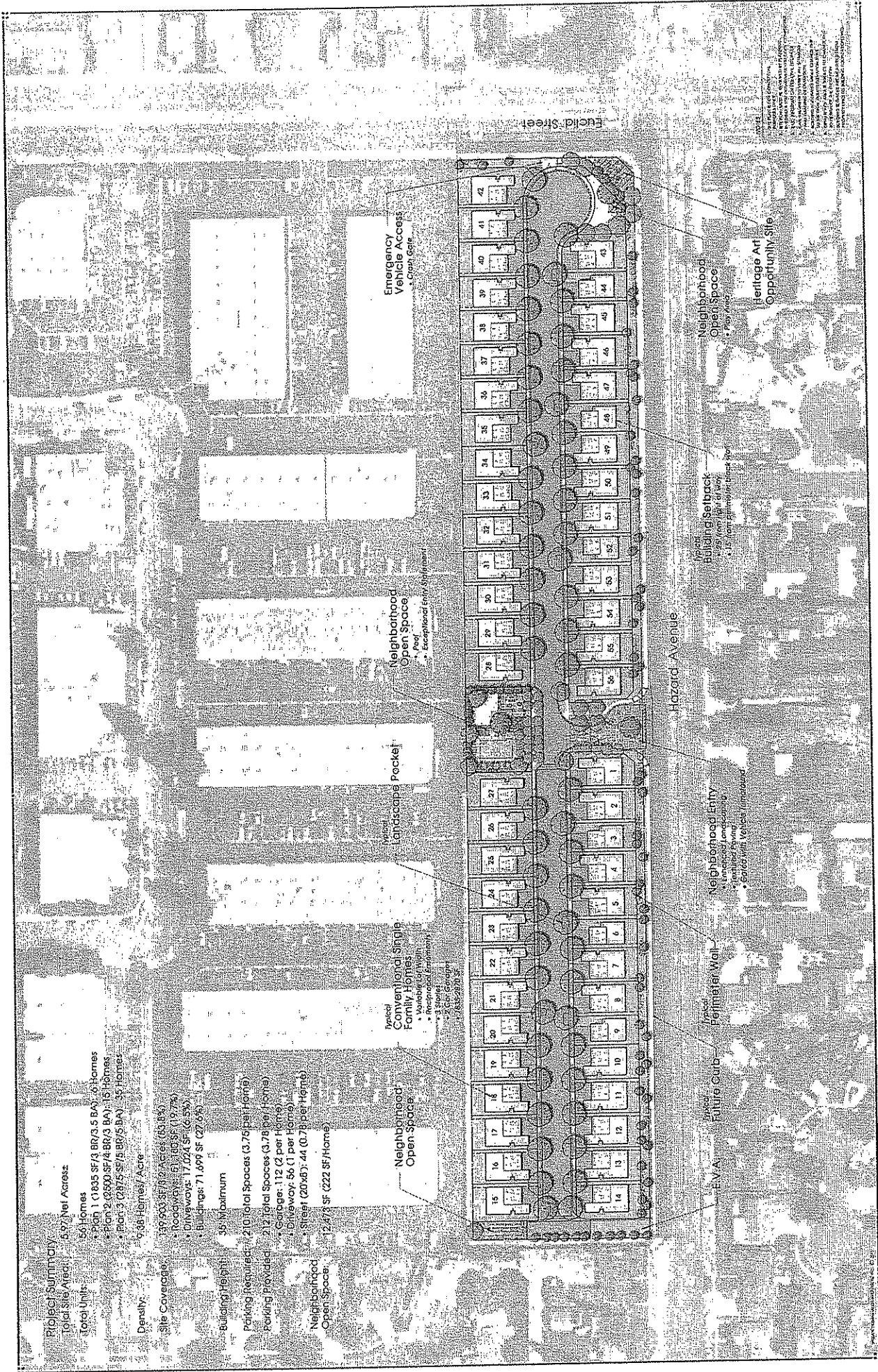
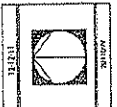
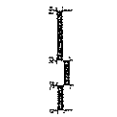
C & V CONSULTING, INC.
 18 Technology Sulte 154
 Irvine, CA 92618
 (949) 769-6500

THE COLLABORATIVE WEST, INC.
 180 Avenida Miramar
 San Clemente, CA 92672
 (949) 366-6624

Conceptual Site Plan

Euclid & Hazard

Garden Grove, CA
City Ventures



Project Summary
Total Site Area: 5.97 Net Acres
Total Units: 56 Homes
• Plan 1 (0.835 SF/4 BR/3.5 BA): 6 Homes
• Plan 2 (6200 SF/4 BR/3 BA): 16 Homes
• Plan 3 (2875 SF/5 BR/5 BA): 35 Homes
Density: 6.88 Homes/Acre
Site Coverage:
• 19,503 SF (62 Acres) (63.18%)
• Roadways: 61,103 SF (19.7%)
• Driveways: 17,024 SF (6.5%)
• Buildings: 71,699 SF (27.6%)
Building Height: 35' Maximum
Parking (Required): 210 Total Spaces (3.75 per Home)
Parking Provided: 212 Total Spaces (3.78 per Home)
• Garage: 112 (2 per Home)
• Steward: 56 (1 per Home)
• Street (20x0): 44 (0.75 per Home)
Neighborhood Open Space: 2,273 SF (222 SF/Home)

Typical Conventional Single Family Homes
• Variable lot width
• Respiration Opportunity
• 3' Street
• 1' (0.15-20.15)

Medical Landscape Pocket
• Pool
• Recreational Opportunity

Neighborhood Open Space
• Emergency Vehicle Access
• Craft Gate

Neighborhood Open Space
• Heritage Art Opportunity Site

Building Setback
• 15' from perimeter street
• 15' from perimeter street

Neighborhood Entry
• Landscaped Perimeter
• Perimeter Wall
• Entry with Vehicle Turnaround

Perimeter Wall
• Perimeter Wall

Future Curb
• Future Curb

Project Summary:
 Total Site Area: 5.97 Net Acres
 Total Units: 56 Homes
 • Plan 1 (1835 SF/3 BR/3.5 BA): 6 Homes
 • Plan 2 (2600 SF/4 BR/3 BA): 15 Homes
 • Plan 3 (2875 SF/5 BR/5 BA): 35 Homes

Density: 9.38 Homes/ Acre

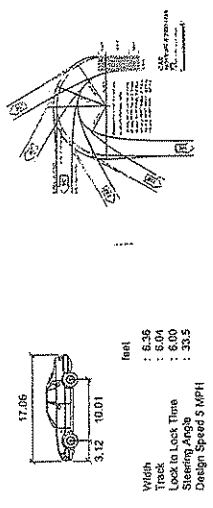
Site Coverage:
 • 139,903 SF/3.2 Acres (55.8%)
 • Roadways: 51,180 SF (19.7%)
 • Driveways: 17,024 SF (6.5%)
 • Buildings: 71,699 SF (27.6%)

Building Height: 35' Maximum

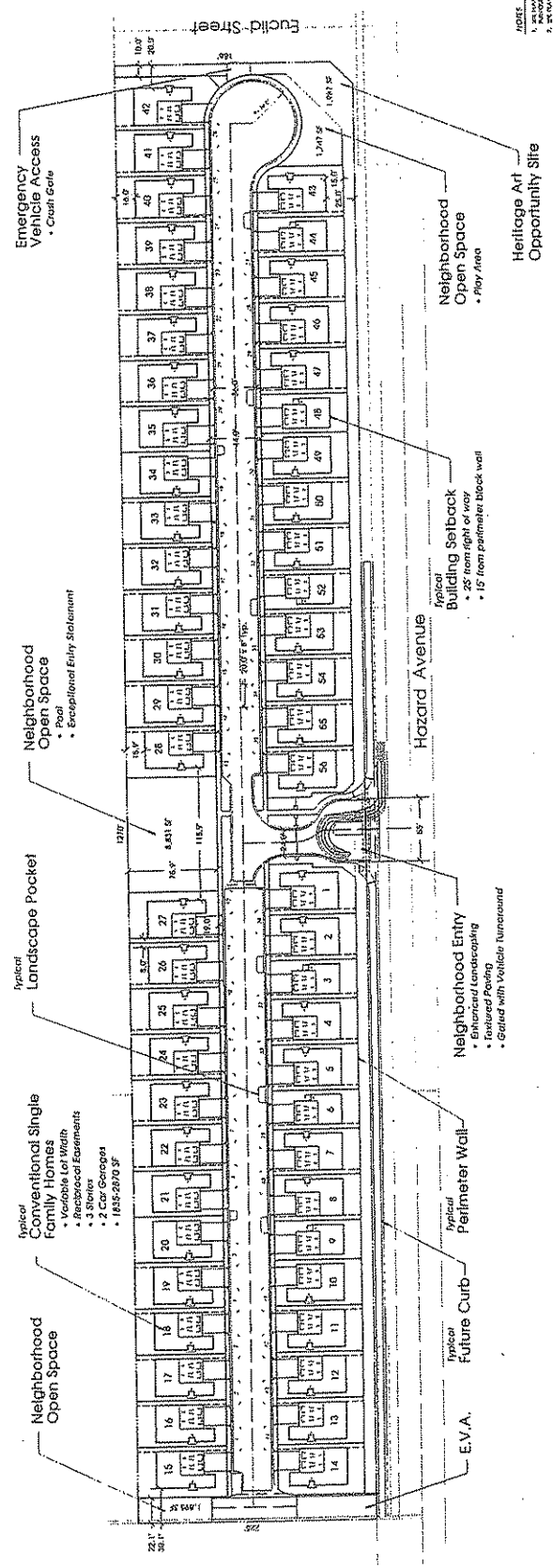
Parking Required: 210 Total Spaces (3.75 per Home)

Parking Provided: 212 Total Spaces (3.78 per Home)
 • Garage: 112 (2 per Home)
 • Driveway: 50 (1 per Home)
 • Street (20'x8'): 44 (0.78 per Home)

Neighborhood Open Space: 12,473 SF (222 SF/Home)



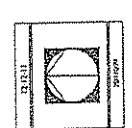
Autoturn Diagrams

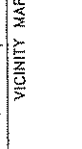
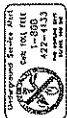


NOTES:
 1. ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE NOTED.
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
 4. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.
 5. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE LOT UNLESS OTHERWISE NOTED.
 6. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVEWAY UNLESS OTHERWISE NOTED.
 7. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE SIDEWALK UNLESS OTHERWISE NOTED.
 8. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE CURB UNLESS OTHERWISE NOTED.
 9. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE STREET UNLESS OTHERWISE NOTED.
 10. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE LOT UNLESS OTHERWISE NOTED.

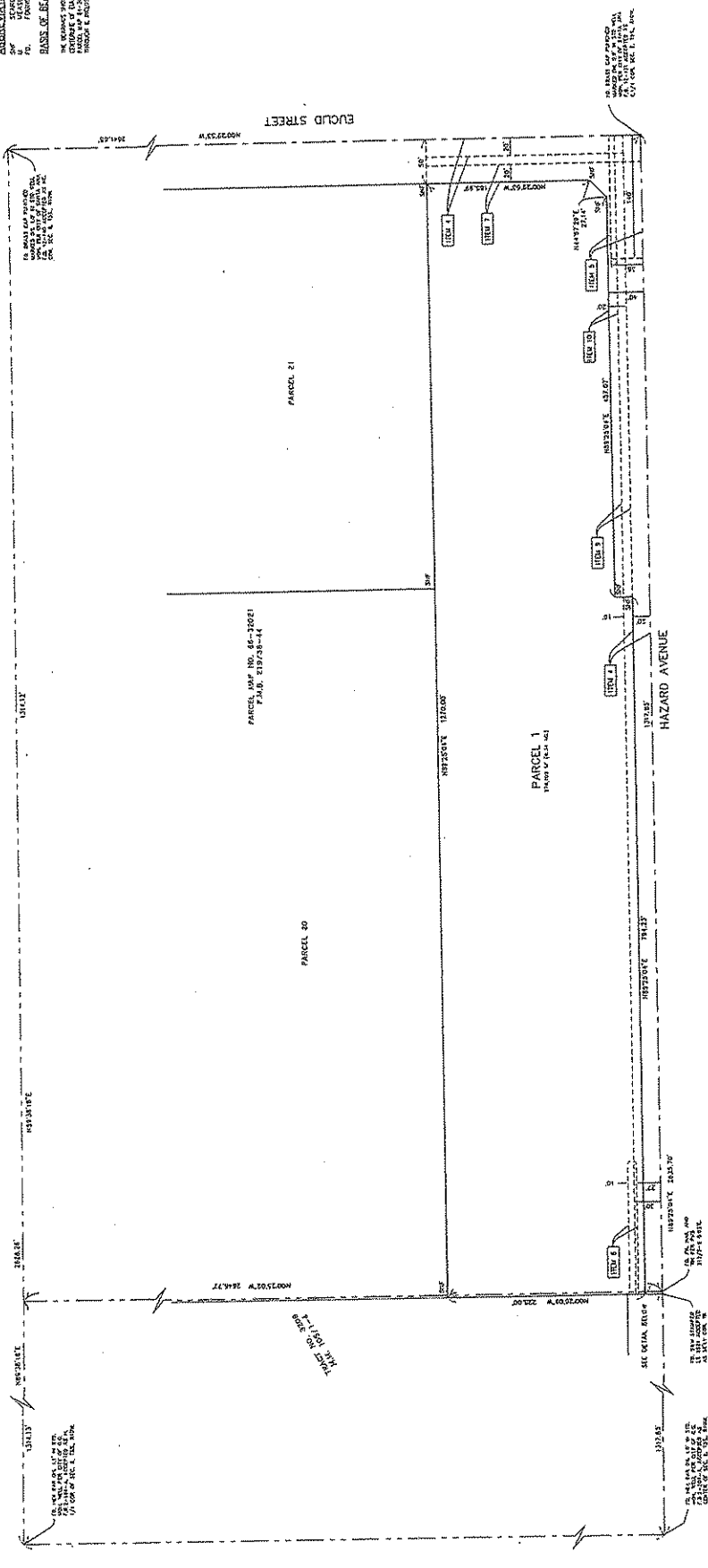
Technical Site Plan
 Euclid & Hazard
 Garden Grove, CA
 City Ventures

City Ventures





LEGEND
 CHANGES FROM PREVIOUS RECORDS
ABBREVIATIONS
 SM - SECTION FOR NOT FOUND
 PL - PLANNED PLACEMENT
 P - PILE
BASES OF BEARINGS
 ALL BEARINGS ARE GIVEN AS TRUE BEARINGS UNLESS OTHERWISE NOTED.
 ALL DISTANCES ARE GIVEN IN FEET AND INCHES UNLESS OTHERWISE NOTED.
 ALL DIMENSIONS ARE GIVEN IN FEET AND INCHES UNLESS OTHERWISE NOTED.
 ALL DIMENSIONS ARE GIVEN IN FEET AND INCHES UNLESS OTHERWISE NOTED.

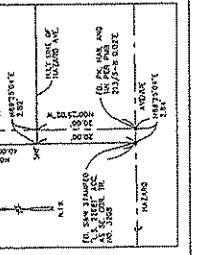


LOCAL DESCRIPTION
 THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF THE SURVEYING ACT OF 1987, CHAPTER 1077, DIVISION 8, OF THE CALIFORNIA GOVERNMENT CODE, AS AMENDED.
 THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF THE SURVEYING ACT OF 1987, CHAPTER 1077, DIVISION 8, OF THE CALIFORNIA GOVERNMENT CODE, AS AMENDED.

TRUE INFORMATION
 THE SURVEYOR HAS CONDUCTED A REASONABLE INVESTIGATION INTO THE MATTER OF THE SURVEY AND HAS FOUND THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.
 THE SURVEYOR HAS CONDUCTED A REASONABLE INVESTIGATION INTO THE MATTER OF THE SURVEY AND HAS FOUND THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.

CONSUMER'S CONNECTION
 THIS SURVEY HAS BEEN MADE BY PERSON AND IS A CORRECT REPRESENTATION OF THE PROPERTY DESCRIBED HEREON.
 THIS SURVEY HAS BEEN MADE BY PERSON AND IS A CORRECT REPRESENTATION OF THE PROPERTY DESCRIBED HEREON.

AREA SURVEYED
 PARCELS 1, 20, AND 21
 SECTION 14, T4S, R11E, S4E
 COUNTY OF SAN DIEGO, CALIFORNIA

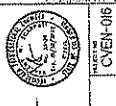


PREPARED BY:
 GARY L. JOHNSON
 MECHANICAL ENGINEER
 LICENSE NO. 44389
 STATE OF CALIFORNIA

DATE	DESCRIPTION

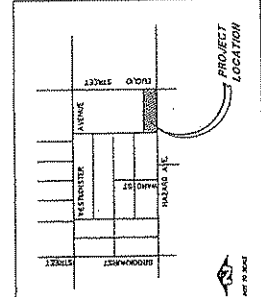
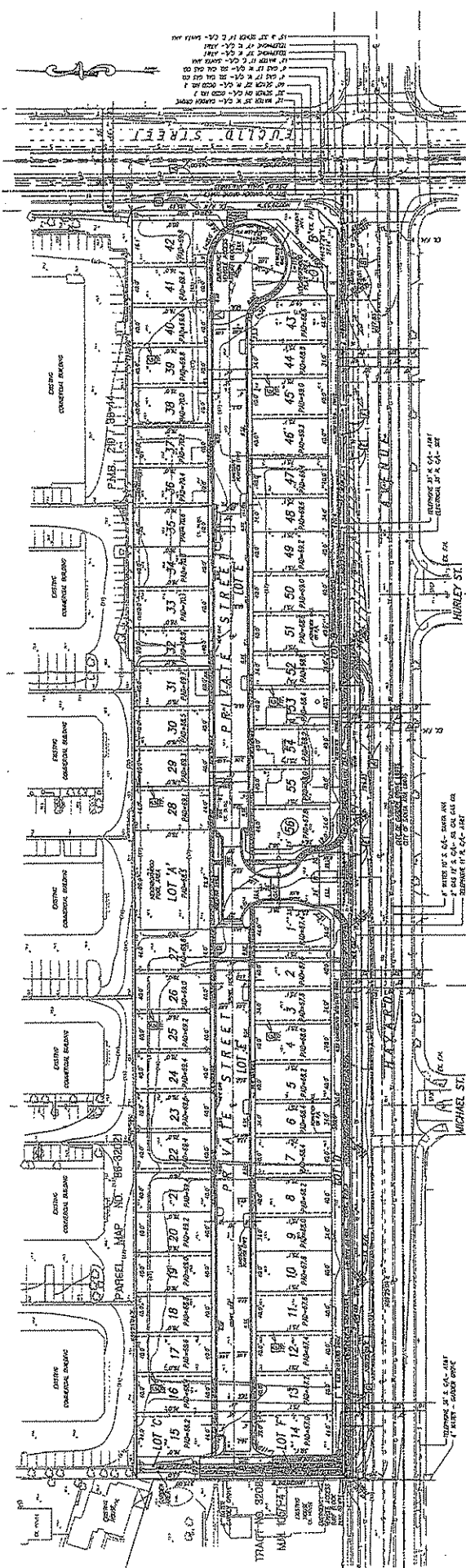
BOUNDARY SURVEY
 EUCLID STREET & HAZARD AVENUE,
 GARDEN GROVE, CALIFORNIA

PROJECT NO. CVEN-016
 SHEET 1 OF 1



TENTATIVE TRACT MAP NO. 17432

IN THE CITY OF GARDEN GROVE, COUNTY OF ORANGE, STATE OF CALIFORNIA



FLOOD ZONE:
 FLOOD ZONE AS SHOWN ON THE ANNUAL FLOOD FLOOD ZONE MAP OF THE COUNTY OF ORANGE, CALIFORNIA, AND THE FLOOD ZONE MAP OF THE COUNTY OF ORANGE, CALIFORNIA, AND THE FLOOD ZONE MAP OF THE COUNTY OF ORANGE, CALIFORNIA, AND THE FLOOD ZONE MAP OF THE COUNTY OF ORANGE, CALIFORNIA.

BENCH MARK:
 BENCH MARK IS A 12x12x12 INCH CONCRETE BLOCK SET IN THE CORNER OF THE LOT AT THE INTERSECTION OF HAZARD AVENUE AND HURLEY STREET.

VICINITY MAP

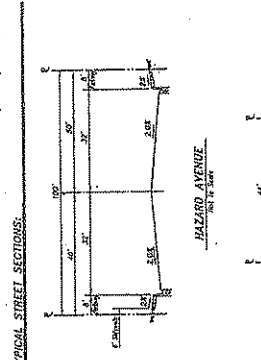
TENTATIVE MAP PREPARED BY:
City Ventures
 1800 Rucker Avenue, Suite 200
 Santa Ana, California 92705
 (949) 251-8028

PROJECT AREA:
 SIZE: 1.14 ACRES
 DATE: APR 09-09-181-09

GRAPHIC SCALE:
 1" = 100'

DATE: APR 09-09-181-09

PROJECT LOCATION:
 TENTATIVE TRACT MAP NO. 17432
 IN THE CITY OF GARDEN GROVE
 COUNTY OF ORANGE, CALIFORNIA
 DATE: 12/5/07
 SHEET 1 OF 1 SHEETS



LEGAL DESCRIPTION:
 THIS TRACT MAP IS A PART OF THE TRACT MAP NO. 17432-181-09 DATED JANUARY 11, 2007, AND IS SUBJECT TO THE TERMS AND CONDITIONS OF SAID TRACT MAP.

GENERAL NOTES:

1. PROPERTY AREA: 1.14 ACRES (APPROX. 50,000 SQ. FT.)
2. EXISTING ADJACENT PROPERTY: SEE MAP NO. 17432-181-09 DATED JANUARY 11, 2007.
3. EXISTING ADJACENT PROPERTY: SEE MAP NO. 17432-181-09 DATED JANUARY 11, 2007.
4. EXISTING ADJACENT PROPERTY: SEE MAP NO. 17432-181-09 DATED JANUARY 11, 2007.

OWNER / SUBDIVIDER:
 City Ventures
 1800 Rucker Avenue, Suite 200
 Santa Ana, California 92705
 (949) 251-8028

PROJECT AREA:
 SIZE: 1.14 ACRES
 DATE: APR 09-09-181-09

REVISIONS:

NO.	DATE	DESCRIPTION

LEGAL DESCRIPTION:
 THIS TRACT MAP IS A PART OF THE TRACT MAP NO. 17432-181-09 DATED JANUARY 11, 2007, AND IS SUBJECT TO THE TERMS AND CONDITIONS OF SAID TRACT MAP.

GENERAL NOTES:

1. PROPERTY AREA: 1.14 ACRES (APPROX. 50,000 SQ. FT.)
2. EXISTING ADJACENT PROPERTY: SEE MAP NO. 17432-181-09 DATED JANUARY 11, 2007.
3. EXISTING ADJACENT PROPERTY: SEE MAP NO. 17432-181-09 DATED JANUARY 11, 2007.
4. EXISTING ADJACENT PROPERTY: SEE MAP NO. 17432-181-09 DATED JANUARY 11, 2007.

LEGEND OF SYMBOLS:

SYMBOL	DESCRIPTION
1	1/4 SECTION
2	1/2 SECTION
3	3/4 SECTION
4	SECTION
5	1/4 SECTION
6	1/2 SECTION
7	3/4 SECTION
8	SECTION
9	1/4 SECTION
10	1/2 SECTION
11	3/4 SECTION
12	SECTION
13	1/4 SECTION
14	1/2 SECTION
15	3/4 SECTION
16	SECTION
17	1/4 SECTION
18	1/2 SECTION
19	3/4 SECTION
20	SECTION
21	1/4 SECTION
22	1/2 SECTION
23	3/4 SECTION
24	SECTION
25	1/4 SECTION
26	1/2 SECTION
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47	3/4 SECTION
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50	1/2 SECTION
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52	SECTION
53	1/4 SECTION
54	1/2 SECTION
55	3/4 SECTION
56	SECTION
57	1/4 SECTION
58	1/2 SECTION
59	3/4 SECTION
60	SECTION

UTILITY PROVIDERS:

SEWER:
 CALIFORNIA EDISON
 1000 MAIN STREET
 GARDEN GROVE, CA 92640
 (714) 771-7100

GAS:
 SOUTHERN CALIFORNIA GAS CO.
 1000 MAIN STREET
 GARDEN GROVE, CA 92640
 (714) 771-7100

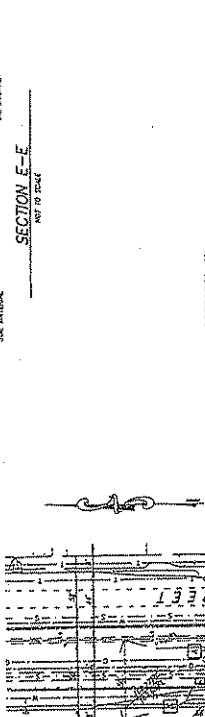
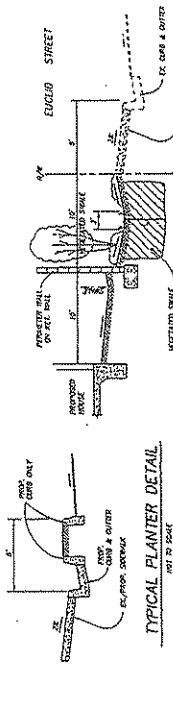
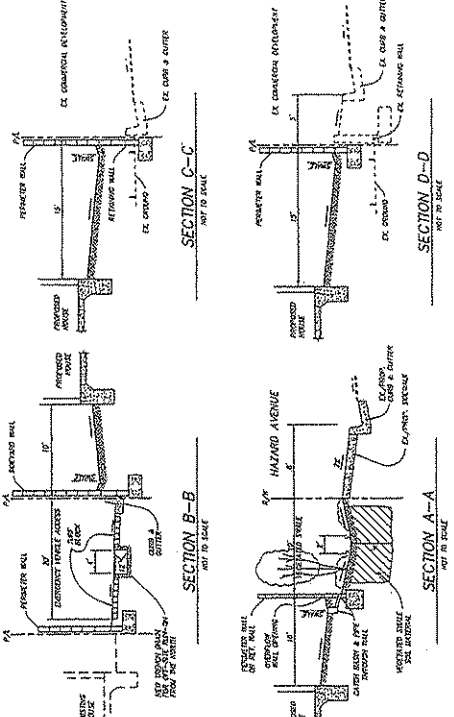
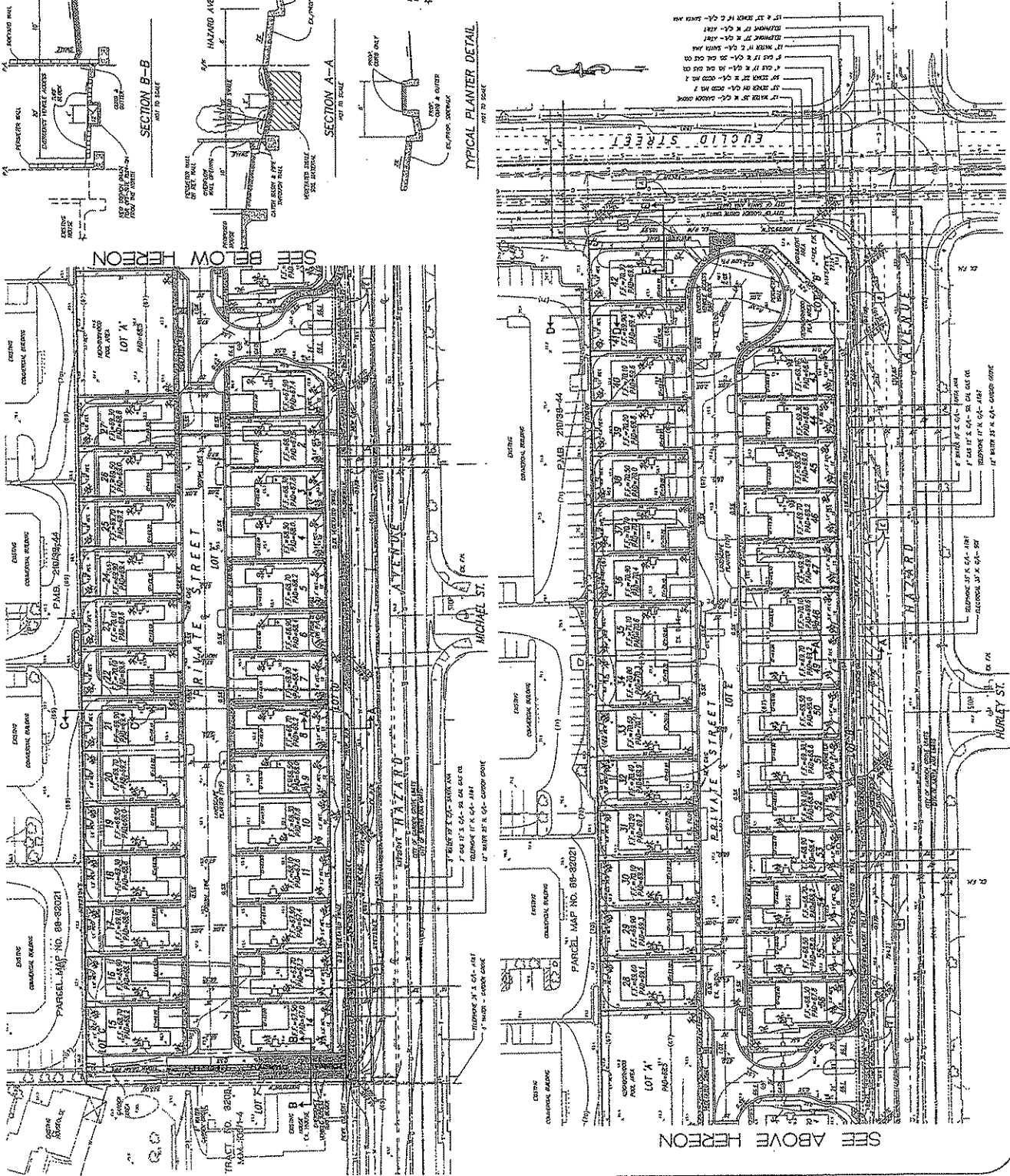
WATER:
 GARDEN GROVE WATER EDISON
 1000 MAIN STREET
 GARDEN GROVE, CA 92640
 (714) 771-7100

EASEMENT NOTES:

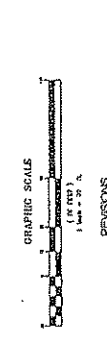
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2. THE EASEMENT FOR THE CITY OF GARDEN GROVE IS SUBJECT TO THE TERMS AND CONDITIONS OF THE CITY OF GARDEN GROVE CHARTER AND ORDINANCES.
3. THE EASEMENT FOR THE CITY OF GARDEN GROVE IS SUBJECT TO THE TERMS AND CONDITIONS OF THE CITY OF GARDEN GROVE CHARTER AND ORDINANCES.
4. THE EASEMENT FOR THE CITY OF GARDEN GROVE IS SUBJECT TO THE TERMS AND CONDITIONS OF THE CITY OF GARDEN GROVE CHARTER AND ORDINANCES.
5. THE EASEMENT FOR THE CITY OF GARDEN GROVE IS SUBJECT TO THE TERMS AND CONDITIONS OF THE CITY OF GARDEN GROVE CHARTER AND ORDINANCES.
6. THE EASEMENT FOR THE CITY OF GARDEN GROVE IS SUBJECT TO THE TERMS AND CONDITIONS OF THE CITY OF GARDEN GROVE CHARTER AND ORDINANCES.
7. THE EASEMENT FOR THE CITY OF GARDEN GROVE IS SUBJECT TO THE TERMS AND CONDITIONS OF THE CITY OF GARDEN GROVE CHARTER AND ORDINANCES.
8. THE EASEMENT FOR THE CITY OF GARDEN GROVE IS SUBJECT TO THE TERMS AND CONDITIONS OF THE CITY OF GARDEN GROVE CHARTER AND ORDINANCES.
9. THE EASEMENT FOR THE CITY OF GARDEN GROVE IS SUBJECT TO THE TERMS AND CONDITIONS OF THE CITY OF GARDEN GROVE CHARTER AND ORDINANCES.
10. THE EASEMENT FOR THE CITY OF GARDEN GROVE IS SUBJECT TO THE TERMS AND CONDITIONS OF THE CITY OF GARDEN GROVE CHARTER AND ORDINANCES.

TENTATIVE TRACT MAP NO. 17432

IN THE CITY OF GARDEN GROVE, COUNTY OF ORANGE, STATE OF CALIFORNIA



PREPARED BY:
CSST CONSULTING, INC.
 CIVIL ENGINEERS AND ARCHITECTS
 1000 WEST 17TH AVENUE, SUITE 200
 DENVER, COLORADO 80202
 PHONE: 303.733.1111
 FAX: 303.733.1112
 WWW.CSST.COM

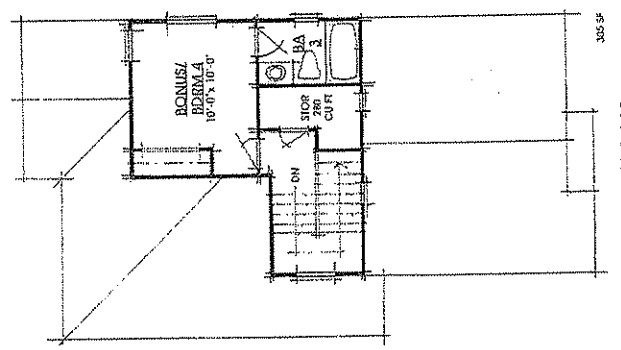
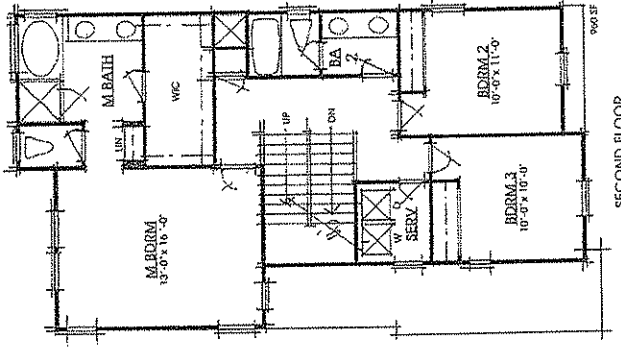
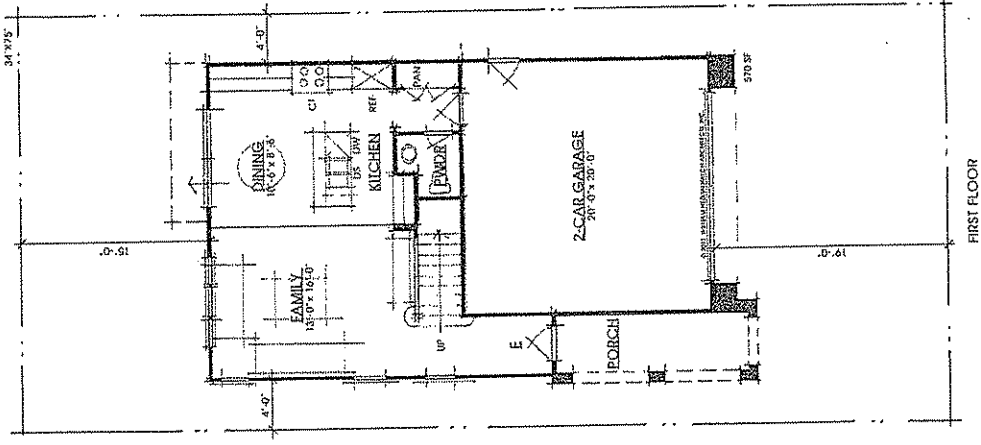


NO.	DATE	DESCRIPTION

CONCEPTUAL GRADING PLAN
TENTATIVE TRACT NO. 17432
 IN THE CITY OF GARDEN GROVE
 COUNTY OF ORANGE, CALIFORNIA
 DATE: 12/15/2011
 SHEET 1 OF 11 SHEETS

SEE BELOW HEREON

SEE ABOVE HEREON

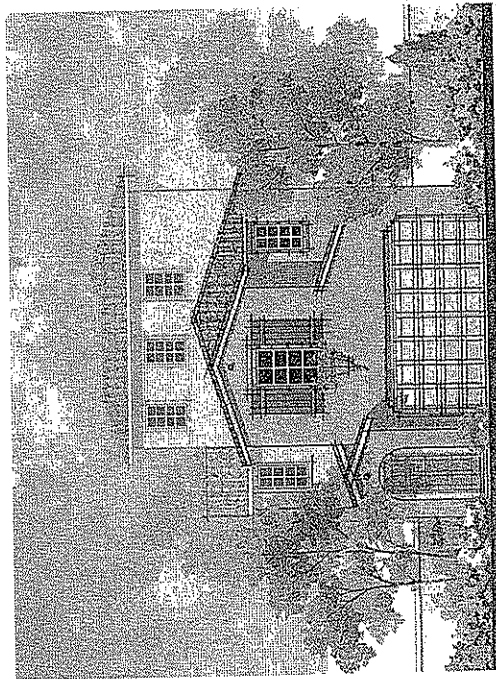


1835 SQ. FT. TOTAL
 3 BDRM / 3.5 BA / BONUS /
 OPT. BDRM 4
 2-CAR GARAGE

Plan One
 Conceptual Floor Plan

Euclid & Hazard
 Garden Grove, CA
 City Ventures





Color Scheme: # 1

Spanish

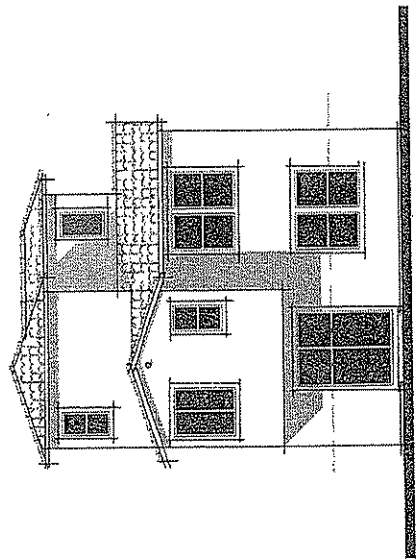
Plan One
Conceptual Front Elevation

Euclid & Hazard
Garden Grove, CA
City Ventures

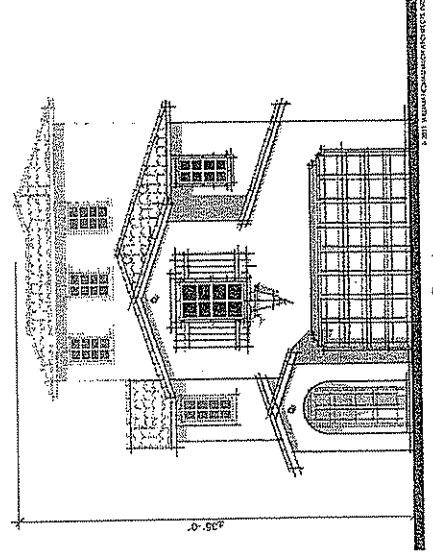


City Ventures

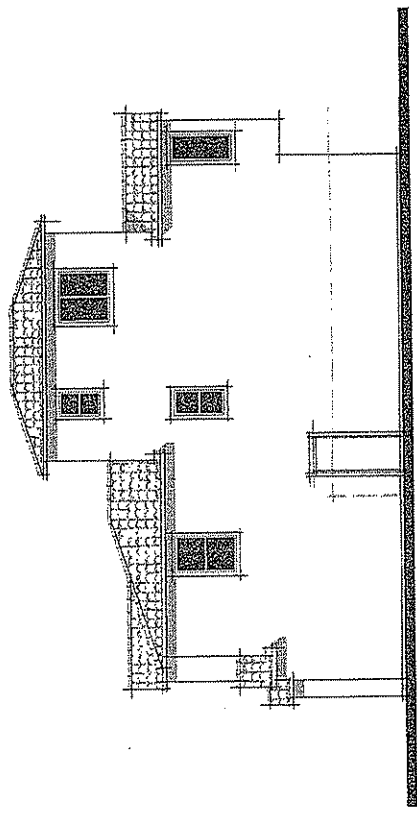




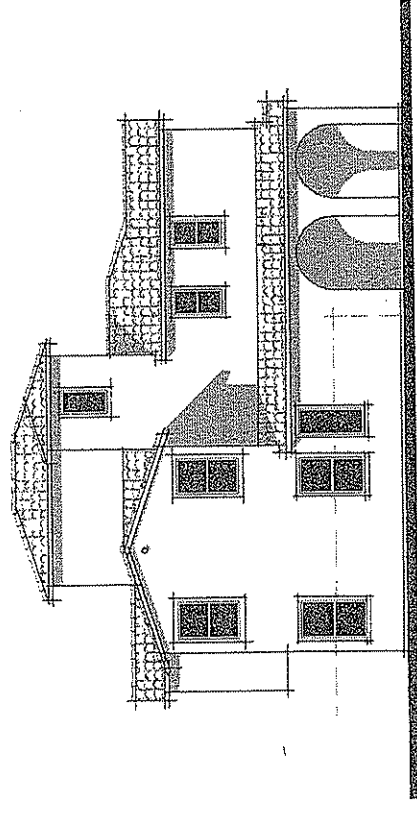
Rear



Front



Right



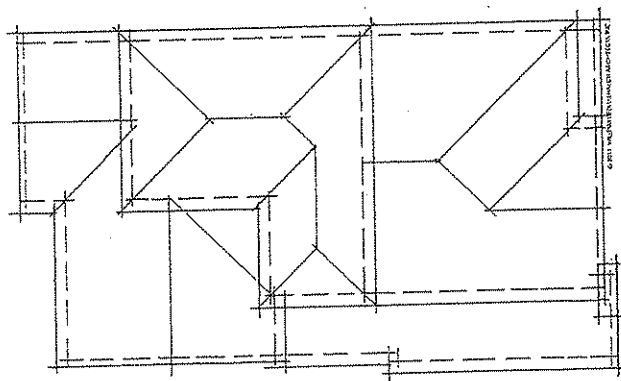
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Plan One Spanish
Conceptual Building Elevations

Euclid & Hazard
Garden Grove, CA
City Ventures

City Ventures





Spanish
4:12 Roof Pitch Typ.

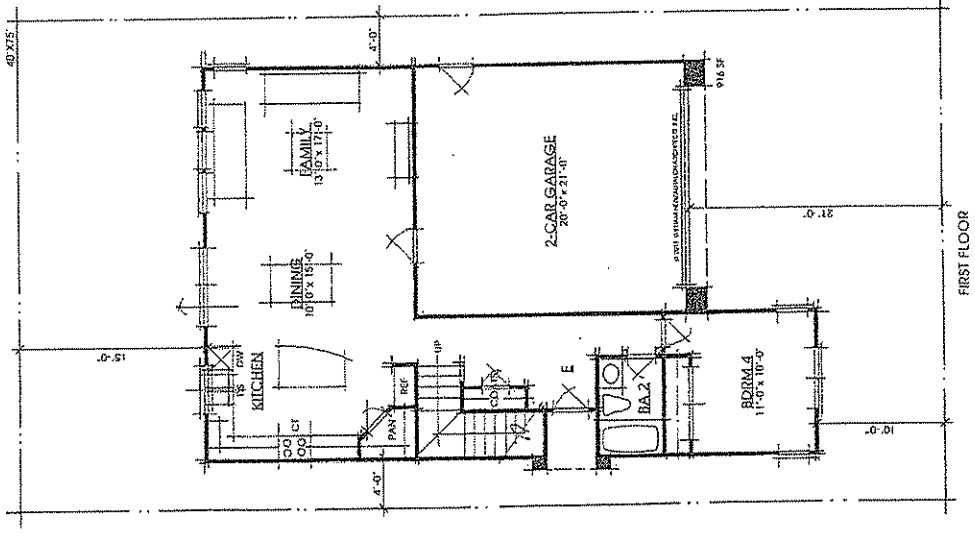
Plan One
Conceptual Roof Plan

Euclid & Hazard
Garden Grove, CA
City Ventures

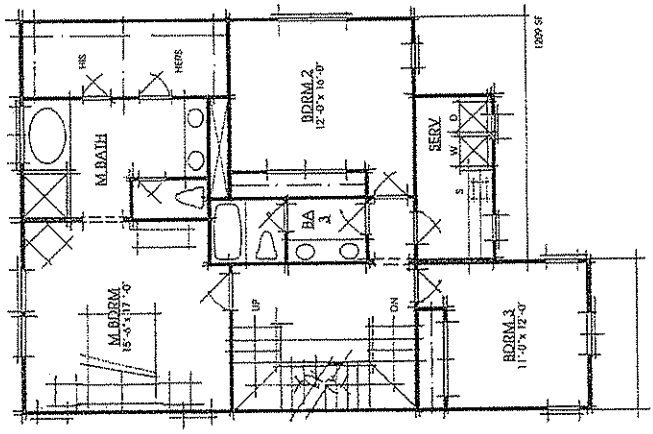
A-4

**WILLIAM HERTZ HALCH
ARCHITECTS, INC.**
REGISTERED ARCHITECTS
1401 WEST 17TH AVENUE, SUITE 100
DENVER, COLORADO 80202

The City Ventures logo is located in the top right corner. Below it is a graphic scale bar with markings for 0, 1, 2, and 3 units. In the bottom right corner, there is a rectangular box containing the text '1/8" = 1'-0"'. The word 'STUDY' is printed vertically along the right edge of this box.



FIRST FLOOR

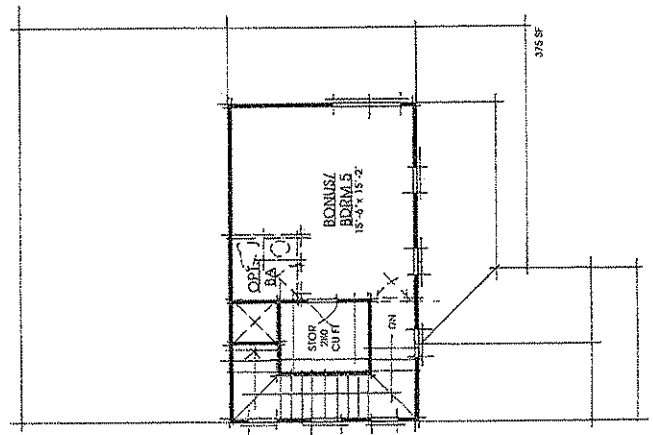


SECOND FLOOR

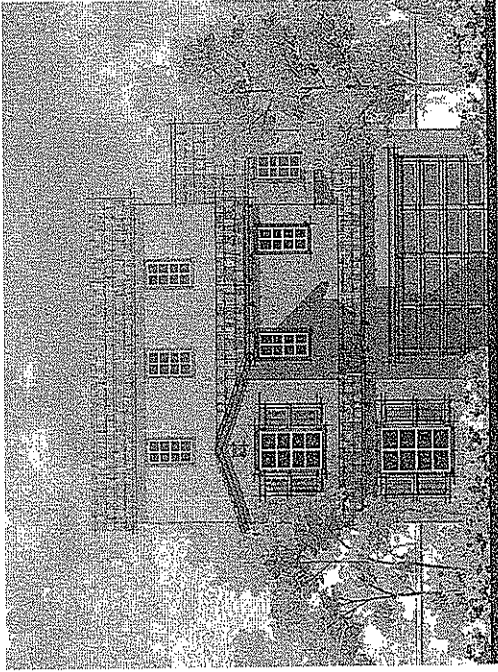
2600 SQ. FT. TOTAL
 4 BDRM / 3 BA / BONUS /
 OPT. BDRM 5 + BATH
 2-CAR GARAGE

Plan Two
 Conceptual Floor Plan

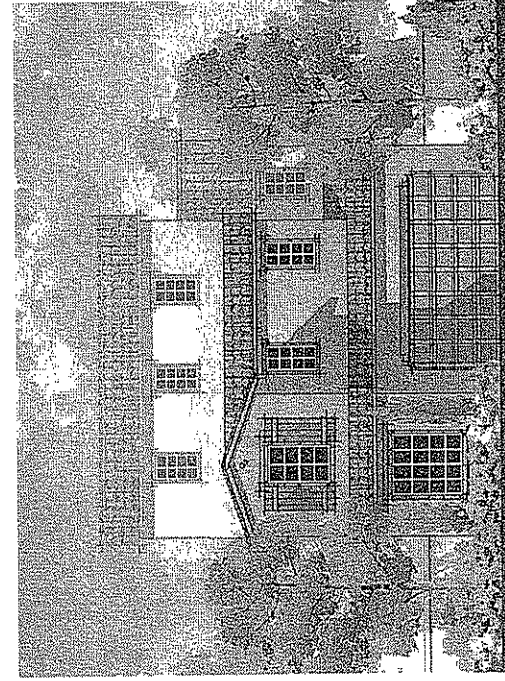
Euclid & Hazard
 Garden Grove, CA
 City Ventures



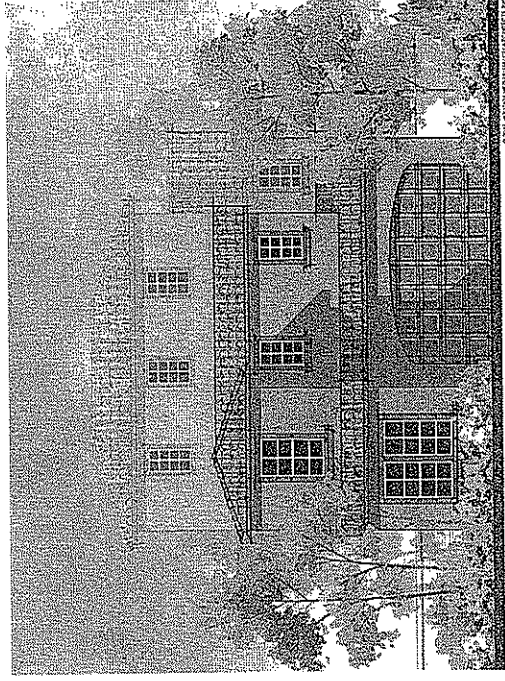
THIRD FLOOR



Color Scheme# 2 Early California



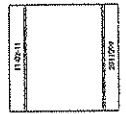
Color Scheme# 3 Spanish

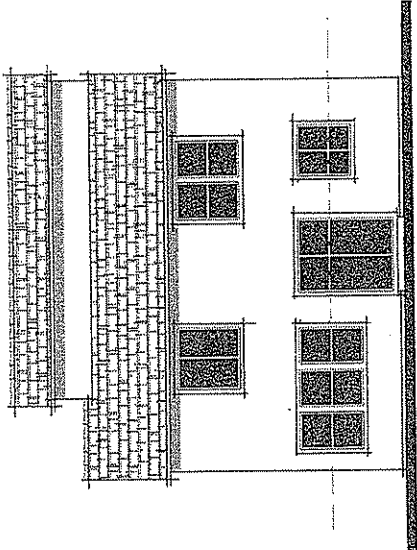


Color Scheme# 4 Santa Barbara

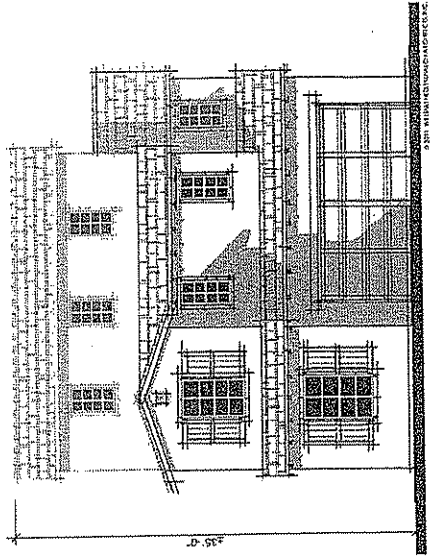
Plan Two
Conceptual Front Elevations

Euclid & Hazard
Garden Grove, CA
City Ventures

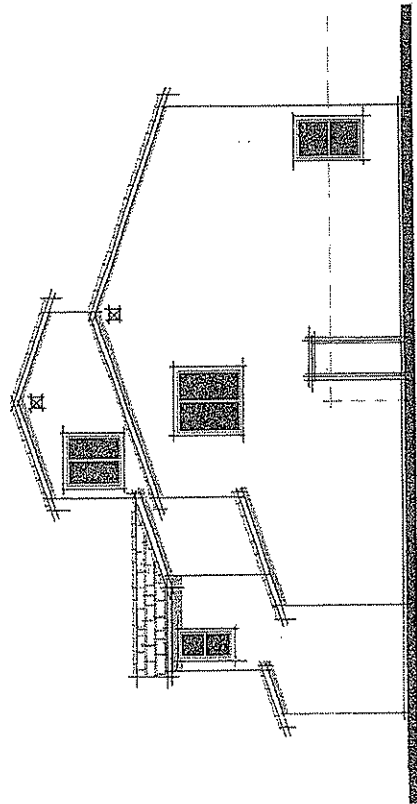




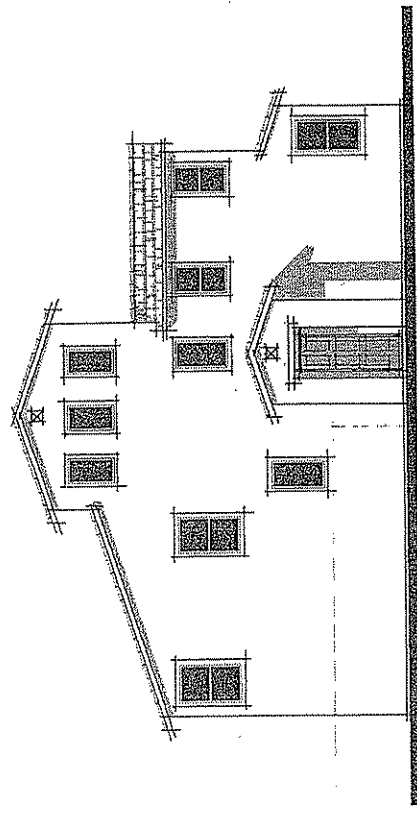
Rear



Front

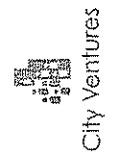


Right



Left

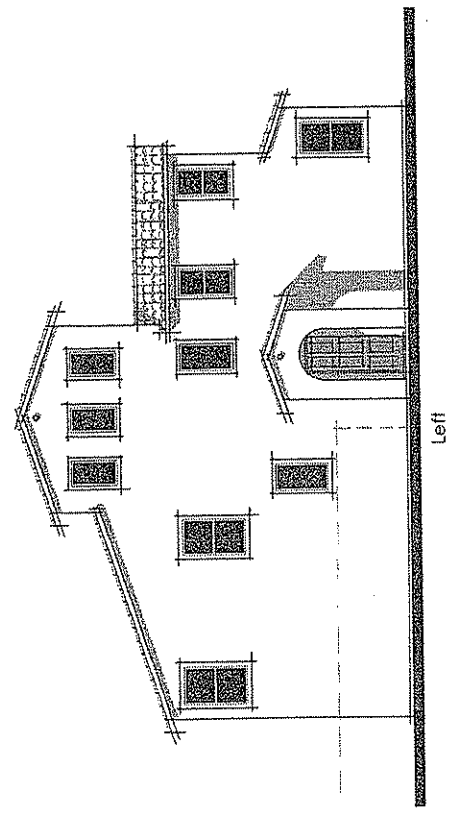
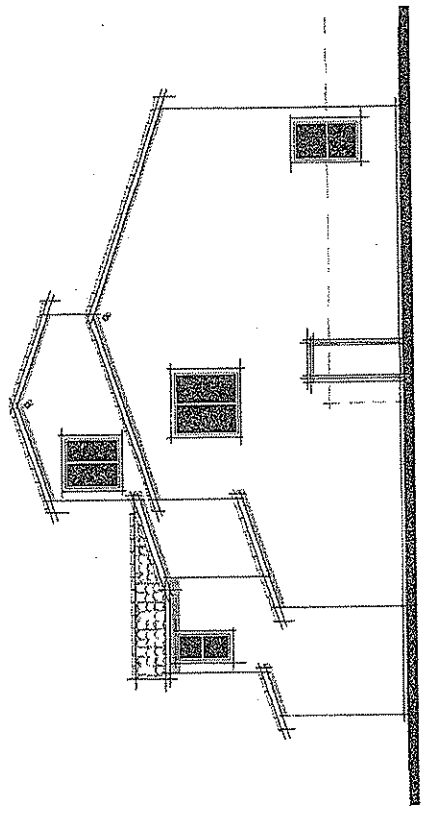
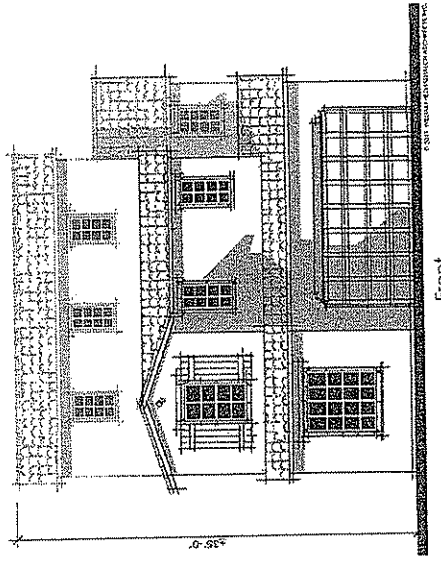
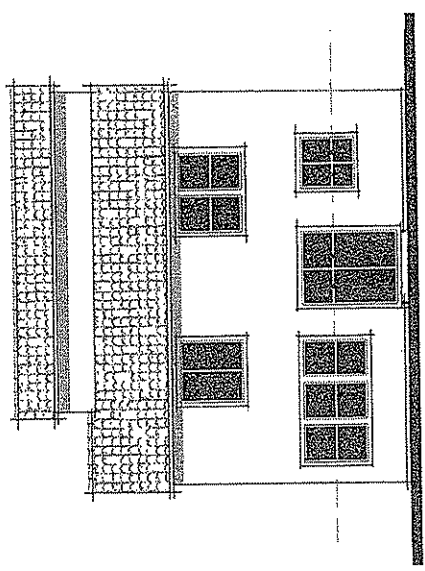
Plan Two Early California
Conceptual Building Elevations



DATE	BY

Eucild & Hazard
Garden Grove, CA
City Ventures

WILLIAM HEZMALUCHT
ARCHITECTURAL DESIGN SERVICES INC.
4410 W. 10th Street, Vancouver, BC V6P 2M5



Plan Two Spanish
Conceptual Building Elevations

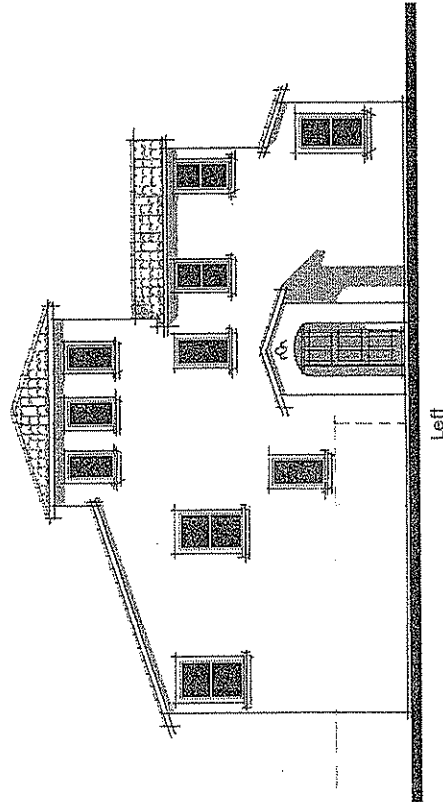
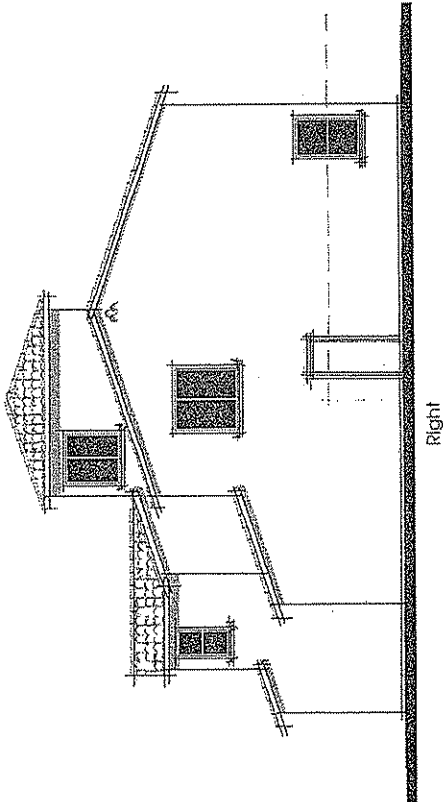
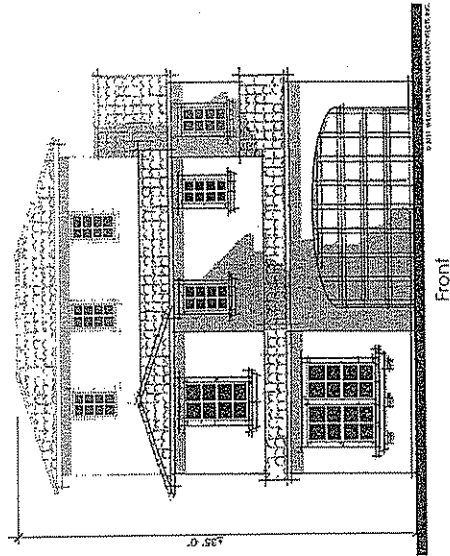
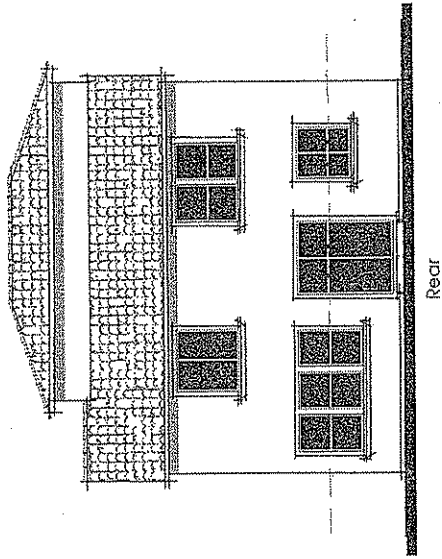
Euclid & Hazard
Garden Grove, CA
City Ventures

City Ventures

A-8

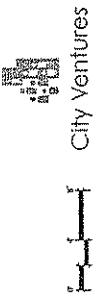
WILLIAM HEZMALMICH
ARCHITECTS, INC.
REGISTERED ARCHITECTS
NO. 14000 - ARCHITECTURE - 10/14/2009

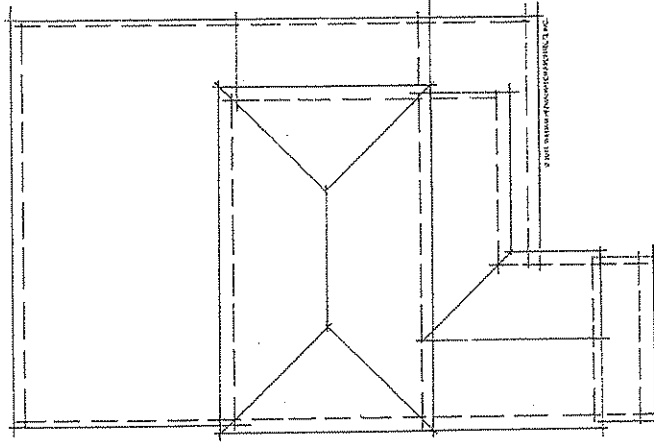
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11/20/11



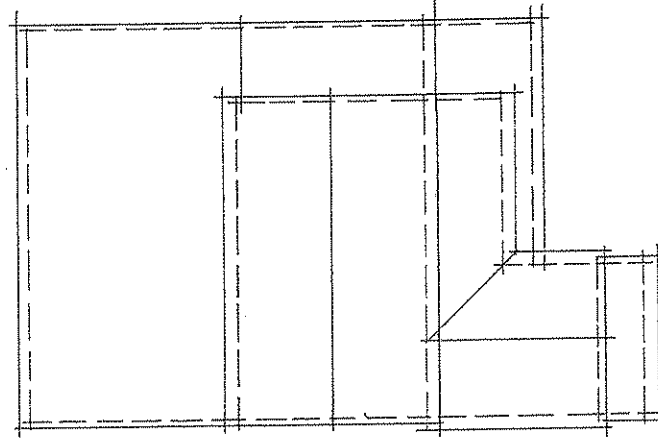
Plan Two Santa Barbara
Conceptual Building Elevations

Euclid & Hazard
Garden Grove, CA
City Ventures

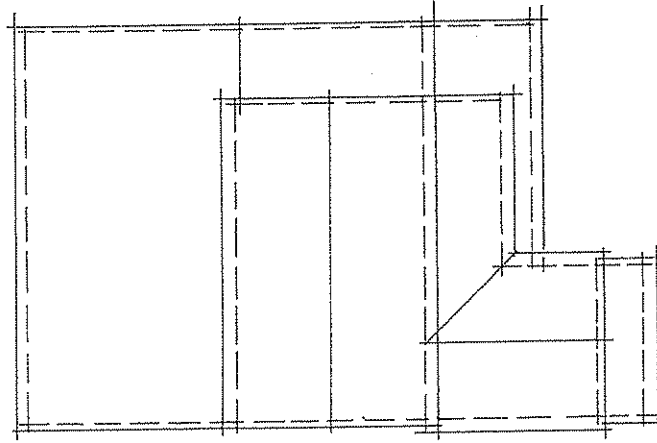




Santa Barbara
4:12 Roof Pitch Typ.



Spanish
4:12 Roof Pitch Typ.



Early California
4:12 Roof Pitch Typ.

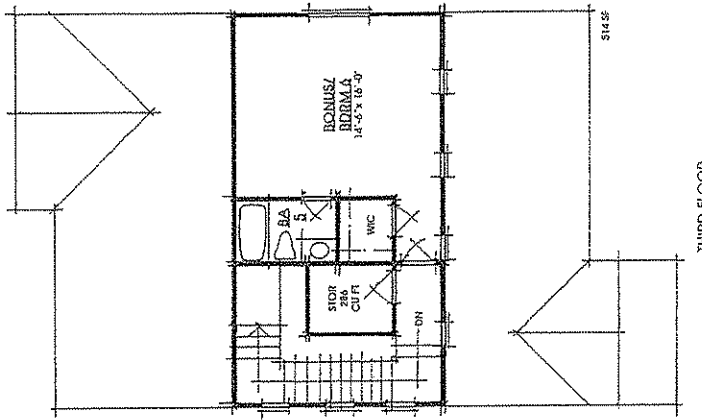
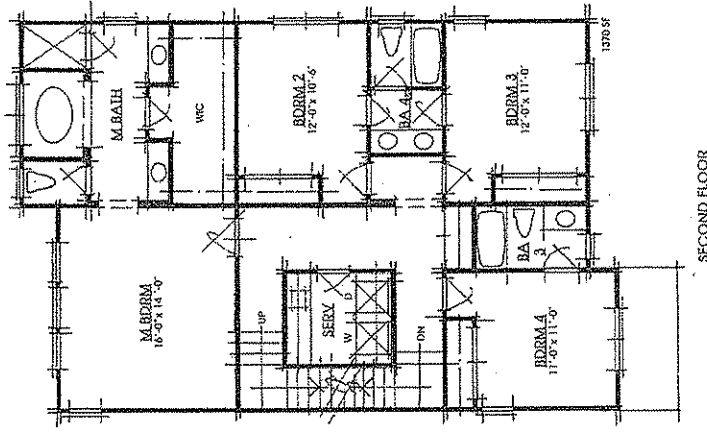
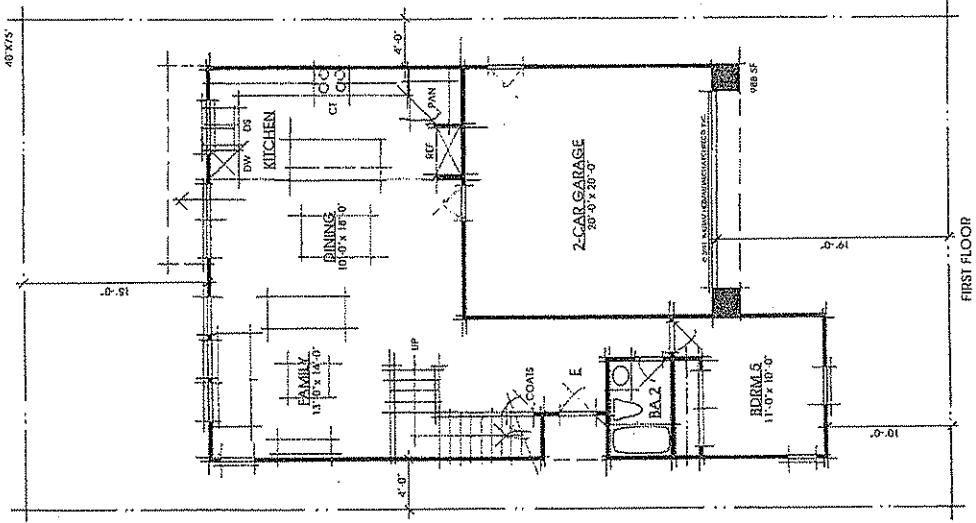
Plan Two
Conceptual Roof Plans

Euclid & Hazard
Garden Grove, CA
City Ventures



City Ventures





2872 SQ. FT. TOTAL
 5 BDRM / 5 BA / BONUS /
 OPT. BDRM 6
 2-CAR GARAGE

Plan Three
 Conceptual Floor Plan

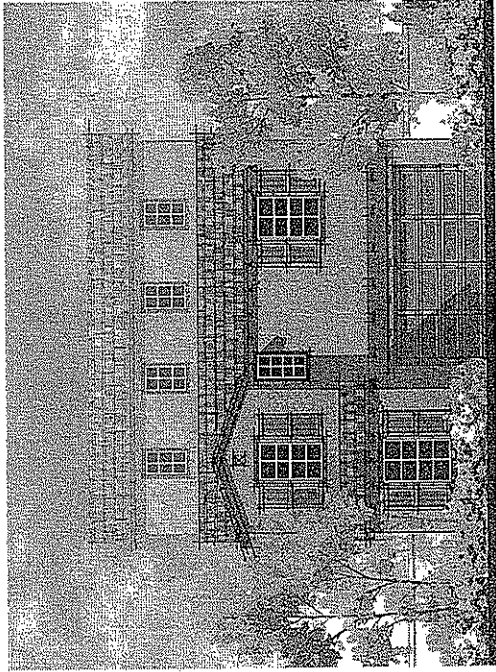
Eucild & Hazard
 Garden Grove, CA
 City Ventures

City Ventures

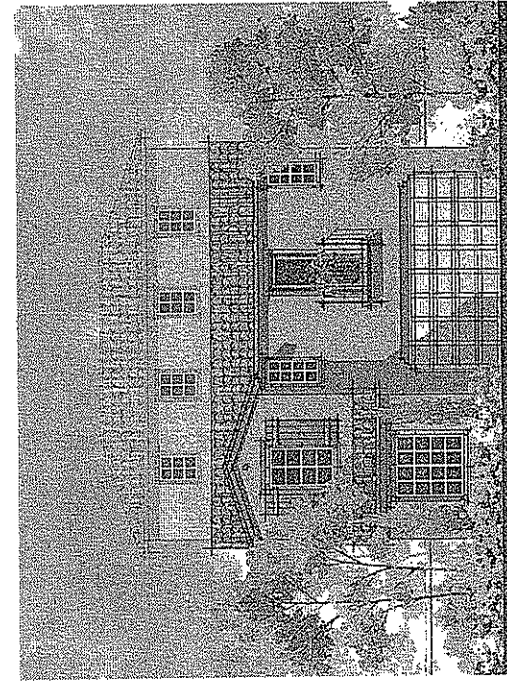
11.02.11
 2012/04

A-11

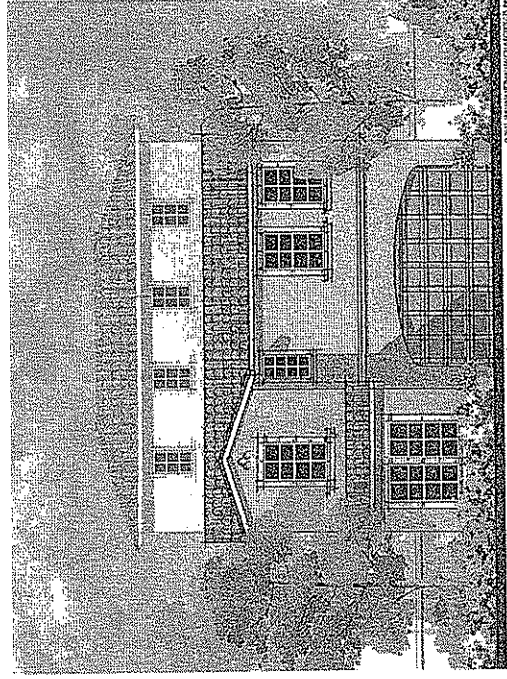
WILLIAM HEZVAL MALCOLM
 ARCHITECT
 10000 UNIVERSITY BLVD, SUITE 200
 GARDEN GROVE, CA 92647
 TEL: 714.942.1100



Color Scheme# 2 Early California



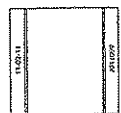
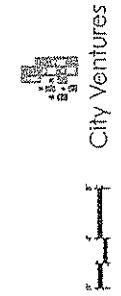
Color Scheme# 6 Spanish

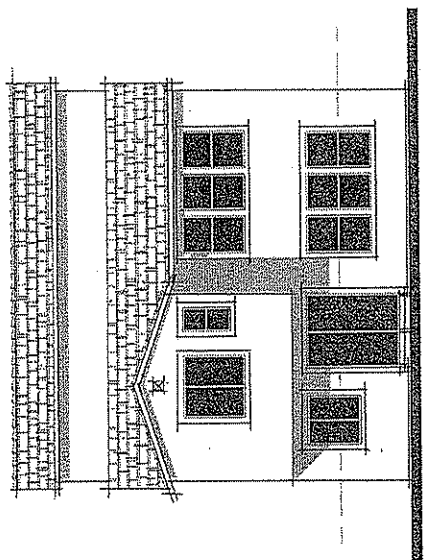


Color Scheme# 5 Santa Barbara

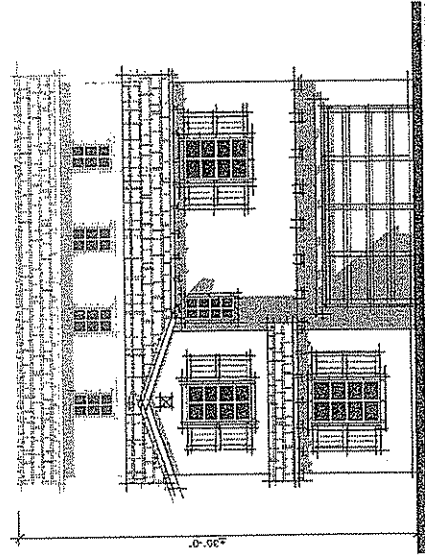
Plan Three
Conceptual Front Elevations

Euclid & Hazard
Garden Grove, CA
City Ventures

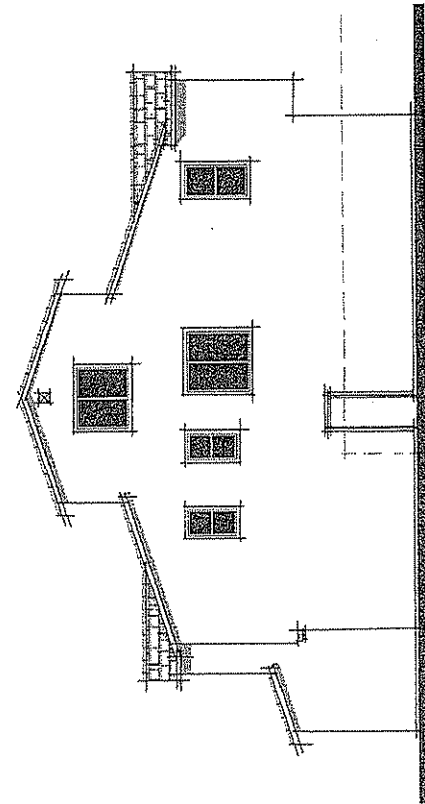




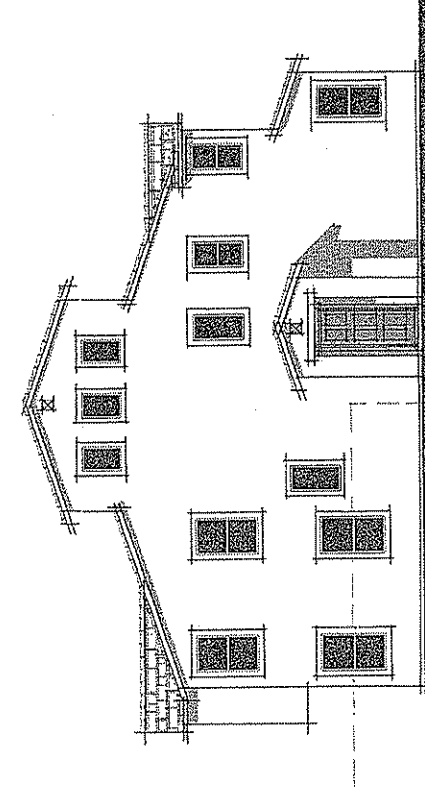
Rear



Front



Right

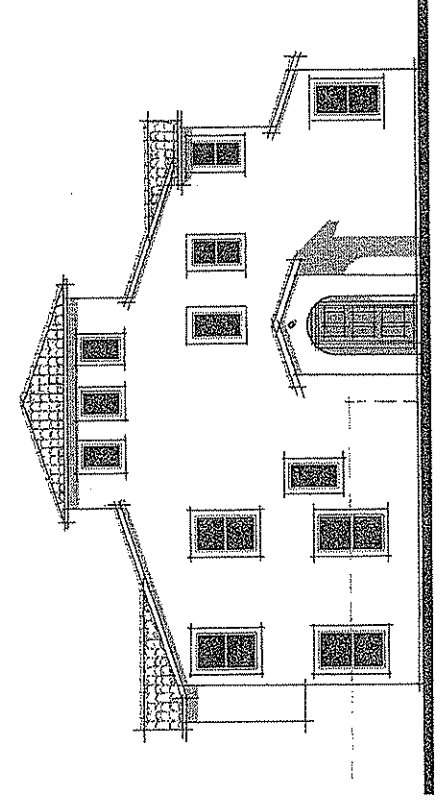
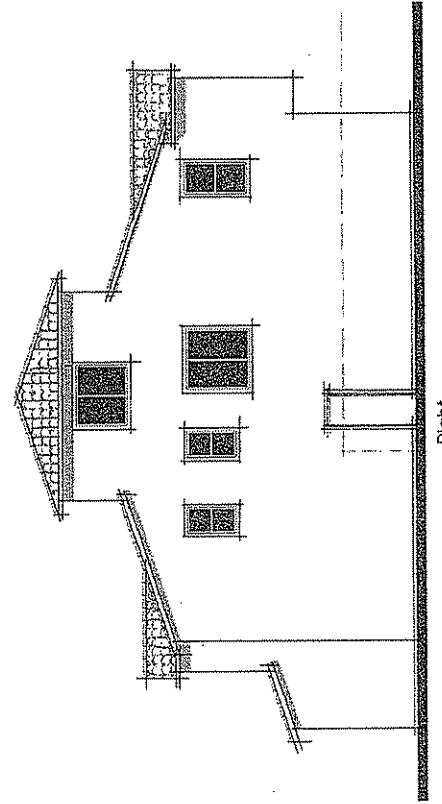
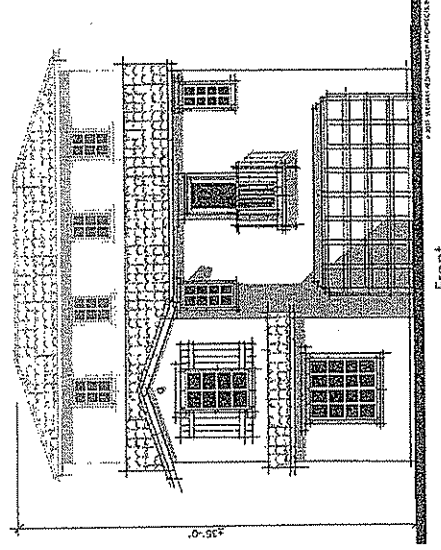
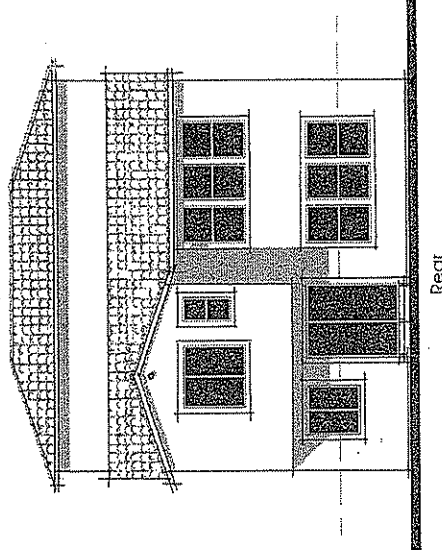


Left

Plan Three Early California
Conceptual Building Elevations

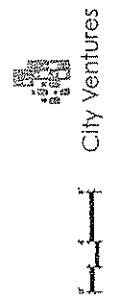
Euclid & Hazard
Garden Grove, CA
City Ventures

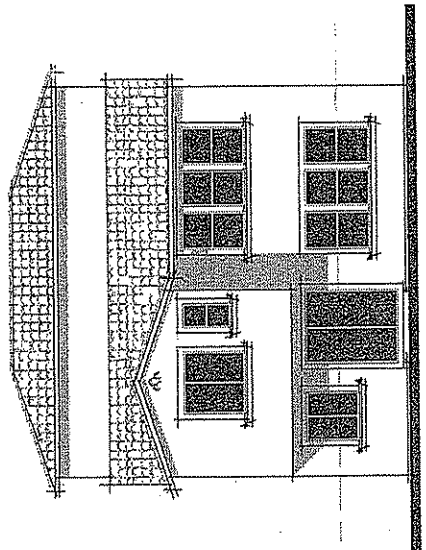




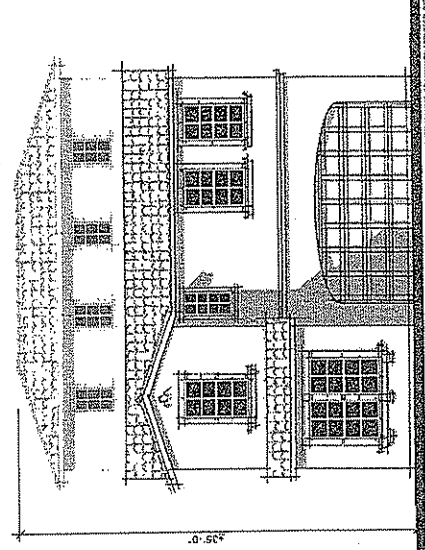
Plan Three Spanish
Conceptual Building Elevations

Euclid & Hazard
Garden Grove, CA
City Ventures

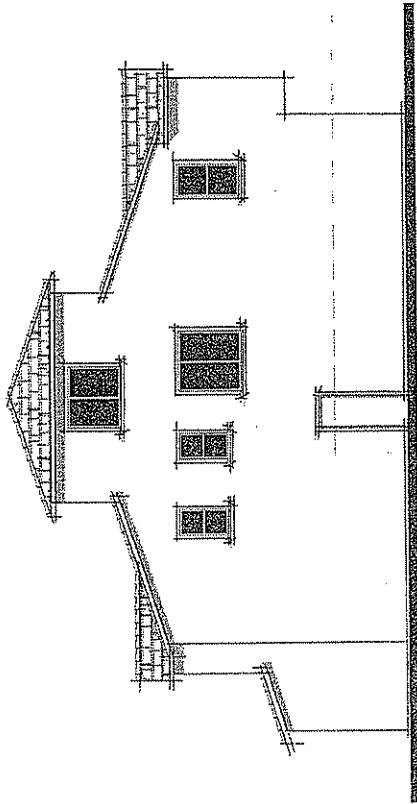




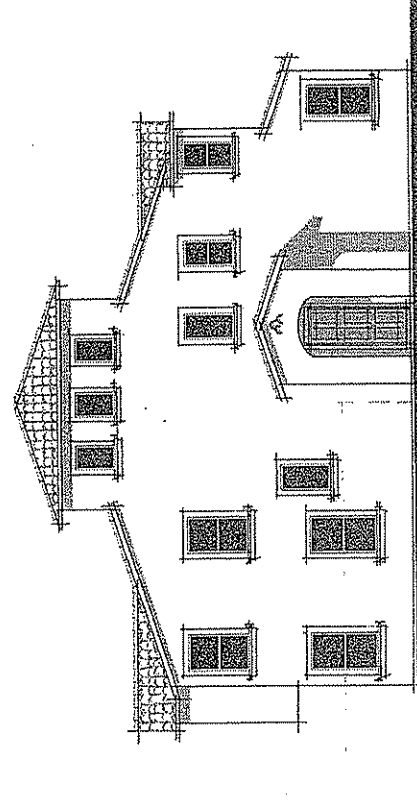
Rear



Front



Right



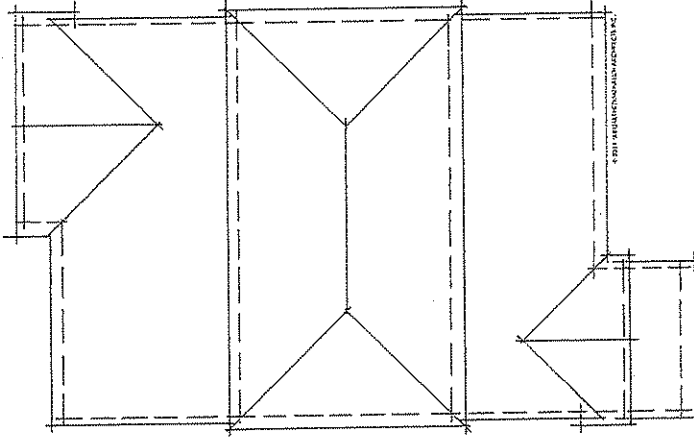
Left

Plan Three Santa Barbara
Conceptual Building Elevations

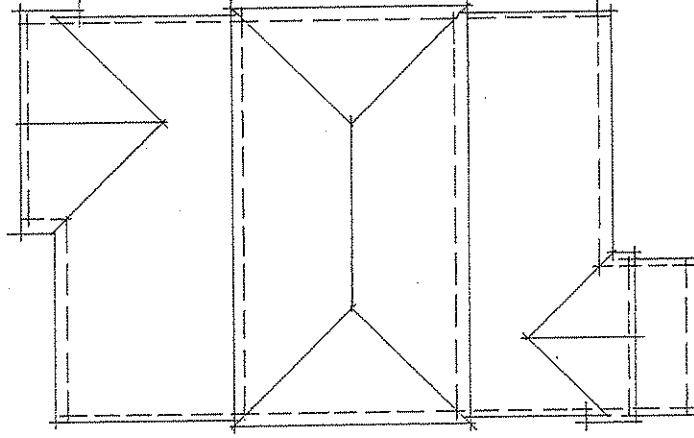
Euclid & Hazard
Garden Grove, CA
City Ventures

City Ventures

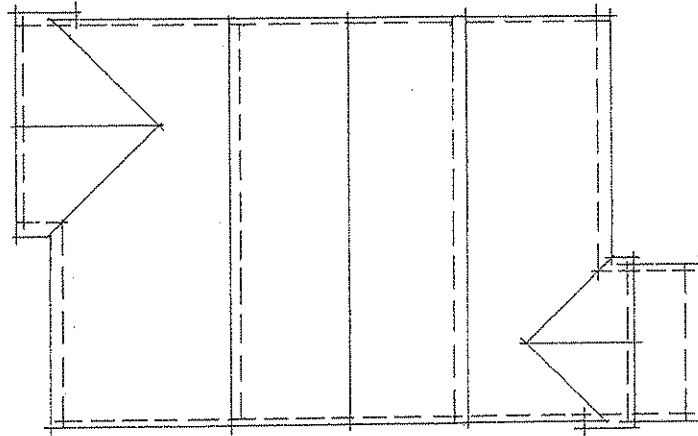




Santa Barbara
4:12 Roof Pitch Typ.



Spanish
4:12 Roof Pitch Typ.

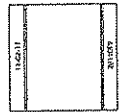
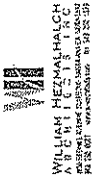


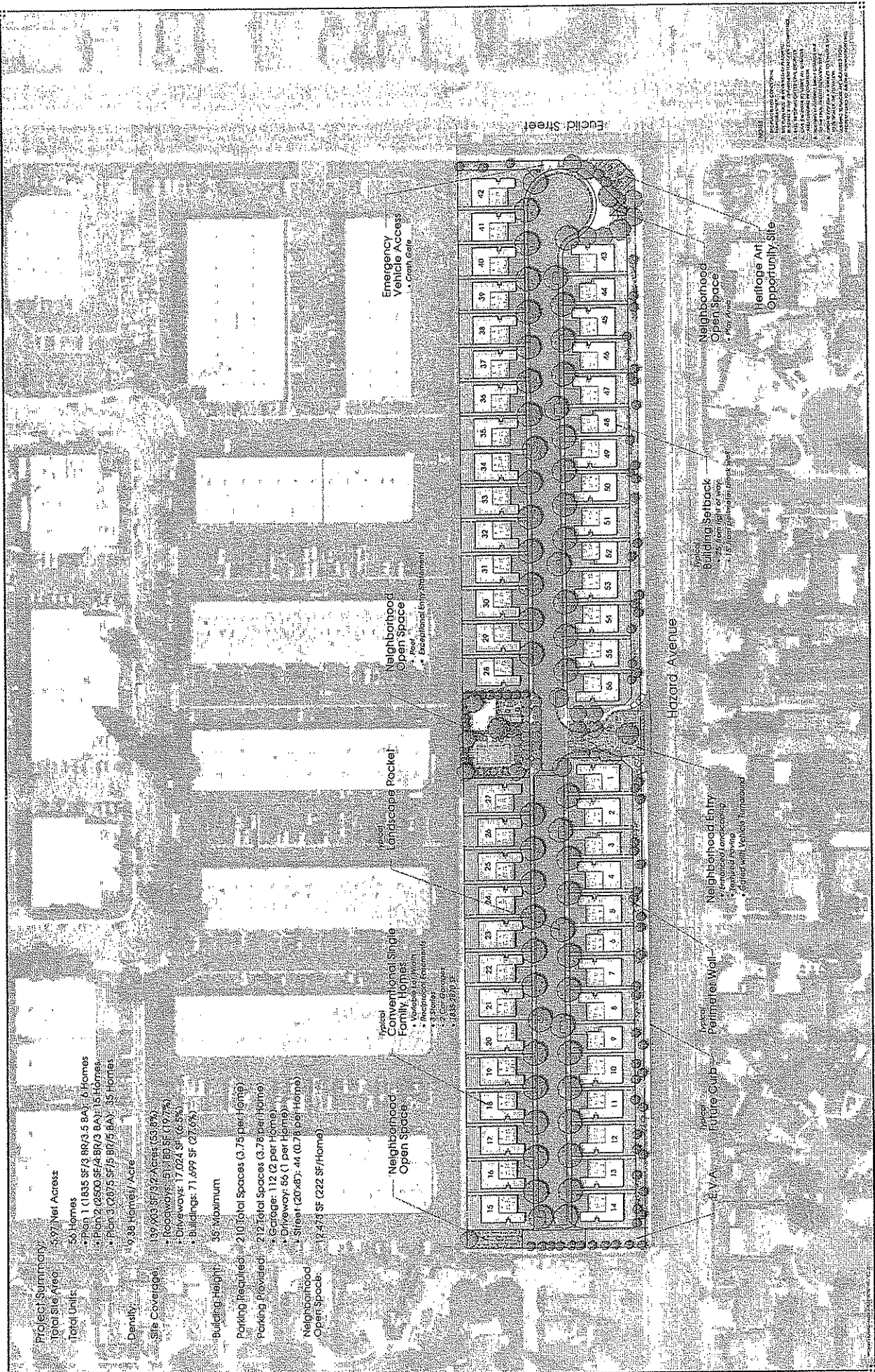
Early California
4:12 Roof Pitch Typ.

Plan Three
Conceptual Roof Plans

Euclid & Hazard
Garden Grove, CA
City Ventures

City Ventures





Project Summary
 Total Site Area: 5.71 Net Acres
 53 Homes
 • Plan 1 (1835 SF/3.88/3.5 BA) - 61 Homes
 • Plan 2 (2500 SF/4.89/3.5 BA) - 15 Homes
 • Plan 3 (2375 SF/5.89/5 BA) - 35 Homes
 Density: 9.88 Homes/Acre

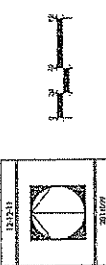
Site Coverage
 39,603 SF/37 Acres (53.6%)
 • Roadways: 5,180 SF (19.7%)
 • Driveways: 17,024 SF (6.5%)
 • Buildings: 71,699 SF (27.6%)

Building Height
 35 Maximum

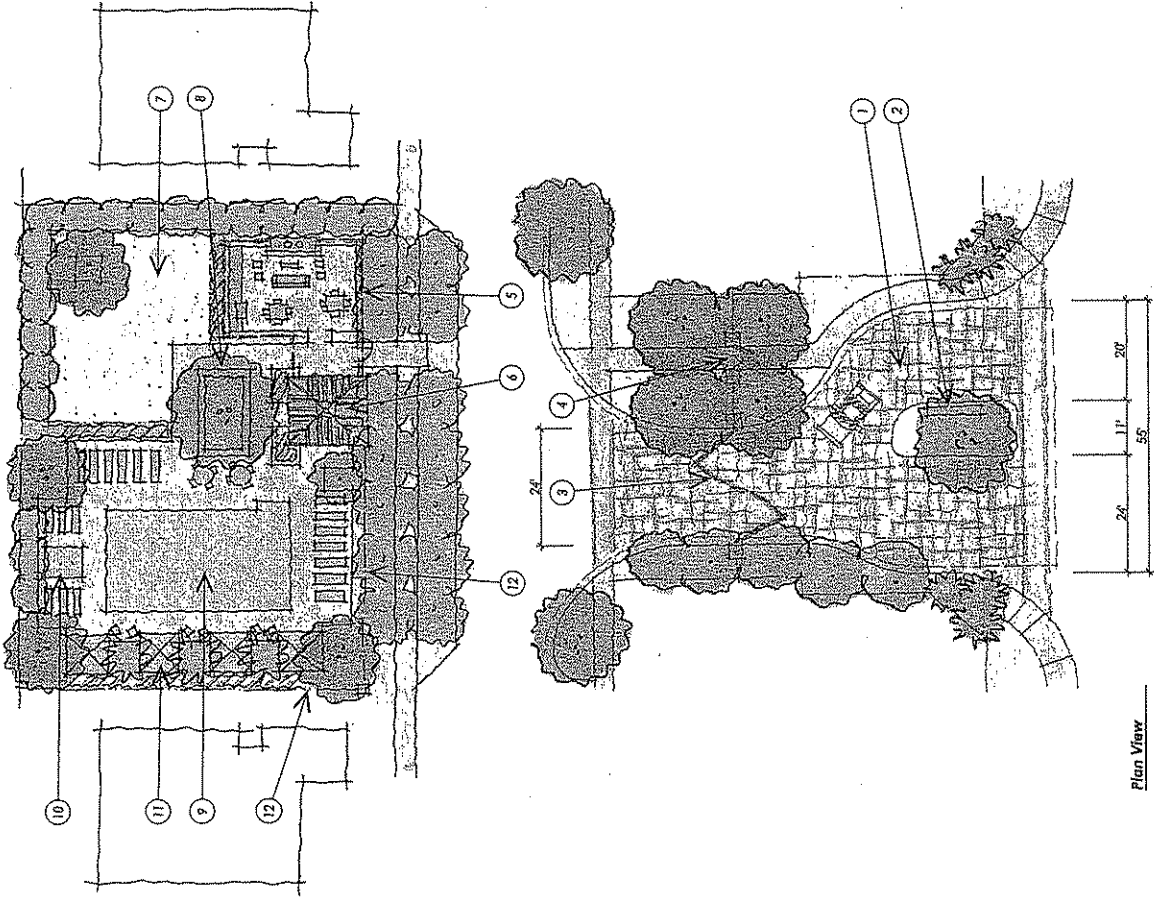
Parking
 Required: 210 Total Spaces (3.75 per 1,000)
 Provided: 212 Total Spaces (3.76 per 1,000)
 • Garage: 112 (2 per Home)
 • Driveway: 66 (1 per Home)
 • Street (20x20): 44 (0.78 per Home)

Neighborhood Open Space
 17,419 SF (222 SF/Home)

Illustrative Plan
Euclid & Hazard
 Garden Grove, CA
 City Ventures



- LEGEND**
- 1. Enhanced vehicular parking.
 - 2. Entry kiosk.
 - 3. Vitrified c.
 - 4. Vitrified c.
 - 5. Old shade structure with BBQ and fireplace.
 - 6. Refreshment building.
 - 7. Turf area.
 - 8. Accent tree in raised planter.
 - 9. Pool.
 - 10. Spa.
 - 11. Cabana.
 - 12. Security fence.



Plan View

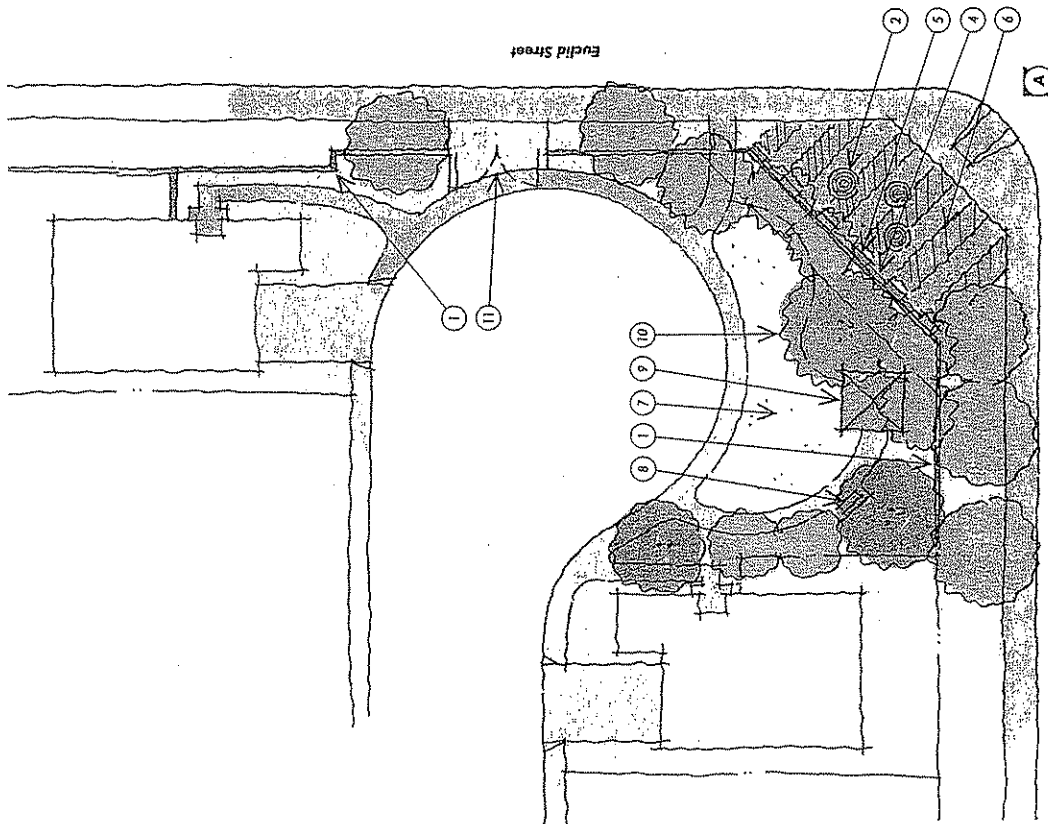


Keymap
Scale: NTS



LEGEND

- 1. Perimeter wall.
- 2. Metal boundary sculpture.
- 3. Grass lawns.
- 4. Concrete steps.
- 5. Upright wall with metal fence and strawberry planting.
- 6. Agriculture themed row planting.
- 7. Turf area.
- 8. Bench.
- 9. Shade structure.
- 10. Accent tree.
- 11. Emergency vehicle access.

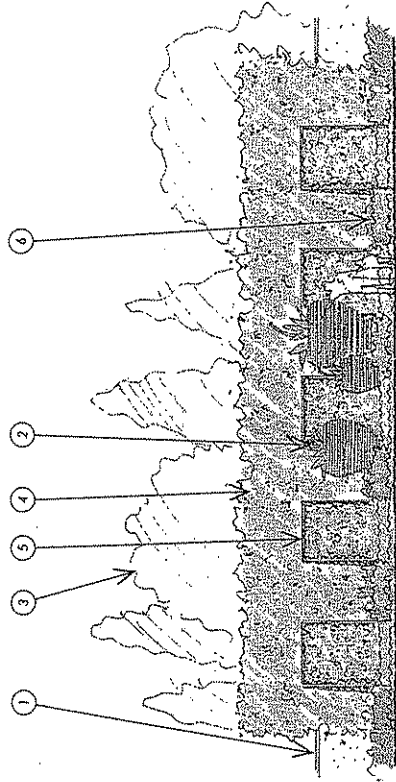


Plan View



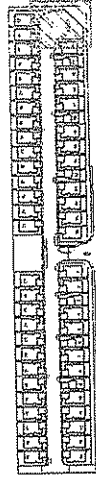
Hazard Avenue

Euclid Street



Elevation A

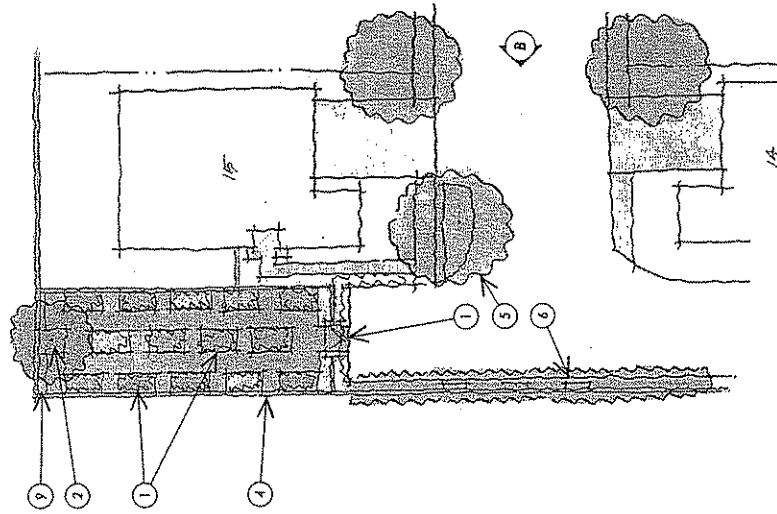
Scale: 1/4" = 1'-0"



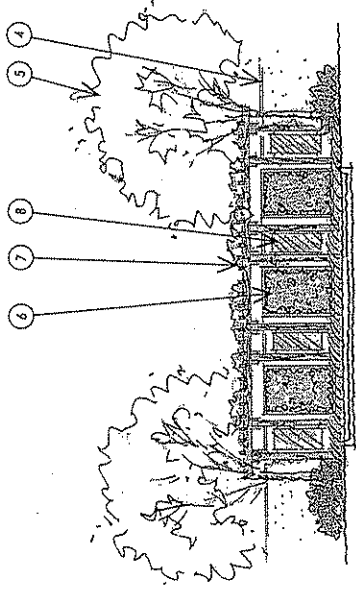
Keymap
Scale: 1/16"

LEGEND

1. Low garden path.
2. Community garden plot.
3. Accent box.
4. Pedestrian wall.
5. Street tree.
6. Living wall with metal frame and strawberry planting.
7. Wood trellis with vine planting.
8. Decorative metal art panel.
9. Garden bench.



Plan View



Elevation B
Scale: 1/4" = 1'-0"



Keymap
Scale: N/A

RESOLUTION NO. 5760-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM AND RECOMMENDING APPROVAL OF PLANNED UNIT DEVELOPMENT NO. PUD-127-12, AND DEVELOPMENT AGREEMENT NO. DA-184-12.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on March 1, 2012, does hereby recommend adoption of a Mitigated Negative Declaration and Mitigation Monitoring Program and recommends approval of Planned Unit Development No. PUD-127-12 and Development Agreement No. DA-184-12 for land located at the northwest corner of Euclid Street and Hazard Avenue, at 10901 Hazard Avenue, Assessor's Parcel No. 099-181-09.

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

BE IT FURTHER RESOLVED in the matter of Planned Unit Development No. PUD-127-12 and Development Agreement No. DA-184-12, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by City Ventures.
2. The applicant requests approval of a Zone Change from the Planned Unit Development No. PUD-104-81 to PUD-127-12 to allow the development of single-family residential small-lot subdivision; a Site Plan approval in order to construct 56 single-family homes with associated site improvements that include a private road and passive and active common useable open space areas; and a Tentative Tract Map to subdivide the property into 56 separate lots. A Development Agreement (DA-184-12) is also proposed.
3. Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et. seq., and the CEQA guidelines, 14 California Code of Regulations Sec. 15000 et. seq., an initial study was prepared and it has been

determined that the proposed project qualifies for a Mitigated Negative Declaration because the proposed project with the proposed mitigation measures cannot, or will not, have a significant effect on the environment. A Mitigation Monitoring Program has been prepared and is attached to the Mitigated Negative Declaration listing the mitigation measures to be monitored during project implementation. The Mitigated Negative Declaration was prepared and circulated in accordance with CEQA and CEQA's implementing guidelines.

4. The property has a General Plan Land Use designation of Industrial/Residential Mixed Use 1 and is currently zoned Planned Unit Development No. PUD-104-81. The 5.97-acre site currently consists of a single-family home, a strawberry stand, and land area that is being used to produce strawberries.
5. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.
6. Report submitted by City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on March 1, 2012, and all interested persons were given an opportunity to be heard.
8. The Planning Commission gave due and careful consideration to the matter during its meeting of March 1, 2012 and considered all oral and written testimony presented regarding the project, the initial study, and the Mitigated Negative Declaration.

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

FACTS:

The site is 5.97 acres in area, and currently consists of a single-family home, a strawberry stand, and vacant property that is being used to produce strawberries.

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

The minimum site requirement for a Planned Unit Development Residential zoning is one (1) acre. The proposed site area is 5.97 acres.

The Planned Unit Development would facilitate the development of the site with 56 single-family residential units.

The application for the Planned Unit Development and the Development Agreement is being processed in conjunction with Site Plan No. SP-467-12 and Tentative Tract Map No. TT-17432.

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

FINDINGS AND REASONS:

Planned Unit Development:

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

The project is designed to be an attractive, modern small-lot, single-family residential community that is within the allowable density for the General Plan Land Use Designation. The proposed development includes both passive and active open space along with private rear yard areas for the individual property owners. The main entry into the development is from Hazard Avenue and includes decorative paving, enhanced landscaping, and fencing. The new development will improve the site and is in keeping with well-designed modern residences. The property is surrounded by single-family residential development to the south and west, multiple-family residential to the east, and industrial development to the north. The design of the project provides a community of single-family homes on the site that will improve the appearance of the neighborhood.

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

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

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

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

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

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

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

The site is 5.97-acres in size. The project was designed to create a residential community with a combination of both active and passive open space areas, landscaped streets, and guest parking areas on the site. The PUD zoning allows the project to be designed as an integrated community on a network of streets and driveways. The project meets City Code standards for parking, vehicle access and circulation, and landscaping. The PUD zoning allows the project to have an overall quality that is greater than the current zoning as it allows a more integrated design of single-family buildings. The design creates a sense of neighborhood with sidewalks, tree-lined streets, and shared open space amenities.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN THE STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Planned Unit Development and Development Agreement possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.24.030 (Planned Unit Development) and with Government Code Section 65864 et. seq, provisions for Development Agreements.
2. The implementation provisions for Planned Unit Development No. PUD-127-12 are found under Planning Commission Resolution No. 5761-12 for Site Plan No. SP-467-12 and Tentative Tract Map No. TT-17432.

ADOPTED this 1st day of March, 2012

/s/ PHAT BUI
CHAIR

I HEREBY CERTIFY that the foregoing resolution was duly adopted at the regular meeting of the Planning Commission of the City of Garden Grove, State of California, held on March 1, 2012, by the following votes:

AYES:	COMMISSIONERS:	BUI, BRIETIGAM, CABRAL, LAZENBY, PAK, SILVA
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	DOVINH

/s/ JUDITH MOORE
SECRETARY

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

A decision becomes final if it is not timely appealed to the City Council. Appeal deadline is March 22, 2012.

RESOLUTION NO. 5761-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING SITE PLAN NO. SP-467-12 AND TENTATIVE TRACT MAP NO. TT-17432.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on March 1, 2012, does hereby adopt a Mitigated Negative Declaration and Mitigation Monitoring Program and approves Site Plan No. SP-467-12 and Tentative Tract Map No. TT-17432, for land located at the northwest corner of Euclid Street and Hazard Avenue, at 10901 Hazard Avenue, Assessor's Parcel No. 099-181-09.

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

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-467-12 and Tentative Tract Map No. TT-17432, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by City Ventures.
2. The applicant requests approval of a Zone Change from the Planned Unit Development No. PUD-104-81 to PUD-127-12 to allow the development of single-family residential small-lot subdivision; a Site Plan approval in order to construct 56 single-family homes with associated site improvements that include a private road and passive and active common useable open space areas; and a Tentative Tract Map to subdivide the property into 56 separate lots. A Development Agreement (DA-184-12) is also proposed.
3. Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et. seq., and the CEQA guidelines, 14 California Code of Regulations Sec. 15000 et. seq., an initial study was prepared and it has been determined that the proposed project qualifies for a Mitigated Negative Declaration because the proposed project with the proposed mitigation measures cannot, or will not, have a significant effect on the environment. A Mitigation Monitoring Program has been prepared and is attached to the

Mitigated Negative Declaration listing the mitigation measures to be monitored during project implementation. The Mitigated Negative Declaration was prepared and circulated in accordance with CEQA and CEQA's implementing guidelines.

4. The property has a General Plan Land Use designation of Industrial/Residential Mixed Use 1 and is currently zoned Planned Unit Development No. PUD-104-81. The 5.97-acre site currently consists of a single-family home, a strawberry stand, and land area that is being used to produce strawberries.
5. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.
6. Report submitted by City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on March 1, 2012, and all interested persons were given an opportunity to be heard.
8. The Planning Commission gave due and careful consideration to the matter during its meeting of March 1, 2012 and considered all oral and written testimony presented regarding the project, the initial study, and the Mitigated Negative Declaration.

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

FACTS:

The site is 5.97 acres in area, and currently consists of a single-family home, a strawberry stand, and vacant property that is being used to produce strawberries.

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

The minimum site requirement for a Planned Unit Development Residential zoning is one (1) acre. The proposed site area is 5.97 acres.

The Planned Unit Development would facilitate the development of the site with 56 single-family residential units.

The application for Site Plan No. SP-467-12 and Tentative Tract Map No. TT-17432 is being processed in conjunction with Planned Unit Development No. PUD-127-12 and Development Agreement No. DA-184-12.

FINDINGS AND REASONS:

Site Plan:

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

The project complies with the Industrial/Residential Mixed Use 1 and the proposed PUD zoning for the property. The building facades, site design, parking, and landscaping are consistent with the spirit and intent of the requirements of the Municipal Code.

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

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

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

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

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

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

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

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

Tentative Tract Map:

1. The Tentative Tract Map for the proposed 56 single-family residential dwelling units is consistent with the Garden Grove General Plan, which encourages land subdivision in order to facilitate new development. The site is adequate in size and shape to accommodate the proposed future development of the site.
2. The design and improvements of the proposed subdivision is consistent with the zoning, Title 9 of the Garden Grove Municipal Code, and the General Plan provisions for location, proximity to similar uses, lot width, and overall depth required for a residential Planned Unit Development and the City's Small-Lot Subdivision Ordinance.
3. The site is physically suitable for the proposed development and complies with the spirit and intent of a Residential Planned Unit Development and Title 9 of the City's Municipal Code.
4. The project will not have a significant adverse effect on the environment; therefore, the City of Garden Grove hereby adopts a Mitigated Negative Declaration of Environmental Impact and Mitigation Monitoring Program pursuant to the California Environmental Quality Act.
5. The design of the 56-unit single-family residential subdivision, and the proposed improvements, are not likely to cause public health problems. The conditions of approval for on and off-site improvements will safeguard the public health.
6. The design of the 56-unit single-family residential dwelling small-lot subdivision, and the proposed improvements, will not conflict with easements of record or easements established by court judgment acquired by the public-at-large for access through or use of property within the subdivision; if such easements exist, then alternate easements for access or for use will be provided and these will be substantially equivalent to the ones previously acquired by the public.
7. The design and improvements of the 56-unit single-family residential small-lot subdivision are suitable for the existing site improvements and the subdivision can be developed in compliance with the applicable zoning regulations.
8. The design and improvement of the proposed subdivision are suitable for the residential project proposed and the subdivision can be developed in compliance with the applicable zoning regulations.
9. The design of the subdivision, to the extent feasible, does have allowance for future passive or natural heating and cooling opportunities.
10. The design, density, and configuration of the subdivision strikes a balance between the effect of the subdivision on the housing needs of the region and of

public service needs, and that the character of the subdivision is compatible with the design of existing structures and lot sizes in the general area.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN THE STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Site Plan and Tentative Tract Map do possess characteristics that would indicate justification of the request in accordance with Municipal Code Sections 9.24.030 (Site Plan) and 9.32.010 (Subdivisions).
2. In order to fulfill the purpose and intent of the Municipal Code, and, thereby, promote the health, safety, and general welfare, the following Conditions of Approval, attached as "Exhibit A", shall apply to Site Plan No. SP-467-12, and Tentative Tract Map No. TT-17432.
3. Approval of this Site Plan and Tentative Tract Map shall be contingent upon the approval of Planned Unit Development No. PUD-127-12 by the Garden Grove City Council.

ADOPTED this 1st day of March, 2012

/s/ PHAT BUI
CHAIR

I HEREBY CERTIFY that the foregoing resolution was duly adopted at the regular meeting of the Planning Commission of the City of Garden Grove, State of California, held on March 1, 2012, by the following votes:

AYES:	COMMISSIONERS:	BUI, BRIETIGAM, CABRAL, LAZENBY, PAK, SILVA
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	DOVINH

/s/ JUDITH MOORE
SECRETARY

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

A decision becomes final if it is not timely appealed to the City Council. Appeal deadline is March 22, 2012.

EXHIBIT "A"

Site Plan No. SP-467-12 and Tentative Tract Map No. TT-17432

10901 Hazard Avenue

CONDITIONS OF APPROVAL

General Conditions

1. The applicant shall record a "Notice of Agreement with Conditions of Approval and Discretionary Permit of Approval," as prepared by the City Attorney's Office, on the property. Proof of such recordation is required within 30 days of this approval. All conditions of approval are required to be adhered to for the life of the project, regardless of property ownership. Any changes of the Conditions of Approval require approval by the Planning Commission.
2. Approval of this Planned Unit Development, Site Plan and Tentative Tract Map shall be contingent upon the approval of Planned Unit Development No. PUD-127-12 and shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
3. Minor modifications may be approved by the Community Development Department. If other than minor changes are made in the proposed development, the proper entitlements shall be filed which reflect the revisions made.
4. All lighting structures shall be placed so as to confine direct rays to the subject property. All exterior lights shall be reviewed and approved by the City's Planning Section. Lighting adjacent to residential properties shall be restricted to low decorative type wall-mounted lights, or a ground lighting system. Lighting shall be provided throughout all private drive aisles and entrances to the development per City standards for street lighting. Lighting in the common areas shall be directed, positioned, or shielded in such manner so as not to unreasonably illuminate the window area of nearby residences.
5. The applicant shall submit detailed plans showing the proposed location of utilities and mechanical equipment to the Community Development Department for review and approval prior to Building Division Plan Check. The project shall also be subject to the following:
 - a. All on-site and off-site utilities (off site refers to the areas within public right-of-way to the center line of the streets adjacent to the subject property) within the perimeter of the site and to the centerline of the adjacent streets shall be installed or relocated underground.

FINAL

- b. Above-ground utility equipment (e.g., electrical, gas, telephone, cable TV) shall not be located in the street setbacks, within the common areas along Euclid Street and Hazard Avenue, or any parking areas, and shall be screened to the satisfaction of the Community Development Department.
- c. No roof-mounted mechanical equipment, including but not limited to dish antennas, shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community Development Department prior to the issuance of building permits. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
- d. All ground- or wall-mounted mechanical equipment shall be screened from view from any place on or off the site.
- e. All mitigation measures that are part of the Mitigated Negative Declaration that was adopted for Planned Unit Development No. PUD-127-12, Site Plan No. SP-467-12, Tentative Tract Map No. TT-17432, and Development Agreement No. DA-184-12 are incorporated herein by this reference and shall be implemented as conditions of approval for this project.
- f. The Mitigation Monitoring Program adopted in conjunction with the Mitigated Negative Declaration shall be implemented during project construction through project completion. The applicant/developer shall provide the City with a quarterly report demonstrating adherence to all mitigation measures. A person shall be designated by the developer that will be responsible for any project operational mitigation measure that extends beyond construction completion. Said person shall provide a report to the City when requested.

Public Work's Engineering Division

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

- 6. A geotechnical study prepared by a registered geotechnical engineer is required. The report shall analyze the liquefaction potential of the site and make recommendations. The report shall analyze sub-surface issues related to the past uses of the site, including sub-surface tanks and basement and septic facilities. Any soil or groundwater contamination shall be remediated prior to the issuance of a building permit in a manner meeting the approval of the City Engineer in concert with the Orange County Health Department. The report shall also test and analyze soil conditions for LID (Low Impact Development) principles and implementations, including soil compaction, saturation, permeability and groundwater levels. Additionally, the report shall make recommendations for pavement design for the interior private street.

7. A separate street permit is required for work performed within the public right-of-way.
8. Grading and street improvement plans prepared by a registered Civil Engineer are required. The grading plan shall be based on a current survey of the site, including adjacent properties, and designed to preclude cross lot drainage. Minimum grades shall be 0.50% for concrete flow lines, 1.25% for asphalt surfaces and 2.0% for landscaped areas. The grading plan shall also include water and sewer improvements. All fees collected at the time of permit issuance shall be based on the fee schedule in effect at that time.
9. The City standard for on-street parking spaces measure 22 feet minimum in length between driveway approaches. The proposed project provides only 18 feet between neighboring driveway approaches. This deviation may impact vehicular access into and out of the driveways. Prior to occupancy, the applicant shall alert potential homeowners to this deviation within the Homeowners' Association's CC&R's in a manner meeting the approval of the City Engineer.
10. The applicant shall be subject to Traffic Mitigation Fees.
11. 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 *Final* Water Quality Management Plan (WQMP) that:
 - Addresses Site Design BMPs (Best Management Practices) such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas.
 - Incorporates the applicable Routine Source Control BMPs as defined in the DAMP.
 - Incorporates Treatment Control BMPs as defined in the DAMP.
 - Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs.
 - Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs.
 - Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs.

12. Prior to grading or building permit closeout and/or the issuance of a certificate of use or a certificate of occupancy, the applicant shall:
 - Demonstrate that all structural BMPs described in the Project WQMP have been constructed and installed in conformance with approved plans and specifications.
 - Demonstrate that applicant is prepared to implement all non-structural BMPs described in the Project WQMP.
 - Demonstrate that an adequate number of copies of the approved Project WQMP are available onsite.
 - Submit for review and approval by the City an Operations and Maintenance (O&M) Plan for all structural BMPs.
13. The applicant shall provide a hydrological analysis with scaled map and calculations and hydraulic calculations to size drainage facilities per Orange County RDMD standards.
14. Before recordation of a final tract map, the applicant shall remove the seven (7) power poles fronting Hazard Avenue, and underground the utilities in a manner meeting the approval of the City Engineer.
15. TIES TO HORIZONTAL CONTROL: Prior to recordation of a final map, the surveyor/engineer preparing the map shall tie the boundary map into Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Sub article 18. The surveyor/engineer shall submit record information to the City on Auto Cad DWG format.
16. DIGITAL MAP SUBMISSION: Prior to recordation of a final tract map, the surveyor/engineer preparing the map shall submit to the County Surveyor a digital graphics file of said map in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Sub article 18. The surveyor/engineer shall submit record information to the City on Auto Cad DWG format.
17. The applicant shall be responsible for the maintenance of the landscape in the public right-of-way.
18. Prior to the issuance of a building permit, the applicant shall dedicate 20-feet of road right-of-way on Hazard Avenue 40-feet from the centerline.

19. Prior to the issuance of certificates of use and occupancy, the applicant shall design and construct street frontage improvements as identified below. All landscaping installed within the public rights-of-way shall be maintained by the applicant in a manner meeting the approval of the City Engineer.

Corner of Hazard Avenue and Euclid Street

- Three existing driveways shall be removed. One driveway is on Hazard Ave. and two driveways are on Euclid Street.
- Remove existing wheelchair ramp and construct new wheelchair ramp per Caltrans Revised Standard Plan RSP A88A, Case A, Detail B (Typical One-Ramp Corner Installation).
- In conjunction with constructing the new wheelchair ramp and landing, the applicant shall remove and replace (per the City of Garden Grove Standard Plan B-119) portions of the existing cross gutter in a manner meeting the approval of the City Engineer.

Hazard Avenue

- Beginning at the intersection of north-end of Hurley Street with Hazard Avenue to the westerly property line, construct a five-foot six-inch sidewalk per the City of Garden Grove Standard Plan B-105 to match existing conditions. The remaining 2 feet of road right of way (from the back of walk to the property line) shall be landscaped per the direction of the City Planning Department. Construct smooth transition to the existing parkway fronting the existing residential homes. Lower the existing manhole at this location.
- The applicant shall saw cut 2' of the existing eight-foot sidewalk fronting Hazard Street and landscape per the direction of the City Planning Department.
- Beginning at the intersection of north-end of Hurley Street and Hazard Avenue, construct 8" curb and gutter along the property frontage, at 32' from the centerline in accordance with the Standard Plan B-113 (Type C-8).
- Within the property limits, at the intersection of the north end of Hurley with Hazard Ave. to the west property line, from the existing edge of pavement to the proposed curb and gutter, a new structural section of 2 1/2 " AC over 8" AB needs to be constructed to match the existing City improvements to the east in a manner meeting the approval of the City Engineer.

- Within the property limits, at the intersection of the north end of Hurley with Hazard Ave. to the west property line, from the centerline to the existing edge of pavement, grind 1 ½" AC and provide 1 ½" AC Surface Course (CAP). This needs to be constructed to match the existing City improvements to the east in a manner meeting the approval of the City Engineer.
- The applicant shall provide a separate striping plan in a manner meeting the approval of the City Traffic Engineer.
- Construct the new sidewalk landings to the Residential Planned Unit Development in accordance with City Standard Plan B-107 with a curb radius of 25' in a manner meeting the approval of the City Traffic Engineer.
- Two new wheelchair ramps and landings shall be constructed per Caltrans Revised Standard Plan RSP A88A, Case A, Detail B (Typical One-Ramp Corner Installation).
- Remove existing driveway and construct 8" curb and gutter along the property frontage in accordance with the Standard Plan B-113 (Type C-8). Construct an eight-foot sidewalk per the City of Garden Grove Standard Plan B-105.

Euclid Street

- Remove two existing driveways, and construct 8" curb and gutter along the property frontage in accordance with the Standard Plan B-113 (Type C-8). Construct an eight-foot sidewalk per the City of Garden Grove Standard Plan B-105. Replace asphalt 24" from the edge of pavement within the property boundaries (limits of work).

Private Street

- Street Lights shall be installed in a manner meeting the approval of the City Traffic Engineer.
- Project proponent shall obtain a 3' public Utility Easement behind back of sidewalk on both sides of the Public Street.
- Street signs shall be shall be installed in a manner meeting the approval of the City Traffic Engineer.

20. Prior to the issuance of certificates of use and occupancy, the applicant shall design the westernmost access on Hazard Avenue to function as a residential outbound access as well as an emergency access in a manner meeting the approval of the City Traffic Engineer

Garden Grove Fire Department

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

21. Fire sprinkler system is required throughout the entire project per the California Fire Code and adopted City standards (NFPA). NFPA 13D compliant system is required throughout with a density and configuration as required by that standard. Sprinkler systems shall meet further City water standards as determined by the fire and water departments (i.e., testable double check valves, fire flow water meters if required).
22. Smoke/CO alarm system shall be provided and interconnected; interconnectivity shall exist with fire sprinkler system also, as per NFPA 72.
23. Fire hydrants shall be provided on site, number of hydrants and locations are subject to Fire Department and Water Services Department approval. The fire hydrants shall be on a loop system approved by the Fire Department. The fire hydrants shall be installed and fully operational prior to any combustible material being delivered to the site.
24. The final roadway layout and construction shall maintain a minimum width clearance of 20-feet and a minimum height clearance of 13'-6". All designated corners shall meet the Fire Department minimum turning radius. The roadway shall be constructed to support 75,000 pounds (CFC 07102.1). During grading plan preparation, the Developer shall work with the Garden Grove Fire Department in determining the exact location of on-site curb returns, curb locations, and any other related matters pertaining to Fire Truck access and turning maneuvers throughout the entire site. Upon completion of the project, the Homeowner's Association shall become fully responsible for replacing any damaged curbs and gutters throughout the development. All fire related matters/issues referenced on construction plans and documents, and during construction, shall be referenced as "per the Garden Grove Fire Department."
25. All access gates on the site shall be equipped with a Knox rapid entry keyed access system subject to the approval of the Garden Grove Fire Department. Automated gates shall have Knox override system, while manual gates shall have Knox padlocks.
26. All Fire related aspects of the proposed project shall comply with California Fire Codes and the California Building Codes 2010 Edition.

27. Where required, red curbing will be required in designated fire access lanes as directed by the Fire Department and such red curbing and any related Fire Lane signage shall be maintained at all times by the Homeowner's Association.

Building Services Division

28. The homes shall be designed to comply with the California Building Codes.
29. All buildings shall be fire sprinklered.

Public Work's Water Services Division

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

30. Due to capacity issues of the sewer main to the west of this project, the District Engineer for the Garden Grove Sanitary District (GGSD) has stated that only up to 24 units can tie into the sewer on Hazard Avenue which flows to the west. The rest of the units are to be tied to the Orange County Sanitary District (OCSD) trunk main on Euclid Street. The developer is responsible for obtaining and paying for permits from the OCSD for this tie-in and naming the GGSD as the designated permittee.
31. A composite utility site plan shall be part of the water plan approval.
32. Installation of an 8-inch looped water main system within private street(s) shall be constructed per City Standards by developer and dedicated to the City. Bonding will be required. Water main and appurtenance shall be located within a dedicated blanket waterline easement. Water system shall be installed by contractor with Class A or C-34 license, per City Water Standards and inspected by approved Public Work's inspection.
33. 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.
34. A Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed on 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.

35. It shall be the responsibility of owner/developer to abandon any existing private water well(s) per Orange County Health Department requirements. Abandonment(s) shall be inspected by Orange County Health Department inspector after permits have been obtained.
36. Owner shall dedicate all rights to underground water without the right to surface entry.
37. City shall determine if existing water services(s) is/are usable and meets current City Standards. Any existing meter and service located within new driveway(s) shall be relocated at owner's expense.
38. Location and number of fire hydrants within the tract and the City's right-of-way shall be as required by Water Services Division and the Fire Department.
39. Developer to construct an 8-inch private sewer main system with laterals and clean-outs per City Standards. Bonding will be required. Also, developer to install a main extension to the west and also a main extension to the east to tie into the OCSD main on Euclid Street.
40. Contractor shall abandon any existing unused sewer lateral(s) at street right-of-way on the property owner's side. The sewer pipe shall be capped with an expansion sewer plug and encased in concrete.

Planning Services Division

41. The developer shall submit a complete landscape plan governing the entire development. The plans shall be consistent with the plans submitted to the Planning Commission for review and approval, except as modified herein. The landscape irrigation plans shall include type, size, location and quantity of all plant material. The landscape plan shall include irrigation plans and staking and planting specifications. All landscape irrigation shall comply with the City's Landscape Ordinance and associated Water Efficiency Guidelines. The landscape plan is also subject to the following:
 - a. A complete, permanent, automatic remote control irrigation system shall be provided for all common area landscaping shown on the plan. The sprinklers shall be of low flow/precipitation sprinkler heads for water conservation.
 - b. The plan shall provide a mixture of a minimum of ten percent (10%) of the trees at 48-inch box, ten percent (10%) of the trees at 36-inch box, fifteen percent (15%) of the trees at 24-inch box, and sixty percent (60%) of the trees at 15-gallon, the remaining five percent (5%) may be of any size. These trees shall be incorporated into the landscaped frontages of all

streets. Where clinging vines are considered for covering walls, Boston Ivy shall be used.

- c. The developer shall be responsible for installing and maintaining the common area landscaping until such time as the project nears complete sell-out and the Homeowner's Association takes over maintenance responsibility.
- d. Trees planted within ten feet (10') of any public right of way shall be planted in a root barrier shield. All landscaping along street frontages adjacent to driveways shall be of the low height variety to ensure safe sight clearance. The number of street trees to be planted along Euclid Street and Hazard Avenue shall be incorporated into the front landscape setback, no street trees will be planted in the sidewalk. The street right-of-way plans may be modified to have the sidewalk adjacent to the curb, meeting City Standards, in order to minimize tree overhanging in the street
- e. The landscape treatment along the street frontages, including the area designated as public right-of-way, shall incorporate the landscape area between the sidewalk and the development wall with ground cover, shrubs and bushes, and trees that highlight the project's entrance as well as enhance the exterior appearance along Euclid Street and Hazard Avenue. The plant material for the entrances shall be the type to inhibit graffiti such as vines and dense growing shrubs and bushes, and shall be maintained.
- f. Screening trees shall be planted along the westerly property line, with a minimum size of 24-inch box and maintained at a minimum height of twenty (20) feet. These trees shall be planted in a manner to grow closely together and maintained at a sufficient height to achieve an unbroken landscape screen for the adjacent homes.
- g. All landscape areas are the responsibility of the Homeowner's Association and this includes the landscaped area within the Euclid Street and Hazard Avenue rights-of-way as well as the enhanced corner landscape area at the corner of Euclid Street and Hazard Avenue. Maintenance of these landscape areas shall be included within the CC&R's for the project.
- h. The living wall with metal frames and strawberry plantings, located on the westerly property line wall, shall include wood/metal or plastic trellis with vine planting, decorative metal art panels, street trees, and ground covers.
- i. Final design and configuration of the enhanced corner treatment at Euclid Street and Hazard Avenue shall be reviewed and approved by the Planning Division as part of the required landscape plans. This area shall include a living wall with metal frames and strawberry plantings, agricultural themed

row plantings, metal strawberry sculptures (minimum three of differing heights), and evergreen hedge.

42. The enhanced corner treatment/artwork and any development sign shall require a separate permit and shall be installed in accordance with the provisions of the sign ordinance and shall be approved by the Community Development Department prior to installation.
43. Hours and days of construction and grading shall be as follows as set forth in the City of Garden Grove's Municipal Code Section 8.47.010 referred to as the County Noise Ordinance as adopted:
 - a. Monday through Saturday - not before 7 a.m. and not after 8 p.m. (of the same day).
 - b. Sunday and Federal Holidays may work same hours, but subject to noise restrictions as stipulated in section 8.47.010 of the Municipal Code.
44. The developer/property 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 Ordinance.
45. The developer/owner shall prepare Covenants, Conditions, and Restrictions (CC&R's) for review and approval by the City Attorney's office and Community Development Department prior to the issuance of building permits. The approved CC&R's shall be recorded at the same time that the subdivision map is recorded and two copies of the recorded CC&R's shall be provided to the Planning Division. The CC&R's shall include the following stipulations:
 - a. All units shall maintain within the garages, the ability to park two cars at all times. Garages shall not be converted to any other use.
 - b. There shall be no business activities, day care, or garage sales conducted within or from the garages.
 - c. Parking spaces in the garages shall be made available to the occupants of the unit at all times.
 - d. Residents shall not park or store vehicles anywhere on the site except within the designated parking spaces in the garages for their dwelling unit. However, the open parking spaces, located on both sides of the private street, may be utilized by residents or guests for temporary parking. Any issues arising from the use, application, or restriction of such open parking spaces shall be at the resolve of the Homeowner's Association.

- e. Best Management Practices shall be incorporated to deter and/or abate any graffiti vandalism throughout the project and the life of the project.
- f. Each residence shall be utilized as one (1) dwelling unit. No portion of any residence shall be utilized or rented as a separate dwelling unit.
- g. The CC&R's shall provide provisions for the tenants a means of contacting persons responsible for site maintenance, repairs, trash pick-up, and other related matters for a development of this type. This shall also include scheduling of maintenance of such items as the recreation area, landscape area maintenance, etc. This also includes ensuring tree overhangs do not block or hinder any vehicles such as street sweepers, trash trucks, fire trucks, etc., from maneuvering around the cul-de-sac.
- h. Storage of boats, recreational vehicles, or commercial vehicles on the property is prohibited.
- i. The CC&R's shall include stipulations that maintenance of the private drive aisles, storm drain, sewer system, and open space areas within the interior of the development, the enhanced corner treatment at the corner of Euclid Street and Hazard Avenue, and the landscape setback areas outside the development walls adjacent to Euclid Street and Hazard Avenue is the responsibility of the Homeowner's Association, including the common landscaped areas.
- j. The above stipulations shall not be modified without the approval of the City of Garden Grove. The CC&R's shall contain a provision that indicates CC&R's may not be terminated or substantially amended without the consent of the City and the Developer's successor-in-interest.
- k. CC&R's shall include language regarding Homeowner's Association responsibilities under National Pollutant Discharge Elimination System (NPDES) regulations.
- l. Each unit shall have a minimum of 100 cubic feet of storage space, which may be provided in the garage parking areas, and typical closet space within the unit shall not count toward this requirement.
- m. The following provisions shall be included within the CC&R's:
 - i. Enforcement: The City is hereby made a party to these Declarations solely for purposes of enforcing its provisions and the Conditions of Approval of Planned Unit Development No. PUD-127-12, Site Plan No. SP-467-12, and Tentative Tract Map No. TT-17432. The City, its agents, departments and employees shall have the unrestricted right and authority, but not the obligation, to enforce the provisions of these

Declarations and the Conditions of Approval of Planned Unit Development No. PUD-127-12, Site Plan No. SP-467-12, and Tentative Tract Map No. TT-17432. The City, its agents, departments and employees may further refuse to issue any building, electrical or plumbing permit that may be in violation of these Declarations or Planned Unit Development No. PUD-127-12, Site Plan No. SP-467-12, and Tentative Tract Map No. TT-17432 approvals. However, the City shall not be liable for failing or refusing to enforce the provisions of these Declarations or the Conditions of Approval of Planned Unit Development No. PUD-127-12, Site Plan No. SP-467-12, and Tentative Tract Map No. TT-17432.

- ii. Assessments: The City may levy special assessments against the properties in connection with its actions to enforce the conditions of these Declarations or Planned Unit Development No. PUD-127-12, Site Plan No. SP-467-12, and Tentative Tract Map No. TT-17432 approvals, or to abate the violation thereof. The City shall have the same power as the Association to levy special assessments pursuant to the provisions of [SECTION] of these Declarations in the event that it incurs expenses in the enforcement of the conditions of these Declarations or Planned Unit Development No. PUD-127-12, Site Plan No. SP-467-12, and Tentative Tract Map No. TT-17432 approvals. Notice of intention to make such assessment shall be mailed by the City to the Owner of each affected [LOT/UNIT] affording the Owner thirty (30) days' notice to satisfy or reimburse the City's expenditure. In the event of the failure of any Owner of any affected [LOT/UNIT] to reimburse the City within thirty (30) days, notice of such assessment shall be mailed by the City to said Owner, and said assessment shall thereafter be due as a separate debt to the City within thirty (30) days following the mailing of such notice. Any such delinquent assessment may be and may become a lien upon the interest of the defaulting Owner in the Lot upon the execution by the City and the recording in the Orange County Recorder's office of a notice of delinquent assessment under the same conditions that the Association could record the same pursuant to the provisions of [SECTION]. The City may foreclose on such notice of delinquent assessment in the same manner and with the same power as the Association could foreclose on such notice pursuant to the provisions of [SECTION]. It is the intent of Declarant, which intent shall be binding upon all of Declarant's successors in interest in the Properties, that the City shall be deemed an interest holder pursuant to the provisions of these Declarations in order to enforce the rights which have been given to the City generally in these Declarations and specifically pursuant to this Section.
- iii. Attorney Fees: The City shall be entitled to recover its attorney's fees incurred in connection with its actions to enforce the conditions of these

Declarations or Planned Unit Development No. PUD-127-12, Site Plan No. SP-467-12, and Tentative Tract Map No. TT-17432 approvals, or to abate the violation thereof.

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

46. The developer shall comply with all provisions of the Community Development Department including, but not limited to, the following:
 - a. The facades of the units shall be designed with sound attenuation features including the use of dual pane windows and limiting, when possible, the use of windows and vents. These features shall be approved by the Community Development Department prior to the issuance of building permits.
 - b. Prior to the finalization of working drawings for Planning Division, Engineering Division, and Building Division Plan Check, the developer shall submit to the Community Development Department detailed and dimensioned plot plans, floor plans, exterior elevations, and landscape plans which reflect the above Conditions of Approval. The plans shall indicate cross-sections of all streets within the development, landscape materials, wall materials, and building materials proposed for the project. Each unit shall have phone jacks and cable-TV outlets in all rooms, except the laundry area, hallways, and bathrooms. Mechanical equipment, including air conditioning units, Jacuzzi spa equipment, sump pump, etc., shall not be located closer than 5-feet of any side or rear property line and shall not be located in the front landscape setback. Air conditioning units may be placed adjacent to or in front of the dwelling units provided the location does not obstruct, impede, or hinder any vehicle traffic or pedestrian access to any unit.
 - c. Should the developer elect to build the project in more than one phase, then a phasing plan shall be submitted to the Community Development Department prior to releasing units for model purposes. The phasing plan shall include, but not limited to, a site plan showing the phasing areas, protection of finished units, and protection for related safety issues concerning pedestrians and non-construction vehicles. The perimeter improvements including landscaping, walls, street improvements, and underground utilities, shall be completed in the first phase. The phasing plan shall be approved by the Community Development, Fire, and Public Works Departments prior to issuance of building permits.
47. Any new or required block walls and/or retaining wall(s) shall be shown on the grading plans. Block walls shall be developed to City Standards or designed by

a Registered Engineer and shall be measured from on-site finished grade. The applicant shall provide the following:

- a. Decorative masonry walls are required along the north and west property lines and shall be constructed to a minimum height of 6'-0", as measured from highest point of finished grade. These walls shall use decorative masonry or stucco block with decorative caps, subject to the Community Development Department's approval. A minimum 6'-0" high decorative block wall, set back a minimum of 10'-0" from the Euclid Street and Hazard Avenue property lines shall be installed and include split-face or stucco block with pilasters and decorative caps.
 - b. The applicant shall work with the existing property owners along the project perimeter in designing and constructing the required perimeter block walls. This requirement is to avoid having double walls and minimize any impact that it might cause to the existing landscaping on the neighbor's side as much as possible. The perimeter block wall shall be constructed and situated entirely within the subject property. In the event that the applicant cannot obtain approval from the property owners, the applicant shall construct the new wall with a decorative cap to be placed between the new and existing walls. In the event the location of a new wall adjacent to an existing wall or fence has the potential to affect the landscape planter, then the Developer shall work with City Staff to address this situation.
49. Construction activities shall adhere to SCAQMD Rule 403 (Fugitive Dust) that includes dust minimization measures, the use of electricity from power poles rather than diesel or gasoline powered generators, and the use methanol, natural gas, propane or butane vehicles instead of gasoline or diesel powered equipment, where feasible. Also, the use of solar or low-emission water heaters, use low-sodium parking lot lights, and ensure compliance with Title 24.
50. The common recreation area improvements shall be reviewed and approved by the Community Development Department, Planning Division prior to issuance of building permits. The common recreation area shall be completed at the time that the developer completes no more than 50 percent of the units (28 units). The improvements within the main open space shall include a patio/shade a structure, fireplace, bathroom building, turf area, pool, spa, cabana, security fencing around pool area, accent tree in raised planter, benches, barbeque equipment, and related equipment and improvements. The open space area adjacent to the cul-de-sac, located toward the east end of the project, shall include a turf area, a shade structure, trash receptacle, and benches. The open space area located at the northwest corner of the project, designated as a community garden, shall include decorative fencing, benches trash receptacles, and shall be separated in areas for vegetables, fruits, and other plants.

51. Building color and material samples shall be submitted to the Planning Division for review and approval prior to issuance of building permits. The buildings shall include multi-toned stuccoed exteriors, window and door trim, decorative paneled front doors, multi-paned windows, window boxes, shutters, paneled roll-up garage doors, decorative entry, and varied roof lines with tile roofing material. All side and rear elevations that face a street or a common useable open space area shall maintain the same level of detail as the fronts of the homes, including but not limited, to window trims, multi-paned windows, and shutters.
52. The entry drive from Hazard Avenue and the exit-only drive, located along the westerly property line, shall have enhanced concrete treatment subject to the Community Development Department's approval.
53. The area outside the gate of the emergency only driveway, located at the end of the cul-de-sac, along Euclid Street, shall be landscaped using Grasspave 2 or similar product that will allow emergency vehicles to drive over the turf. Accessing the site from this location shall be only for emergency vehicles only and the configuration and installation of the gate shall be reviewed and approved by the Community Development Department, Public Works Department, and the Fire Department. The emergency access improvements, including a Knox box key system, shall be in place prior to granting first occupancy.
54. All recreation areas, landscaping along the interior project street and entryway, landscaped areas outside the perimeter block wall, landscaping within the public right-of-ways, and the decorative corner landscape and art work at the corner of the Euclid Street and Hazard Avenue, shall be maintained for the life of the project and such maintenance provisions shall be included in the CC&R's.
55. Decorative mailboxes shall be provided that include elements that are complimentary to the architectural style of the buildings. All on-site lighting and street signage shall be decorative. Street signage shall include a design element that is consistent with the decorative corner treatment. Final design of the mailboxes, street lighting and signage shall be reviewed and approved by the Planning Division prior to the issuance of building permits.
56. In the event any legal action or proceeding is filed against the City and/or applicant, seeking to attack, set aside, void or annul any of the Project entitlements, applicant shall have the right and obligation to either: (1) defend the City with legal counsel mutually selected by the applicant and the office of the City Attorney; legal fees shall be limited so as not to exceed \$250 per hour; or (2) request that the City rescind the entitlement approvals, in which case the applicant would have no obligation to defend or indemnify the City; however, applicant shall reimburse the City for any costs incurred or assessed

against the City as a result of the filing of such legal action or proceeding, provided the City acts promptly to rescind the entitlements.

DRAFT MINUTE EXCERPT
GARDEN GROVE PLANNING COMMISSION

PUBLIC HEARING: MITIGATED NEGATIVE DECLARATION
 PLANNED UNIT DEVELOPMENT NO. PUD-127-12
 SITE PLAN NO.SP-467-12
 TENTATIVE TRACT MAP NO. TT-17432
 DEVELOPMENT AGREEMENT NO. DA-184-12

APPLICANT: CITY VENTURES

PROJECT

LOCATION: NORTHWEST CORNER OF EUCLID STREET AND HAZARD AVENUE AT 10901 HAZARD AVENUE

DATE: MARCH 1, 2012

REQUEST: To rezone a 5.97-acre lot from PUD-104-81 to Residential Planned Unit Development to allow the construction of a 56-unit single-family residential small-lot subdivision; a Site Plan to construct the 56 homes along with street and open space improvements; and a Tentative Tract Map to subdivide the property into 56 separate lots. A Development Agreement is also included. The site is in the Planned Unit Development No. PUD-104-81 zone.

Staff report was read and recommended approval, with amendments to Conditions of Approval Nos. 19, 28, and 46.

Commissioner Silva asked staff to clarify the number of cars allowed on the driveway. Staff responded that for code purposes, only one car was counted in the driveway, and the other space could be for a guest; and, that the driveway would be wide enough for two cars with two in the garage and one on the street.

Commissioner Brietigam asked what happened to the previous request for this lot. Staff responded that Empire Homes was to build 98 town homes, however, the application was withdrawn due to negotiation issues with the price of the land.

Vice Chair Cabral referenced Condition No. 31 regarding the sewer line and asked staff if a private company could tie directly into a regional sewer line should the City not have the wastewater capacity. Staff replied that the City sewer connects to the county sewer; that if the route was direct the county could accept the tie-in; that other developments use this method for adjacent property convenience; and, that ultimately the developer would need a permit from the Orange County Sanitation District (OCSD).

Commissioner Pak noted that typically, a project would not go forward without sewer capacity, and he asked if the OCSD gave permission for the connection. Staff responded that as a part of the environmental process, the applicant had a 'will serve' letter from the OCSD stating there was sufficient capacity for the 32 remaining homes to hook into the county.

Chair Bui asked that if the 32 units did not have the rights they could not build? Staff replied yes.

Commissioner Brietigam asked staff to clarify the setback. Staff explained that the wall would be set back ten feet from the road, and the house would be set back twenty-five feet, with a fifteen foot rear yard setback.

Commissioner Pak expressed concerns that the weight of the trash collection truck could break the underground water pipes and that the truck would have to back up to change direction. Staff responded that Republic Waste was comfortable with the cul-de-sac design of the street for maneuvering and that the west side driveway would be for fire and trash trucks.

Chair Bui asked if the poor condition of the street on Hazard Avenue had been improved, especially for increased traffic. Staff responded that the City improved a portion of the street frontage and the developer would finish the remaining portion in front of their property; and, that there would be sufficient traffic capacity.

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

Mr. Joe Oftelie, the applicant's representative from City Ventures, approached the Commission and stated that he has an experienced team and available capital. He presented a Power Point that described the project.

Chair Bui asked the applicant if he had read and agreed with the Conditions of Approval. Mr. Oftelie replied yes.

Commissioner Brietigam asked if the project was contingent on a land sale. The applicant replied that City Ventures does not own the property.

Commissioner Silva asked for a particular exit to be clarified. The applicant stated that the exit would be 'exit only' for all vehicles; that there would be a Home Owner's Association; that they have ten active communities; that some of the other communities were town homes with live-work, single-family homes, and a podium project with town homes; that the town homes being constructed in Brea were selling; and, that all of their communities were sell-outs.

Commissioner Pak asked if there would be handicap parking spaces. The applicant replied no, that they were not required for single-family residential; that the utilities would be undergrounded on Hazard Avenue as well as on site; that the price range of the units was yet to be determined; and, that the association has no name yet.

Commissioner Lazenby asked for the size of the unit footprint. The applicant stated that there was eight feet between houses; also, that the school district charges \$2.97 per square foot living space, however, the schools do not say how they would use the development funds.

Ms. Denise Ashton, the architect, approached the Commission and pointed out that the Plan 1 was an approximately 970 square foot footprint and that Plan 2 was 1,316 square feet.

The applicant added that there was a 'letter of will serve' from the OCSD regarding the sewer capacity.

Commissioner Pak asked for clarification on the responsibility of property tax payments for the units, if 24 units would pay Garden Grove and 32 would pay OCSD.

Commissioner Cabral explained that the property tax bill was a set fee for single-family residences at \$267 per year for everyone.

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

Commissioner Pak moved to recommend adoption of the Mitigated Negative Declaration, Planned Unit Development No. PUD-127-12, and Development Agreement No. DA-184-12 to City Council, and adopt Site Plan No. SP-467-12 and Tentative Tract Map No. TT-17432, seconded by Commissioner Brietigam, pursuant to the facts and reasons contained in Resolution Nos. 5760-12 (PUD/DA) and 5761-12 (SP/TT). The motion received the following vote:

AYES:	COMMISSIONERS:	BRIETIGAM, BUI, CABRAL, LAZENBY, PAK, SILVA
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	DOVINH

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM AND APPROVING PLANNED UNIT DEVELOPMENT NO. PUD-127-12, CHANGING THE ZONING DESIGNATION FROM PLANNED UNIT DEVELOPMENT NO. PUD-104-81 TO PLANNED UNIT DEVELOPMENT NO. PUD-127-12

City Attorney Summary

This Ordinance approves a zone change and corresponding amendment to the City's Zone Map with respect to an approximately 5.97 acre parcel located on the northwest corner of Hazard Avenue and Euclid Street, at 10901 Hazard Avenue, Garden Grove, Assessor's Parcel No. 099-181-09, to change the zoning designation from Planned Unit Development No. PUD-104-81 to Planned Unit Development No. PUD-127-12, in order to facilitate the development of a 56-unit single-family residential small-lot subdivision.

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

WHEREAS, the case, initiated by City Ventures Homebuilding, LLC, requests approval of a Zone Change for approximately 5.97-acres of land located on the northwest corner of Hazard Avenue and Euclid Street, at 10901 Hazard Avenue, Garden Grove, Parcel No. 099-181-09, from Planned Unit Development No. PUD-104-81 to Planned Unit Development No. PUD-127-12 to allow the development of a 56-unit, single-family residential small-lot subdivision, in conjunction with a Site Plan to construct the 56 single-family homes with associated site improvements that include parking and open space, a Tentative Tract Map to subdivide the property into 56 separate lots, and Development Agreement;

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et. seq., and the CEQA guidelines, 14 California Code of Regulations Section 15000 et. seq., an initial study was prepared, and it has been determined that the proposed project qualifies for a Mitigated Negative Declaration of Environmental Impact because the proposed project with the proposed mitigation measures cannot, or will not, have a significant effect on the environment;

WHEREAS, a Mitigation Monitoring Program has been prepared and is attached to the Mitigated Negative Declaration listing the mitigation measures to be monitored during project implementation;

WHEREAS, the Mitigated Negative Declaration and Mitigation Monitoring Program was prepared and circulated in accordance with CEQA and CEQA's implementing guidelines;

WHEREAS, the Planning Commission of the City of Garden Grove held a duly noticed Public Hearing on March 1, 2012, and considered all oral and written testimony presented regarding the initial study, the Mitigated Negative Declaration, the Mitigation Monitoring Program, and the project;

WHEREAS, following a Public Hearing held on March 1, 2012, the Planning Commission of the City of Garden Grove recommended adoption of a Mitigated Negative Declaration of Environmental Impact and Mitigation Monitoring Program pursuant to CEQA and CEQA's implementing guidelines for this project for Planned Unit Development No. PUD-127-12 and Development Agreement No. DA-184-12;

WHEREAS, pursuant to Resolution No. 5760-12, the Planning Commission, following a Public Hearing held on March 1, 2012, recommended approval of Planned Unit Development No. PUD-127-12;

WHEREAS, pursuant to a legal notice, a Public Hearing was held by the City Council on April 10, 2012, and all interested persons were given an opportunity to be heard; and

WHEREAS, the City Council of the City of Garden Grove, in regular session assembled on April 10, 2012, does hereby adopt the Mitigated Negative Declaration and Mitigation Monitoring Program for land located on the northwest corner of Hazard Avenue and Euclid Street, at 10901 Hazard Avenue, Garden Grove, Parcel No. 099-181-09.

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

Section 1. The City Council has considered the proposed Mitigated Negative Declaration and Mitigation Monitoring Program together with comments received during the public review process. The record of proceedings on which the City Council of the City of Garden Grove decision is based is located at the City of Garden Grove, 11222 Acacia Parkway, Garden Grove, California. The custodian of record of proceedings is the City Clerk. The City Council finds on the basis of the whole record before it, including the initial study and comments received, and with the implementation of the mitigation monitoring program, that all project impacts have been reduced to a level of insignificance. The City Council further finds that the adoption of the Mitigated Negative Declaration and Mitigation Monitoring Program reflects the City Council's independent judgment and analysis. Therefore, the City Council of the City of Garden Grove adopts the Mitigated Negative Declaration and Mitigated Monitoring Program.

Section 2. Planned Unit Development No. PUD-127-12 is hereby approved pursuant to the facts and reasons stated in Planning Commission Resolution

No. 5760-12, a copy of which is on file in the Office of the City Clerk and incorporated herein by reference with the same force and effect as if set forth in full.

Section 3. The property shown on the map attached hereto is rezoned to Planned Unit Development No. PUD-127-12 as shown thereon. Zone Map parts O-18 and P-18 are amended accordingly.

Section 4. Severability. If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words, or portions thereof be declared invalid or unconstitutional.

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

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE
ADOPTING DEVELOPMENT AGREEMENT NO. DA-184-12 BETWEEN THE CITY OF
GARDEN GROVE AND THE CITY VENTURES HOMEBUILDING, LLC

City Attorney Summary

This Ordinance approves a Development Agreement between the City of Garden Grove and City Ventures Homebuilding, LLC, the developer of a 56-unit small-lot subdivision proposed to be located on the northwest corner of Hazard Avenue and Euclid Street, at 10901 Hazard Avenue, Garden Grove. The agreement provides that the developer will be entitled to build the project in accordance with the land use entitlements approved pursuant to Site Plan No. SP-467-12 and Tentative Tract Map No. TT-17432 for a period of four years. The agreement further provides for a development agreement payment to the City of Garden Grove in an amount not to exceed \$107,296.


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

WHEREAS, the City of Garden Grove has received an application from City Ventures Homebuilding, LLC, for Development Agreement No. DA-184-12 for the construction of a 56-unit single family residential small lot subdivision on a 5.97 acre site and related improvements on that certain real property located at the northwest corner of Euclid Street and Hazard Avenue, at 10901 Hazard Avenue, Garden Grove, Assessor's Parcel No. 099-181-09 (the "Project");

WHEREAS, pursuant to Resolution No. 5760-12, the Planning Commission, following a duly noticed Public Hearing held on March 1, 2012, recommended approval of Development Agreement No. DA-184-12;

WHEREAS, pursuant to a legal notice, a Public Hearing was held by the City Council on April 10, 2012, and all interested persons were given an opportunity to be heard;

WHEREAS, Development Agreement No. DA-184-12 is consistent with the General Plan and Planned Unit Development No. PUD-127-12, including the goals and policies of the Garden Grove General Plan; and

WHEREAS, pursuant to Ordinance No. , introduced on April 10, 2012, and adopted on April 24, 2012, the City Council adopted a Mitigated Negative Declaration and Mitigation Monitoring Program for the Project pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et. seq., and CEQA's implementing guidelines, 14 California Code of Regulations Section 15000 et. seq.

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

Section 1. Recitals. The City Council of the City of Garden Grove finds that the above recitations are true and correct.

Section 2. Environmental Review. Pursuant to CEQA, the City Council adopted a Mitigated Negative Declaration and Mitigation Monitoring Program for the Project in Ordinance No. [REDACTED], which is incorporated by reference as if set forth fully herein.

Section 3. Approval. Development Agreement No. DA-184-12 is hereby adopted for for property located on the northwest corner of Hazard Avenue and Euclid Street, at 10901 Hazard Avenue, Garden Grove, Parcel No. 099-181-09. A copy of Development Agreement No. DA-184-12 is attached to this Ordinance and is on file in the City Clerk's Office.

Section 4. Recording. Pursuant to California Government Code Section 65868.5, the City Clerk shall record a copy of the Development Agreement with the Orange County Recorder within 10 days after the Development Agreement is executed.

Section 5. 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 6. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after adoption.

RECORDING REQUESTED BY)
AND WHEN RECORDED MAIL TO:)

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

(Space above for Recorder.)

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

Dated: _____

DEVELOPMENT AGREEMENT NO. DA-184-12

SP-467-12 and TT-17432

(City Ventures)

THIS AGREEMENT is made this _____ day of _____, 200__, by the CITY OF GARDEN GROVE, a municipal corporation ("CITY"), and City Ventures Homebuilding, LLC, a Delaware Limited Liability Company (DEVELOPER).

RECITALS

The following recitals are a substantive part of this Agreement:

- A. The CITY and DEVELOPER desire to enter into this DEVELOPMENT AGREEMENT for the construction of a 56-unit single-family residential small-lot subdivision on a 5.97-acre site and related improvements (the "PROJECT") on that certain real property located at the northwest corner of Euclid Street and Hazard Avenue, at 10901 Hazard Avenue, Assessor's Parcel No. 099-181-09.
- B. The Planning Commission approved Site Plan No. SP-467-12 and Tentative Tract Map No. TT-17432, for the PROJECT, on March 1, 2012, 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: The project consists of a 56-unit single-family residential small-lot subdivision that includes 56 three-story, single-family homes along with passive and active common usable open space for recreational purposes. The units range in size from 1,835 square feet to 2,875 square feet. The PROJECT has been granted the following land use entitlements: Site Plan No. SP-467-12 and Tentative Tract Map No. TT-17432. The Development is processed in conjunction with a zone change to Planned Unit Development No. PUD-127-12. The PUD is subject to the development standards of the City's Small Lot Subdivision Ordinance (Section 9.12.40.060; Special Requirements-Small Lot Subdivisions of Title 9 of the City's Municipal Code) and the base zoning and R-3 (Multiple-Family Residential).
3. Density/Intensity. The density or intensity of the PROJECT is as follows: Single-family residential small-lot subdivision project consisting of 56 three-story units with related improvements on a 5.97-acre site.
4. Maximum Height and Building Size. The maximum height and building sizes are as follows: The maximum building height shall be three stories with an overall height not to exceed 35-feet and the building area is comprised of 56 dwelling units ranging in size from 1,835 square feet to 2,875 square feet, as indicated on the site plan and elevations.

5. Reservation or Dedication. The reservation of easements or dedication of property to the City to allow the construction of the proposed residential development shall be as shown on and/or conditioned in the approved Site Plan No. SP-467-12 and Tentative Tract Map No. TT-17432.
6. Improvements. The improvements described in Planning Commission Resolution No. 5761-12 shall be constructed prior to the occupancy of the proposed development or the issuance of any certificate of occupancy for any unit of the development, all in accordance with the terms and conditions of Site Plan No. SP-467-12 and Tentative Tract Map No. TT-17432.
7. Scope of PROJECT. The PROJECT shall consist of a single-family residential project consisting of three-story homes that range in size from 1,835 square feet to 2,875 square feet, for a total of 56 dwelling units with related improvements.
8. Resolution/Material Terms. All Conditions of Approval as per Resolution No. 5761-12 attached hereto and incorporated herein as "Exhibit A," are material terms of this Agreement. Breach of any condition of approval shall be deemed to be a breach of this Development Agreement.
9. Development Agreement Payment. DEVELOPER shall pay a development agreement payment to the CITY as follows:
 - 9.1 Amount. \$750 per unit and shall be paid prior to issuance of any building permits.
 - 9.2 Amount. The Developer shall make a contribution of \$1,166 per unit toward construction of a Fire Station, including, but not limited to, related equipment, furnishings, and fixtures, etc., as part of this Development Agreement and shall be paid prior to issuance of any building permits.
 - 9.3 Not to Exceed. Payment under this Agreement shall not exceed \$107,296.00.
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 \$107,296.00 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. 5761-12 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:
City Ventures Homebuilding, LLC
2850 Redhill Avenue, Suite 200

Santa Ana, CA 92705

Attn.: Joe Oftelie

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. 5761-12, which shall be incorporated herein by this reference. In the event of any inconsistency between terms of the proposal and this Agreement, this Agreement shall govern.
20. Licenses, Permits, Fees, and Assessments. At its sole expense, DEVELOPER shall obtain all licenses, permits, and approvals as may be required by this Agreement, or by the nature of the PROJECT.
21. Time of Essence. Time is of the essence in the performance of this Agreement.
22. Successor's In Interest. The provisions of this Agreement shall be binding upon and inure to successors in interest of the parties and shall be specifically binding upon and for the benefit of any future lessees or other owners of an interest in PROPERTY.
23. Authority to Execute. The persons executing this Agreement on behalf of the parties warrant that they are duly authorized to execute this Agreement and that by executing this Agreement, the parties are formally bound.
24. Indemnification. DEVELOPER agrees to protect, defend, and hold harmless CITY and their elective or appointive boards, officers, agents, and employees from any and all claims, liabilities, expenses or damages of any nature, including attorneys' fees, for injury or death of any person, or damage to property, or interference with use of property, arising out of, or in any way connected with performance of the Agreement by DEVELOPER, DEVELOPER'S agents, officers or employees, subcontractors hired by DEVELOPER.
25. Modification. This Agreement constitutes the entire agreement between the parties and supersedes any previous agreements, oral or written, regarding the subject matter set forth herein. This Agreement may be modified only by subsequent mutual written agreement executed by CITY, and the DEVELOPER.
26. The City Clerk shall cause this Agreement to be recorded against the PROPERTY when DEVELOPER or its permitted successor in interest becomes the owner in fee of the PROPERTY.

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

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

Date: _____

**"CITY"
CITY OF GARDEN GROVE**

BY _____

ATTEST:

CITY CLERK
DATE: _____

**"DEVELOPER"
CITY VENTURES HOMEBUILDING, LLC
A DELAWARE LIMITED LIABILITY
COMPLANY**

By: 

Mark Buccian

Its: CEO

Date: 3/27/12

(Signature must be notarized.)

APPROVED AS TO FORM:



Garden Grove City Attorney

Date: 3-29-12

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.