

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To: Matthew Fertal
From: Susan Emery
Dept: City Manager
Dept: Community Development
Subject: DEVELOPMENT AGREEMENT WITH
OLSON URBAN HOUSING, LLC FOR
DEVELOPMENT OF PROPERTY LOCATED
AT 11631 AND 11641 TRASK AVENUE,
GARDEN GROVE
Date: October 23, 2012

OBJECTIVE

The purpose of this report is to transmit a Planning Commission recommendation for approval of a Development Agreement for a proposal to construct a 17-unit, single-family residential small-lot subdivision, and to reconfigure and subdivide three existing lots into 17 separate lots.

BACKGROUND

On September 20, 2012, the Planning Commission approved Site Plan No. SP-469-12 and Tentative Tract Map No. TT-17461; and recommended City Council approval of Development Agreement No. DA-186-12 for the construction of a 17-unit, single-family residential small-lot subdivision and to reconfigure and subdivide three existing lots into 17 separate lots on a 1.59-acre site located on the north side of Trask Avenue, east of Newhope Street at 11631 and 11641 Trask Avenue.

The proposed project has been designed to meet the minimum standards of the City's Small Lot Subdivision Ordinance. The intent of the City's Small-Lot Subdivision Ordinance is to allow an easier avenue for developers to build small-lot, single-family residential developments while creating developments that more closely mirror traditional single-family residential neighborhoods that maintain an attractive green looking streetscape with adequate front and rear yard areas.

The proposed project consists of 17 two-story, single-family homes that range in size from 1,466 square feet to 1,759 square feet. Access to the site will be from Trask Avenue. Each home will be served 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 minimum depth of 15-feet. A common open space area has been provided at the rear of project that totals 3,484 square feet, which exceeds the Code's minimum common open space requirement of 3,400 square feet. The open space area includes a bench and a child's play area. The houses on the west and east sides of the open space have direct access from their front doors.

The project provides a total of 64 parking spaces, which meets the Code required minimum parking standards. City Code requires 64 parking spaces for the development. The parking spaces include, 34 garaged parking spaces and a total of 30 open guest parking spaces (17 spaces on the driveways of each home, 7 spaces in front of the common open space area, 4 spaces impinging on the rear yard areas of lots 6 and 12, and two compact spaces within the

DEVELOPMENT AGREEMENT WITH OLSON URBAN HOUSING, LLC FOR DEVELOPMENT OF
PROPERTY LOCATED AT 11631 AND 11641 TRASK AVENUE, GARDEN GROVE

October 23, 2012

Page 2

front yard areas of lots 7, 8, 10, and 11). It should be noted, that while Title 9 does not have provisions that restrict the use of compact open guest parking spaces in small-lot subdivisions, this is the first time that compact spaces have been proposed for residential guest parking spaces.

In accordance with the State Subdivision Map Act, the developer has filed a tentative tract map for the project. The map creates an individual lot for each residential unit for a total of 17 lots and a private street. The residential lots range in size from 2,641 square feet to 4,378 square feet.

DISCUSSION

Development Agreement:

The proposed development requires that the applicant enter into a Development Agreement with the City. The applicant will be guaranteed four years in which to construct the project in accordance with the existing land use requirements, and the City will receive from the developer a Development Agreement payment not to exceed \$32,572. The Planning Commission approved a recommendation of approval to City Council on the Development Agreement on September 20, 2012.

FINANCIAL IMPACTS


None.

RECOMMENDATION

The Planning Commission recommends that the City Council:

- Conduct a Public Hearing;
- Introduce and conduct the first reading of the attached Ordinance regarding Development Agreement No. DA-186-12 for Site Plan No. SP-469-12 and Tentative Tract Map No. TT-17461; And
- Authorize the City Manager to execute the Agreement, and make minor modifications as appropriate thereto, on behalf of the City.


SUSAN EMERY
Community Development Director

By: 
Lee Marino
Senior Planner

Approved for Agenda Listing


Matthew Feral
City Manager

- Attachment 1: Planning Commission Staff Report and Resolutions dated September 20, 2012
Attachment 2: Planning Commission Meeting Minute Excerpt September 20, 2012
Attachment 3: Development Agreement
Attachment 4: Draft City Council Ordinance

COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.1.	SITE LOCATION: North side of Trask Avenue, east of Newhope Street at 11631 and 11641 Trask Avenue
HEARING DATE: September 20, 2012	GENERAL PLAN: Medium Density Residential
CASE NOS.: Site Plan No. SP-469-12, Tentative Tract Map No. TT-17461, & Development Agreement No. DA-186-12	EXISTING ZONE: R-3 (Multiple-Family Residential)
APPLICANT: Olson Urban Housing, LLC	APN: 100-362-26, 27, & 28
PROPERTY OWNER: Heritage Grove Partners & The Kanase Family Trust	CEQA DETERMINATION: Exempt – CEQA Guidelines § 15332

REQUEST:

A request for approval of a Site Plan to construct a 17-unit single-family residential small-lot subdivision and a Tentative Tract Map to reconfigure and subdivide the three existing lots into 17 separate lots. A Development Agreement is also included.

PROJECT STATISTICS:

	<u>Provided</u>	<u>Code</u>	
<u>Lot Size:</u>	1.59 acres	1 acre	
<u>Density:</u>	10.7 units/acre	32 units/acre	
<u>Private/Common Open Space:</u>	3,484 SF.	3,400 SF	
<u>Parking:</u>			
Enclosed Garage	34	34	
Guest	<u>30</u>	<u>30</u>	
Total	64 spaces	64 spaces	
<u>Building Height:</u>	35'-0"	35'-0"	
<u>Building Type Summary</u>	<u>Number of Bedrooms/Baths</u>	<u>Unit Size</u>	<u>Total Units</u>
Plan 1	3 Bed/Loft, 2 ½ Bath	1,466 SF	5
Plan 1 Alt.	3 Bed/Loft, 2 ½ Bath	1,502 SF	2
<u>Plan 2</u>	4 Bed, Loft, Opt. Bed, 2 ½ Bath	1,759 SF	<u>10</u>
Total			17

BACKGROUND:

The subject site is rectangular in configuration and consists of three properties located on the north side of Trask Avenue, east of Newhope Street, with a combined street frontage of 211.86 feet and a land area of 1.59 acres. The properties have a General Plan Land Use designation of Medium Density Residential and are zoned R-3 (Multiple-Family Residential). Two of the properties are developed with single-family homes and the third property is vacant. The properties to the north are zoned R-1 (Single-Family Residential) and are developed with single-family homes. The property to the west is zoned R-3 and is developed with the Elk's Lodge. The property to the east is zoned R-3 and is developed with an apartment complex. The properties to the south are zoned M-1 (Limited Industrial) and are developed industrially.

In April of 2009, entitlements (Site Plan No. SP-451-09 and Tentative Tract Map No. TT-17312) were approved for the development of 32 condominiums that were going to be rented out until the time the real estate market turned around. However, plans for building permits were never submitted to the City for approval.

On June 12, 2012 the applicant held a Community Meeting for property owners within a 500-foot radius of the subject site at Ocai Peters Elementary School in the multi-purpose room, with a follow-up meeting with property owners that live immediately north of the project at the home of Juan and Trina Quesada (11622 Glen Cove Drive) on June 27, 2012. Since staff was not made aware of the meetings until after they happened, we cannot comment on their outcome. However, based on an email from the applicant, the meetings are summarized as follows:

On June 12, 2012 there were 10-15 attendees mainly from Glen Cove Drive, but a few were from Sorrel Drive and a couple of other nearby streets. The applicant indicated that they presented the site plan and answered questions from the attendees. The main concerns were with regard to privacy for the homes directly adjacent to the development's Lots 7-11. The applicant further stated that they assured the attendees that privacy windows (small & high) would be installed on the rears of the new homes (lots 7-11) with egress windows on the sides in order to prevent the new homeowners from looking down on the adjacent yards. The applicant was also asked to create an exhibit that showed the homes on Glen Cove Drive in order to better understand the building separations.

At the follow up meeting at Juan and Trina Quesada's home, two other neighbors were invited, who are directly adjacent to the site. One neighbor joined the meeting and the other neighbor was not able to make it. The applicant brought the exhibit that was requested, showing their homes, as well as floor plans showing the privacy windows. After reviewing the information both neighbors indicated that they had no problem with the plan and that they definitely prefer it over the apartments that were previously approved.

DISCUSSION:

Site Design and Circulation

The intent of the City's Small-Lot Subdivision Ordinance is to allow an easier avenue for developers to build small-lot, single-family residential developments while creating developments that more closely mirror traditional single-family residential neighborhoods that maintain an attractive green looking streetscape with adequate front and rear yard areas. The proposed project has been designed to meet the minimum standards of the City's Small Lot Subdivision Ordinance.

The proposed project consists of 17 two-story, single-family homes. Access to the site will be from Trask Avenue. Each home will be served 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 minimum depth of 15-feet. A common open space area has been provided at the rear of project that totals 3,484 square feet, which exceeds the Code's minimum common open space requirement of 3,400 square feet. The open space area includes a benched and a child's play area. The houses on the west and east sides of the open space have direct access from their front doors.

Parking

The project provides a total of 64 parking spaces, which meets the Code required minimum parking standards. City Code requires 64 parking spaces for the development. The parking spaces include, 34 garaged parking spaces and a total of 30 open guest parking spaces (17 spaces on the driveways of each home, 7 spaces in front of the common open space area, 4 spaces impinging on the rear yard areas of lots 6 and 12, and two compact spaces within the front yard areas of lots 7, 8, 10, and 11). It should be noted, that while the Title 9 does not have provisions that restrict the use of compact open guest parking spaces in small-lot subdivisions, this is the first time that compact spaces have been proposed for residential guest parking spaces.

Perimeter Walls and Landscaping

The applicant is proposing to maintain the existing six-foot high masonry block walls along the northerly, easterly, and westerly property lines. In addition, 6-foot high stuccoed masonry block walls are proposed behind a 10-foot landscape area along Trask Avenue. Conditions of approval require that all walls be a minimum of 6-foot high from finished grade and be constructed of decorative block or stuccoed block with decorative caps and pilasters. The landscaping along Trask Avenue will include trees, shrubs, vines, and flowering ground covers.

Unit Design

The project consists of 17 two-story homes with two different floor plans. Plan One ranges in size from 1,466 to 1,502 square feet and is a 3-bedroom/loft,

2½-bathroom unit with an attached two-car garage. Plan Two is a 1,759 square foot, 4-bedroom/loft, 2½-bathroom unit with an attached two-car garage.

Building Architecture

The architectural styles of the homes are traditional in design, exhibiting stucco exteriors, building pop-outs, 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. The map creates an individual lot for each residential unit for a total of 17 lots and a private street. The residential lots range in size from 2,641 square feet to 4,378 square feet.

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 payment not to exceed \$32,572.00. Development Agreement payments are designed to reduce the economic costs of new projects to the public by reimbursing the City for the cost of certain City services required as a result of development of the Project that are not otherwise being reimbursed to the City. The Planning Commission recommendation on the Development Agreement will be forwarded to the City Council for final action.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

The proposed development is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA's Class 32 Infill Exemption (CEQA Guidelines § 15332) as set forth in the attached Notice of Exemption.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following actions:

1. Approve Site Plan No. SP-469-12 and Tentative Tract Map No. TT-17461, subject to the recommended Conditions of Approval; and,
2. Recommend approval of Development Agreement No. DA-186-12 to the City Council.

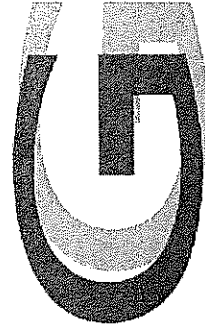

Karl Hill
Planning Services Manager


By: Lee Marino
Senior Planner

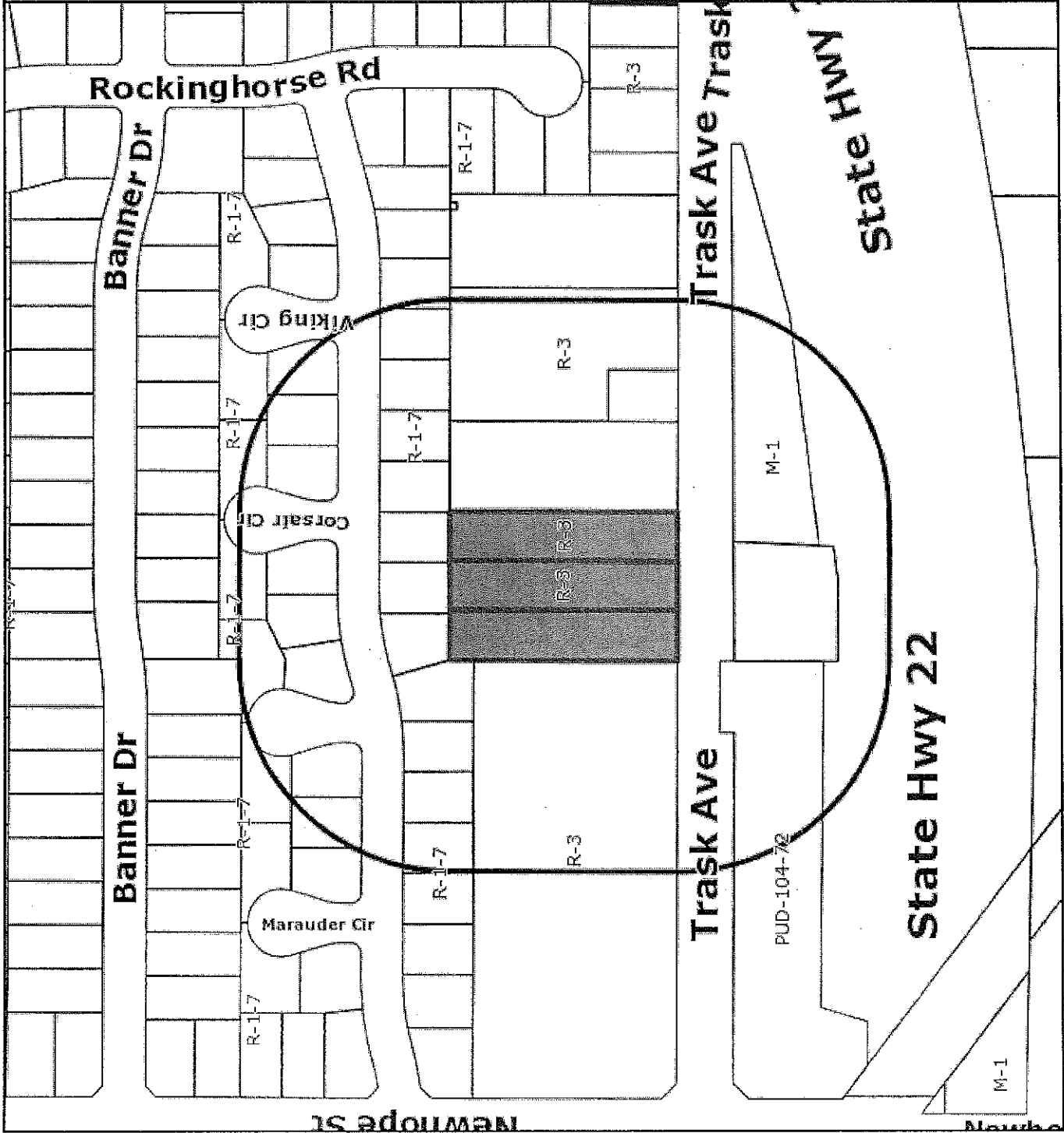
SP-469-12/TT-
17461/DA-186-12
300 Ft. Radius

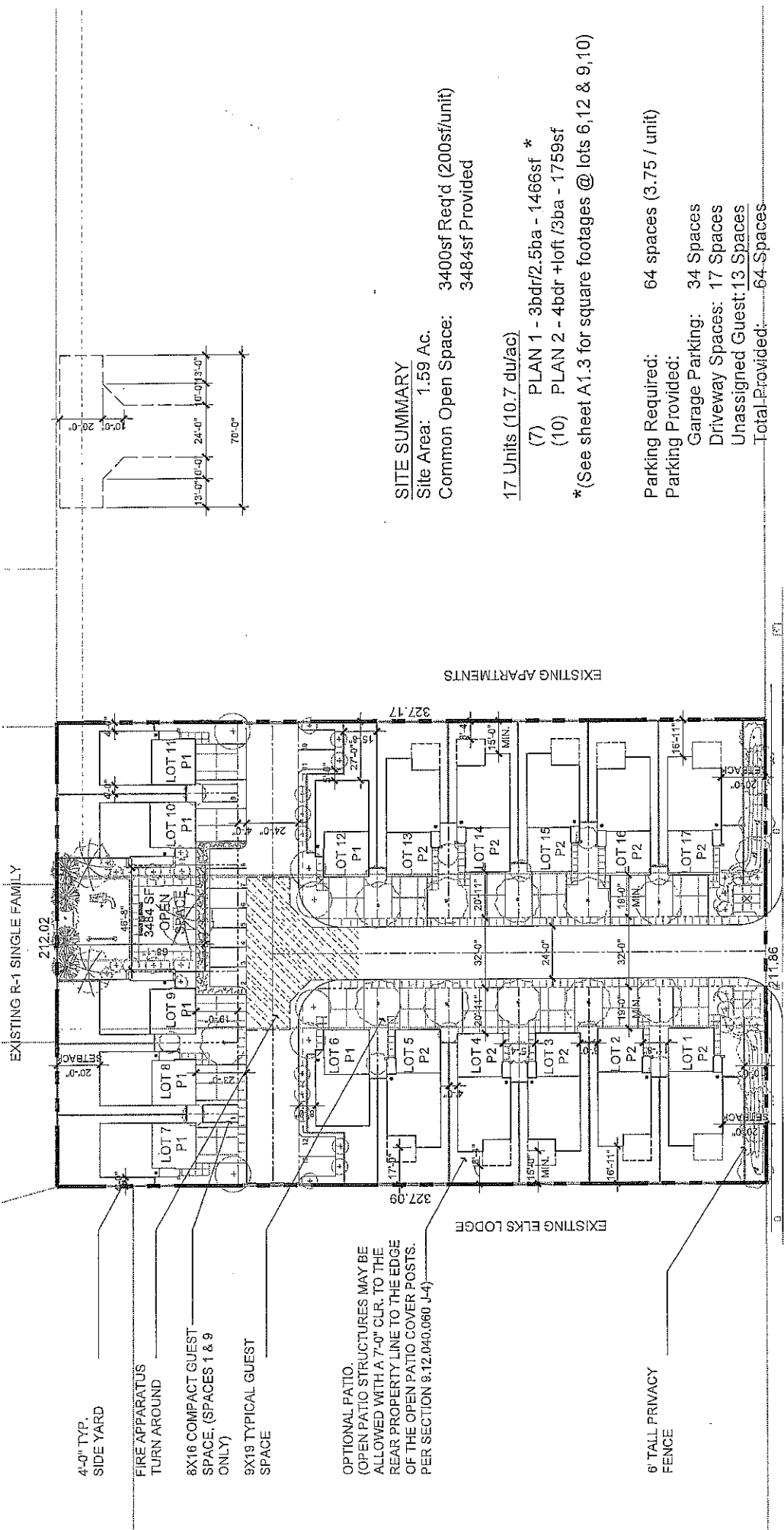
11631-11641 Trask Avenue
CITY OF GARDEN GROVE, CA

- Butterfly
- Base Layers
- Parcels
- Parcel Lines
- City Lines
- Garden Grove
- Other Cities
- Public Interest
- 2000
- Zone Labels
- Streets
- Site Address



GARDEN GROVE





SITE SUMMARY

Site Area: 1.59 Ac.

Common Open Space: 3484sf Provided

3400sf Req'd (200sf/unit)

3484sf Provided

17 Units (10.7 du/ac)

(7) PLAN 1 - 3bdr/2.5ba - 1466sf *

(10) PLAN 2 - 4bdr +loft /3ba - 1759sf

*(See sheet A1.3 for square footages @ lots 6, 12 & 9, 10)

Parking Required: 64 spaces (3.75 / unit)

Parking Provided:

Garage Parking: 34 Spaces

Driveway Spaces: 17 Spaces

Unassigned Guest: 13 Spaces

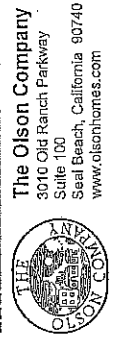
Total Provided: 64 Spaces

TRASK AVENUE

TRASK AND NEWHOPE

CONCEPTUAL SITE PLAN

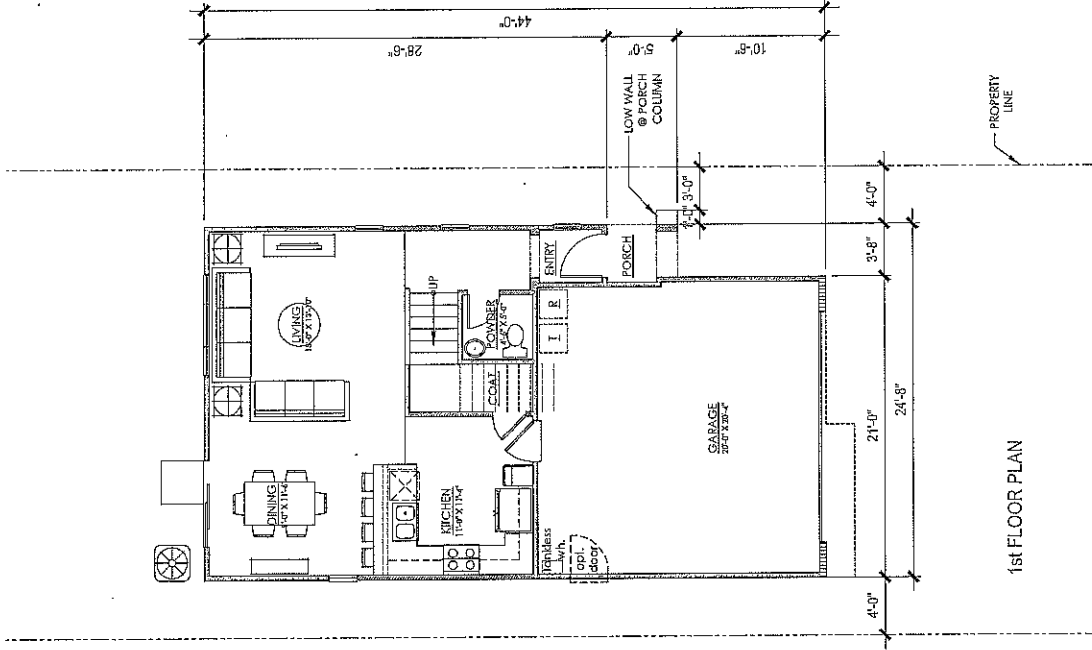
A1.0



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GARDEN GROVE, CALIFORNIA
JUNE 21, 2013
1.1.6.F # 28114517



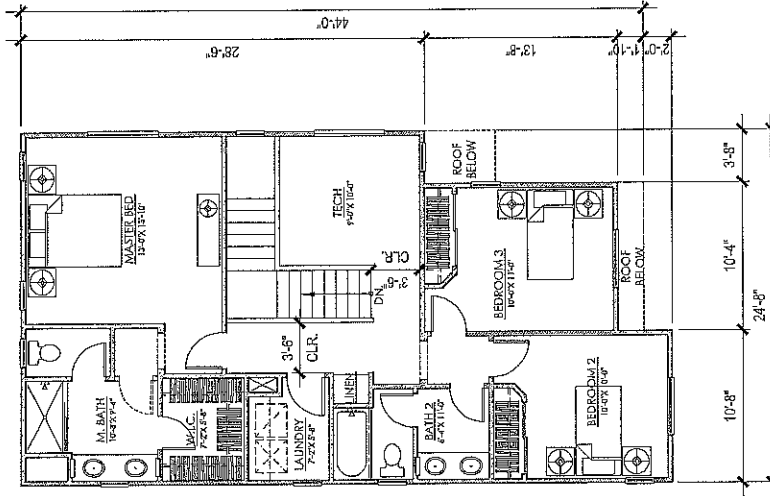


PLAN 1 FLOOR AREA

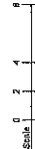
FIRST FLOOR: 566 S.F.
 SECOND FLOOR: 900 S.F.
 TOTAL: 1,466 S.F.

GARAGE: 404 S.F.

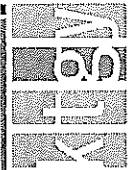
1st FLOOR PLAN



2nd FLOOR PLAN



ALJ



PLAN 1 FLOOR PLANS

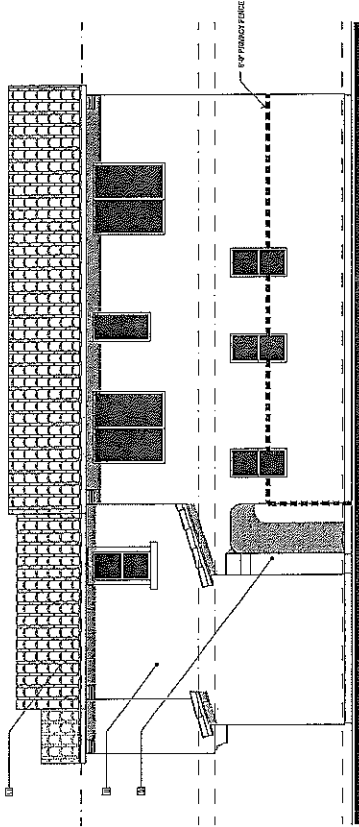
GARDEN GROVE, CALIFORNIA
 I.P.M. 14, 2012
 R.T.S. # 2011-0117

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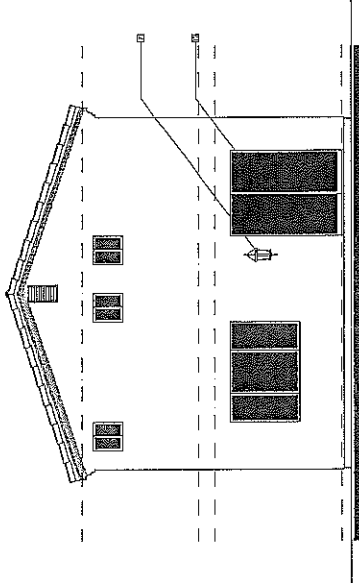
TRASK AND NEWHOPE

The Olson Company
 3010 Old Ranch Parkway
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 Seal Beach, California 90740
 www.olsonhomes.com



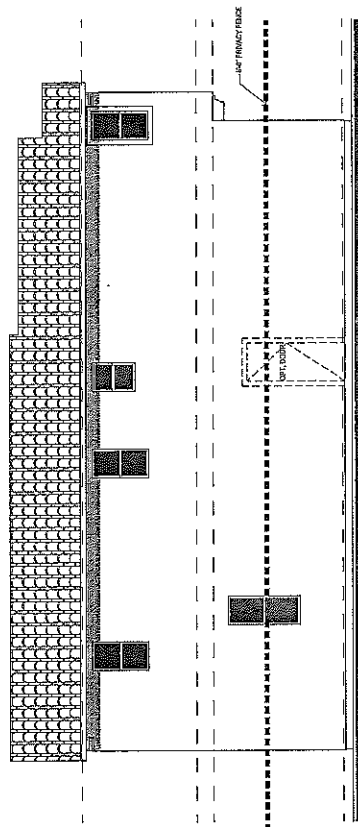


RIGHT ELEVATION

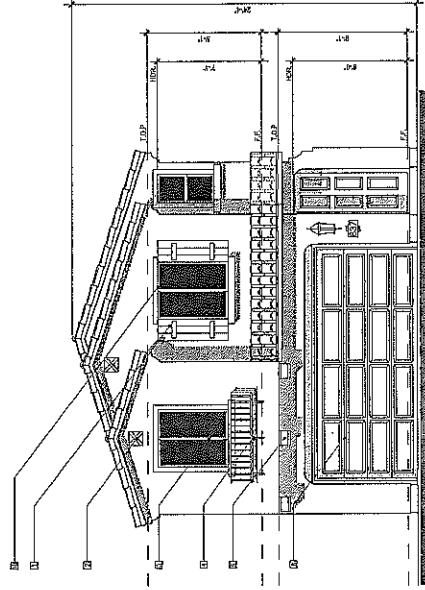


REAR ELEVATION

- ELEVATION NOTES
1. SEE ALL NOTES
 2. CHECK FOR LOCAL
 3. CHECK FOR LOCAL
 4. CHECK FOR LOCAL
 5. CHECK FOR LOCAL
 6. CHECK FOR LOCAL
 7. CHECK FOR LOCAL
 8. CHECK FOR LOCAL
 9. CHECK FOR LOCAL
 10. CHECK FOR LOCAL
 11. CHECK FOR LOCAL
 12. CHECK FOR LOCAL



LEFT ELEVATION



FRONT ELEVATION

Scale: 0 1 2 3 4 5 6
AL.2

TRASK AND NEWHOPE

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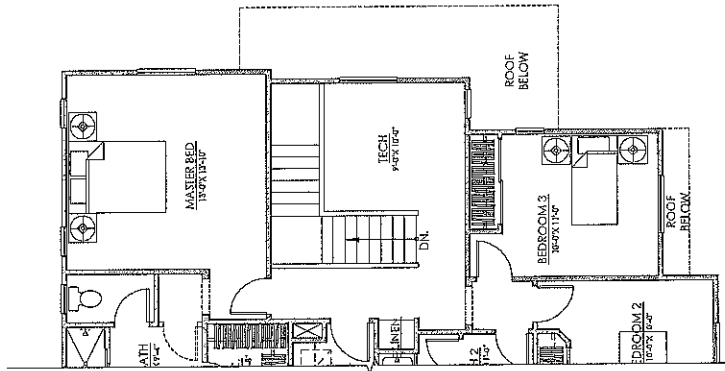


PLAN I ELEVATIONS

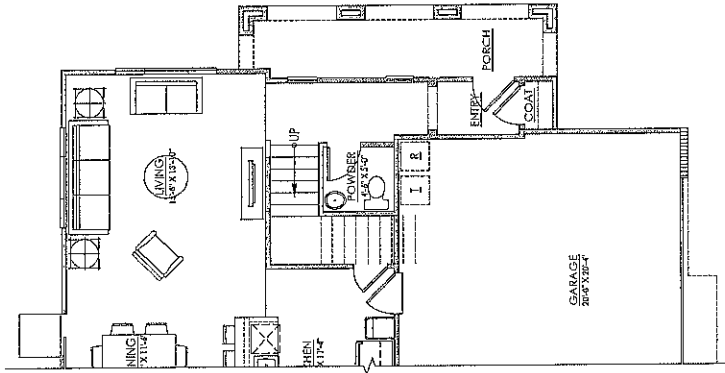
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 JUNE 14, 2011
 SET # 2011-011

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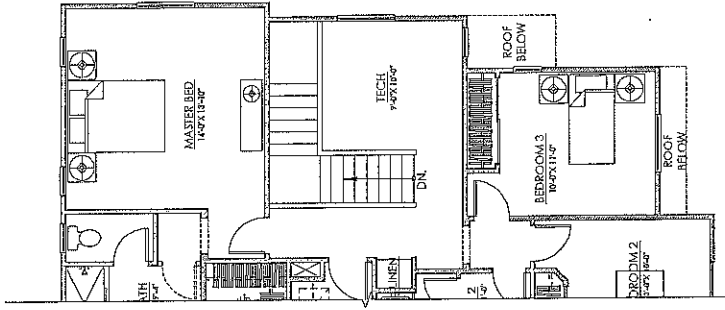
2nd FLOOR PLAN



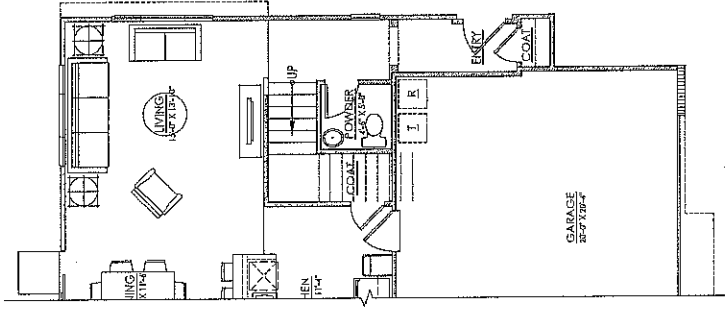
1st FLOOR PLAN

PLAN 1 - ENHANCED
(LOTS 9 & 10 ONLY)

FIRST FLOOR: 588 S.F.
SECOND FLOOR: 909 S.F.
TOTAL: 1,507 S.F.



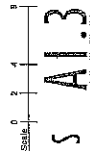
2nd FLOOR PLAN



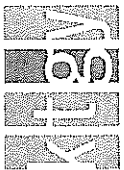
1st FLOOR PLAN

PLAN 1 - ALT.
(LOTS 6 & 12 ONLY)

FIRST FLOOR: 589 S.F.
SECOND FLOOR: 913 S.F.
TOTAL: 1,502 S.F.



PLAN I FLOOR PLAN OPTIONS A1.3



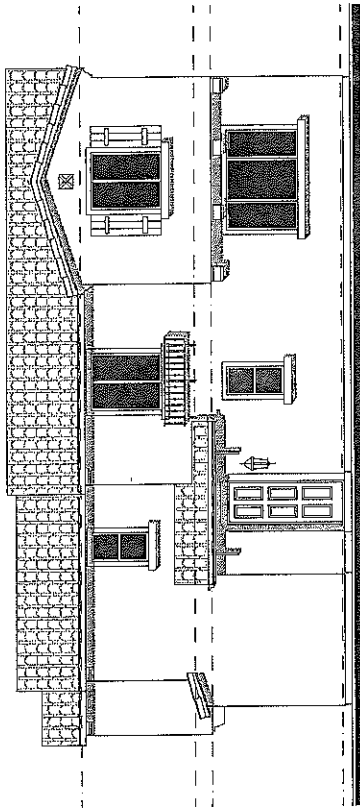
TRASK AND NEWHOPE

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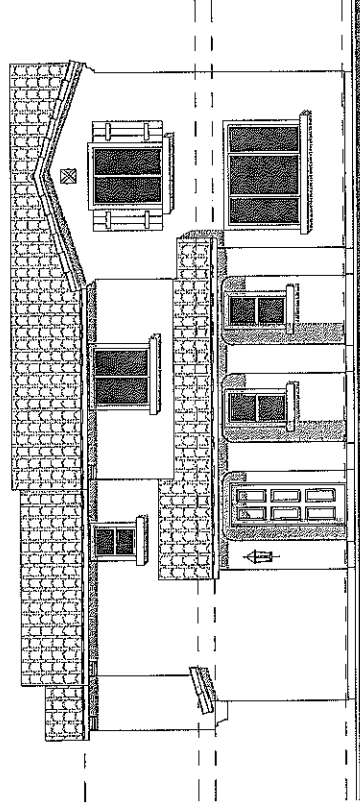
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GARDEN GROVE, CALIFORNIA
JUNE 24, 2011
C167# 2011-0317

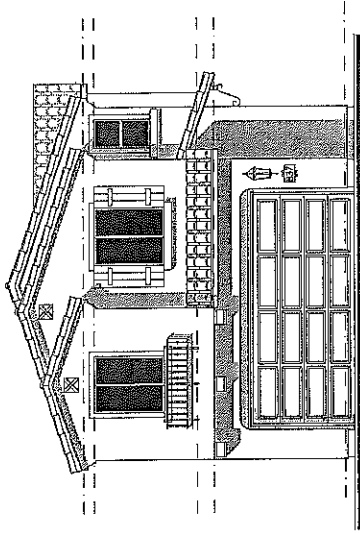




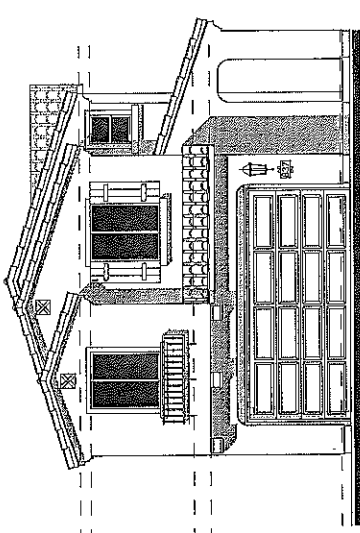
PLAN 1-ALT.
FRONT ELEVATION
ONLY @ LOTS 6 & 12



PLAN 1-ENHANCED
FRONT ELEVATION
ONLY @ LOTS 9 & 10



PLAN 1-ALT.
LEFT ELEVATION
ONLY @ LOTS 6 & 12

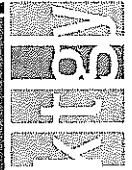


PLAN 1-ENHANCED
LEFT ELEVATION
ONLY @ LOTS 9 & 10

Scale 0 1 2 3 4 5 6 7 8 9 10

AI.4

PLAN I ELEVATION OPTIONS



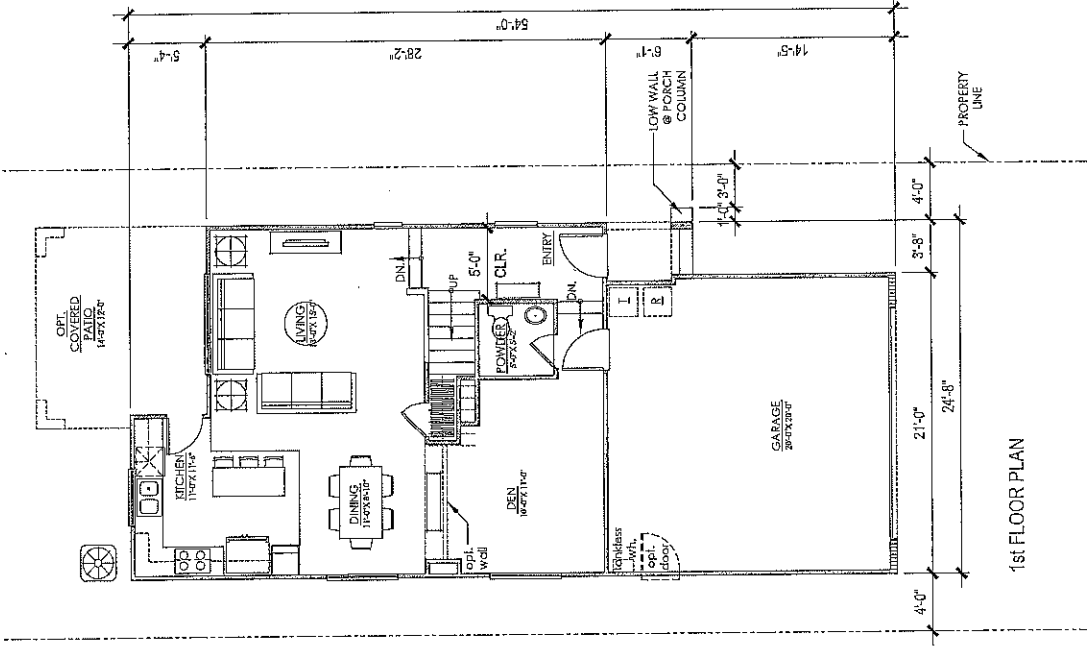
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KGY/cdm
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GARDEN GROVE, CALIFORNIA
JUNE 24, 2011
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TRASK AND NEWHOPE

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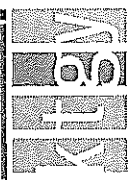
PLAN 2 FLOOR AREA

FIRST FLOOR: 723 S.F.
 SECOND FLOOR: 1036 S.F.
 TOTAL: 1,759 S.F.

GARAGE: 405 S.F.



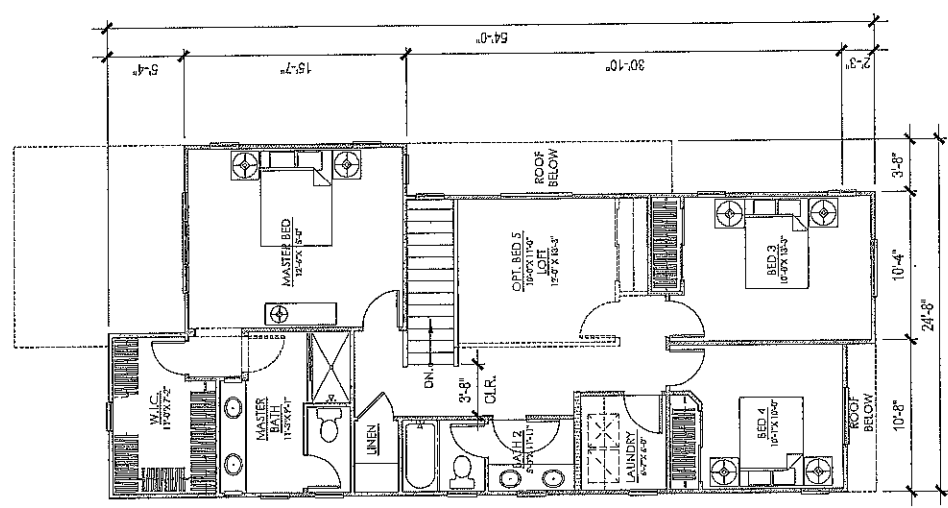
AI.5



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PLAN 2 FLOOR PLANS
 GARDEN GROVE, CALIFORNIA
 JUNE 12, 2012

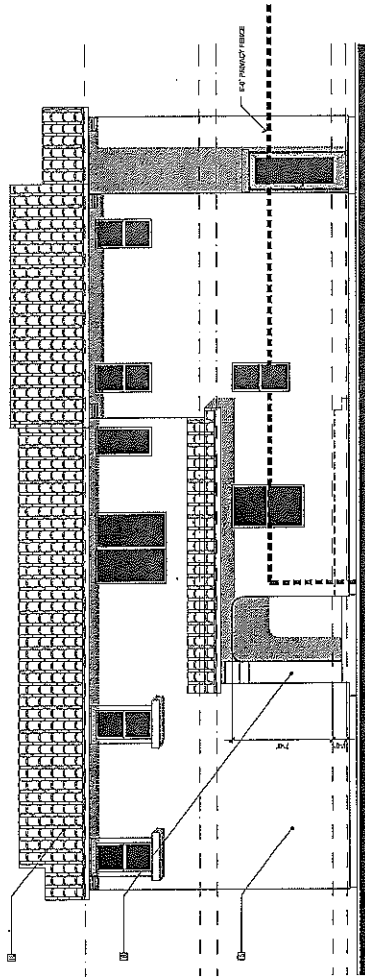
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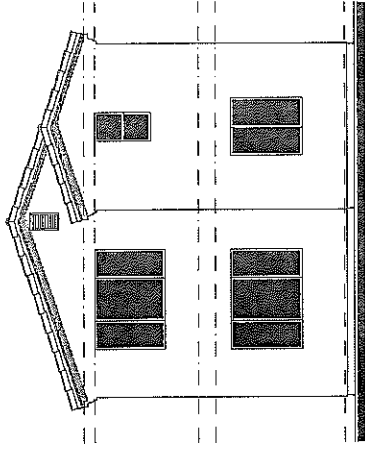
TRASK AND NEWHOPE

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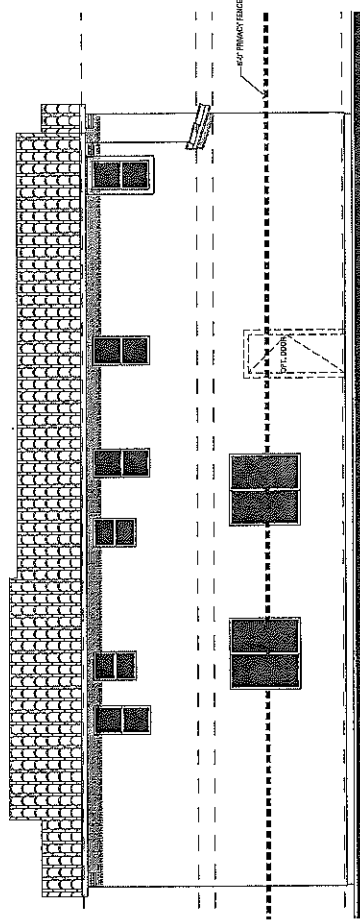


RIGHT ELEVATION

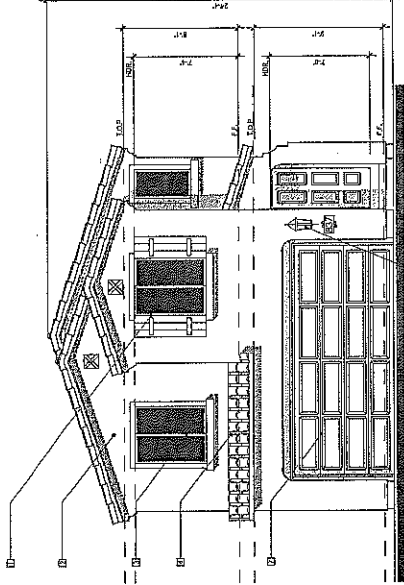


REAR ELEVATION

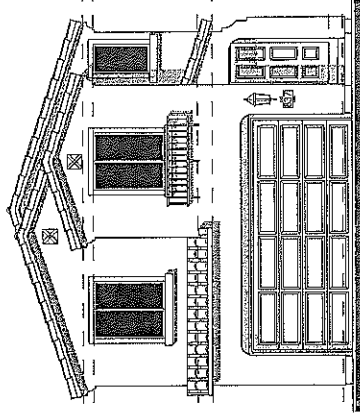
- REVISIONS/NOTES
- 1. PLANK SHUTTERS
 - 2. GABLE END DETAIL
 - 3. GABLE END DETAIL
 - 4. DECORATIVE TRIMMENT FROM
 - 5. DECORATIVE TRIMMENT FROM
 - 6. DECORATIVE TRIMMENT FROM
 - 7. DECORATIVE TRIMMENT FROM
 - 8. BRISCO DETAIL FROM TRAIL
 - 9. BRISCO DETAIL FROM TRAIL
 - 10. BRISCO DETAIL FROM TRAIL



LEFT ELEVATION



FRONT ELEVATION - 'A'
(SHUTTER OPTION)



FRONT ELEVATION - 'C'
(W.I. OPTION)

Scale: 0 1 2 3 4 5
A1.6

TRASK AND NEWHOPE

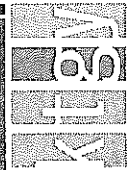
PLAN 2 ELEVATIONS

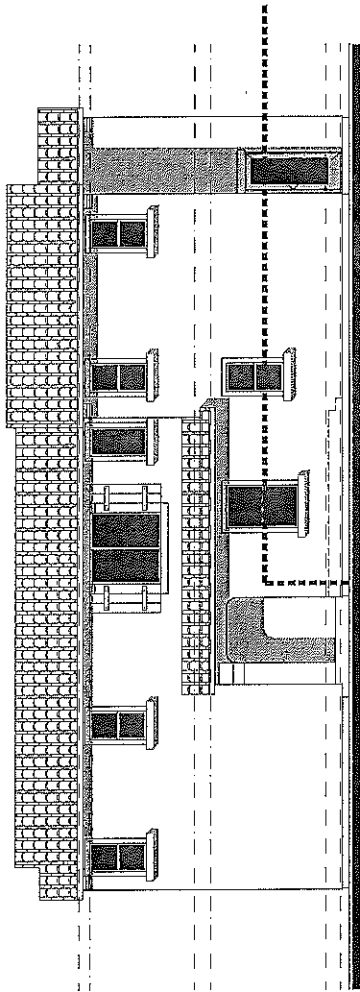


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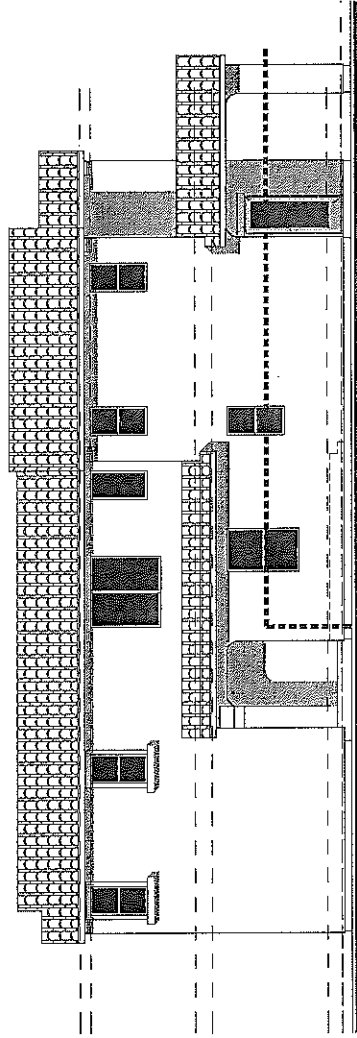
GARDEN GROVE, CALIFORNIA
JOB # 2011-0517

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kby.com
310.394.2823

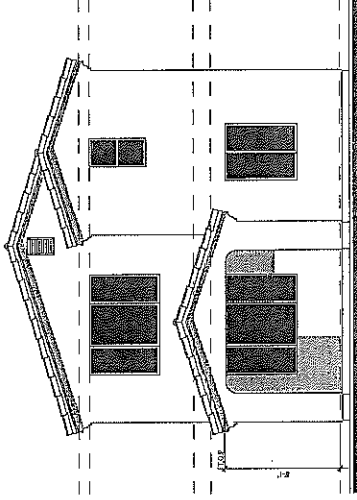




RIGHT ELEVATION - ENHANCED STREET ELEVATION
 (@ LOTS 1 & 17 ONLY)



RIGHT ELEVATION - OPTION 1
 COVER PATIO STRUCTURE



REAR ELEVATION - OPTION 1
 COVER PATIO STRUCTURE

Scale 0 1 2 3 4 5

PLAN 2 ELEVATIONS - OPTIONS A1.7

TRASK AND NEWHOPE

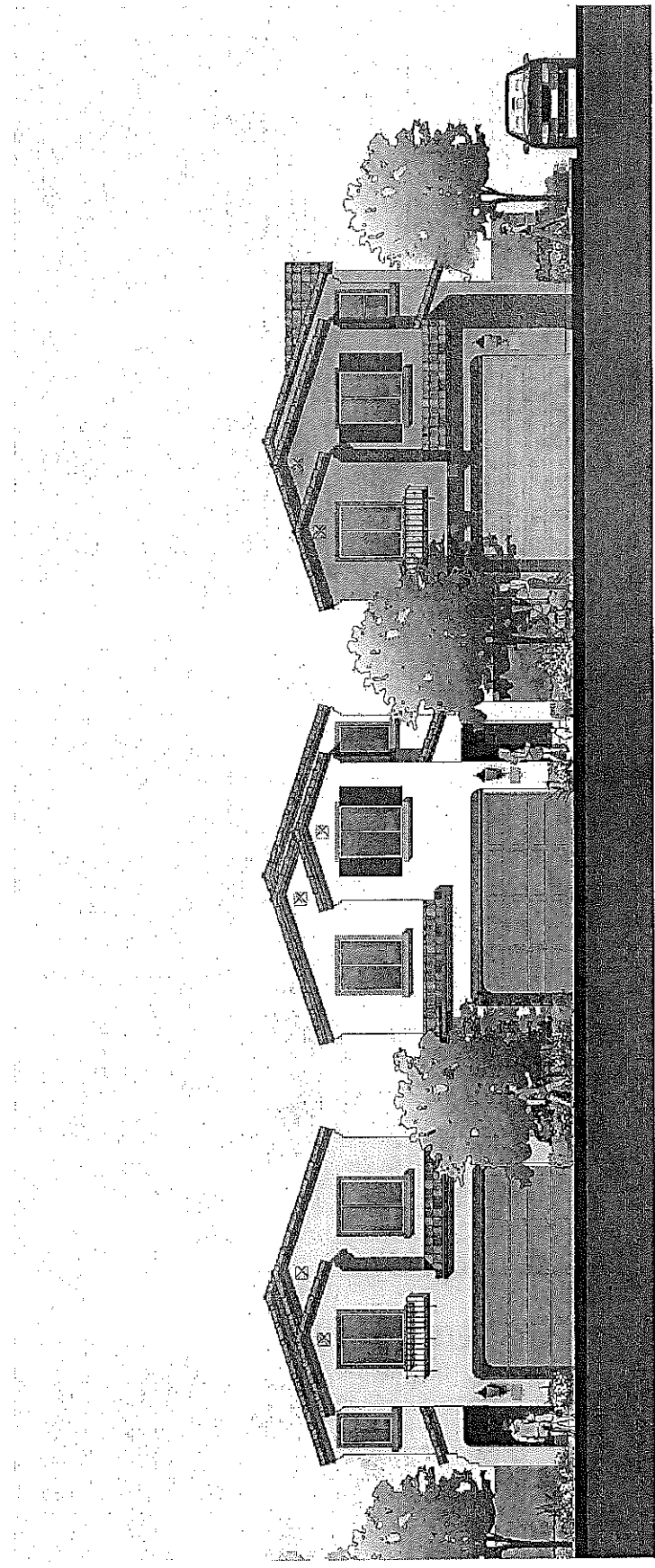


The Olson Company
 3010 Old Ranch Parkway
 Suite 100
 Seal Beach, California 90740
 www.olsonhomes.com

GARDEN GROVE, CALIFORNIA
 JUN 11, 2012
 E 1 & 17 # 2011-0117

Architecture + Planning
 1723 Ocean Ave., Suite 250
 Santa Monica, CA 90401
 kgp.com
 310-394-2623





PLAN 2-R
LOT 4

PLAN 2
LOT 5

PLAN 1
LOT 6

TRASK AND NEWHOPE

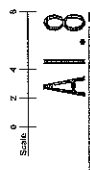


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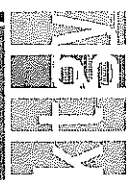
STREET SCENE

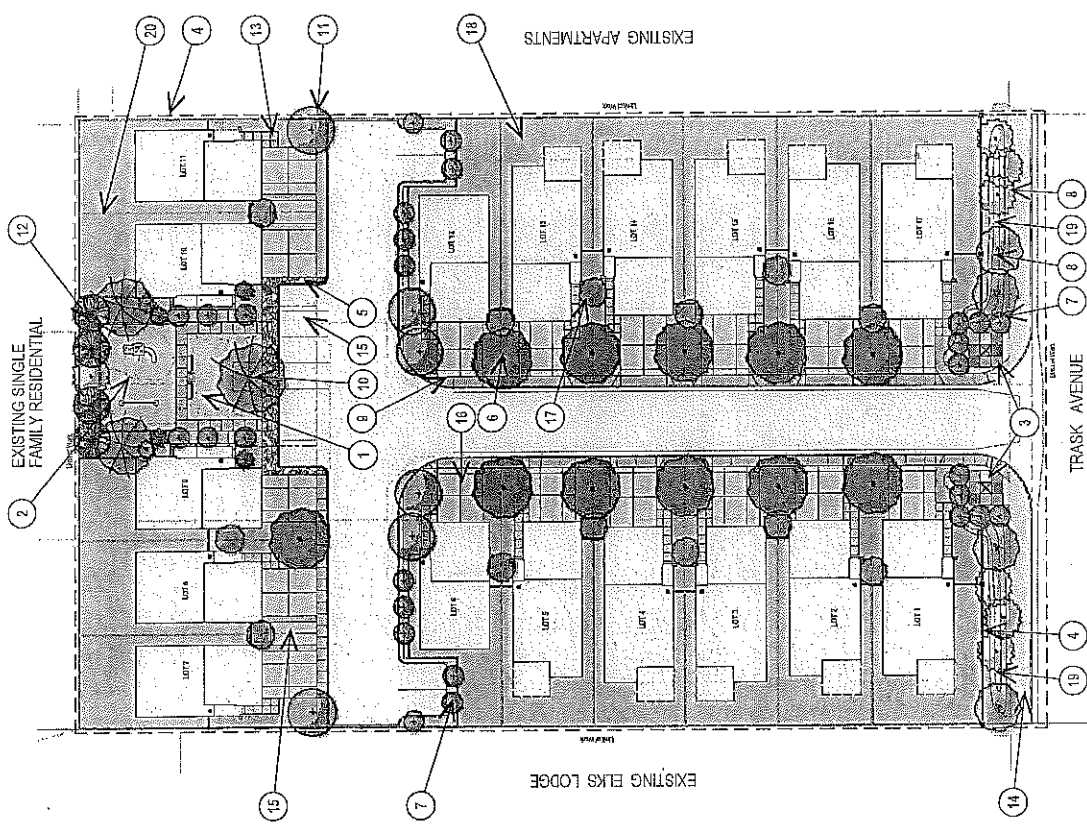
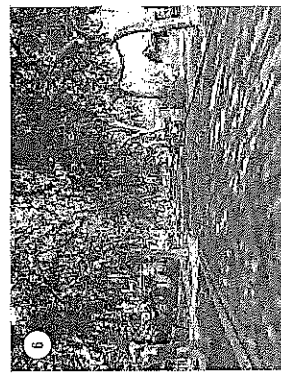
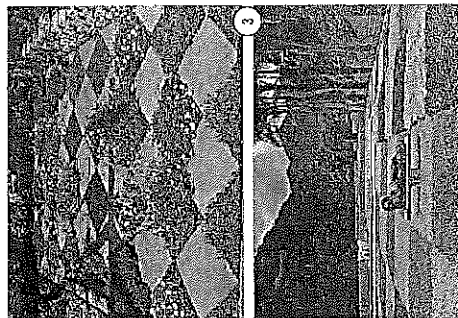
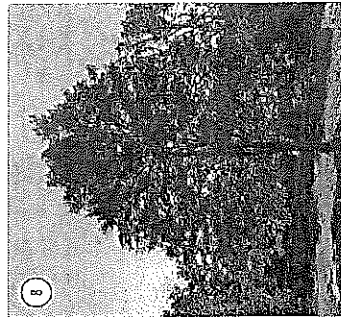
GARDEN GROVE, CALIFORNIA
JUNE 21, 2012
11616 111-0117

Architecture + Planning
1733 Ocean Ave., Suite 250
Santa Monica, CA 90401
kgv.com
310 394 2623



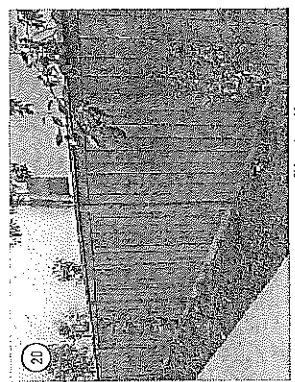
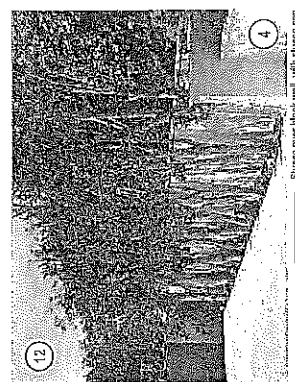
AI.8





LEGEND

1. Community open space area with event lawn for social events.
2. Central area with 1/2 play equipment separates or playgrounds (e. see-saw, etc).
3. Project entry with colorful pattern planting at corners.
4. Slucco over block wall, with slucco cap.
5. Enhanced planting along walk adjacent to guest parking.
6. Medium sized flowering tree (see Planting Plan).
7. Medium sized evergreen tree (see Planting Plan).
8. Riparian tree (see Planting Plan).
9. Community concrete sidewalk.
10. Specimen / focal tree (see Planting Plan).
11. Narrow street tree (see Planting Plan).
12. Vertical evergreen screen/buffer tree (see Planting Plan).
13. Unit entry concrete walkways.
14. Existing Trask Avenue public sidewalk.
15. Existing parking stall.
16. Vertical side-yard tree (see Planting Plan).
17. Private yard.
18. Retention storm area with riparian planting.
20. Sluccard wood fence.



WALL LEGEND

- Slucco over block wall, with slucco cap.
- Sluccard wood fence.

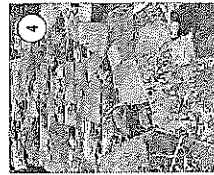
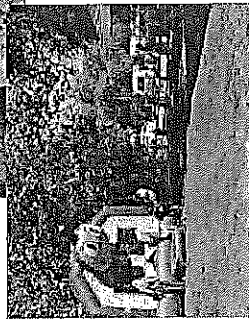
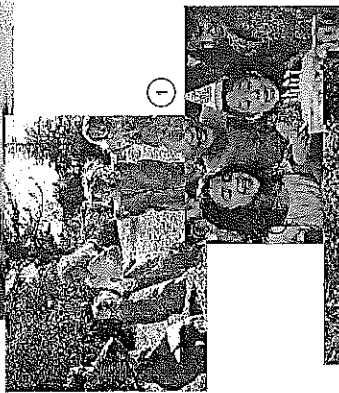


Schematic Landscape Plan

The Olson Company
 2nd City Submittal | Project No.: TCO08
 Date: June 28, 2012

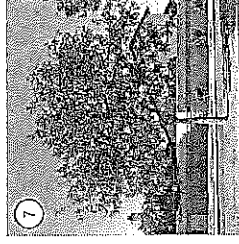
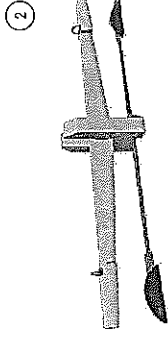
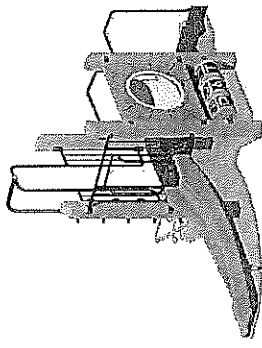
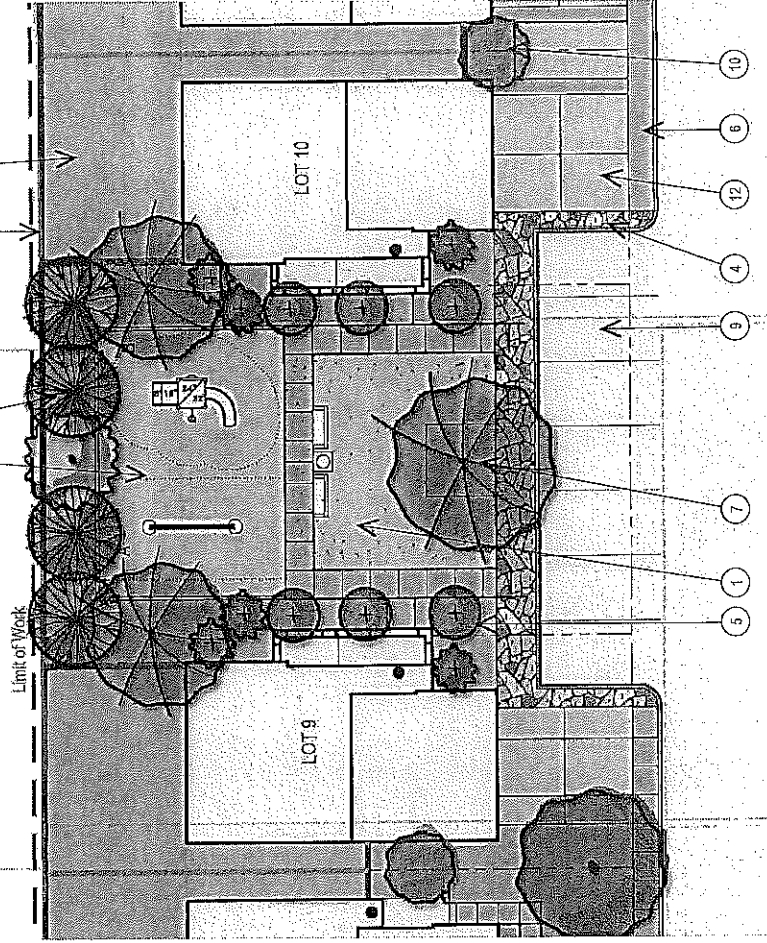
Garden Grove - Trask Avenue

Studio
PAD
 LANDSCAPE ARCHITECTS



LEGEND

1. Event lawn for social events & special activities.
2. Central area with 1-2 play equipment, separate or playgrounds (e. see-saw, etc.).
3. Stucco over block wall.
4. Enhanced parking along walk adjacent to guest parking.
5. Medium-sized flowering tree.
6. Commonly concrete sidewalk.
7. System / focal tree (per Planting Plan).
8. System / focal tree (per Planting Plan).
9. System / focal tree (per Planting Plan).
10. System / focal tree (per Planting Plan).
11. Vertical alley-yard face (per Planting Plan).
12. Driveway.



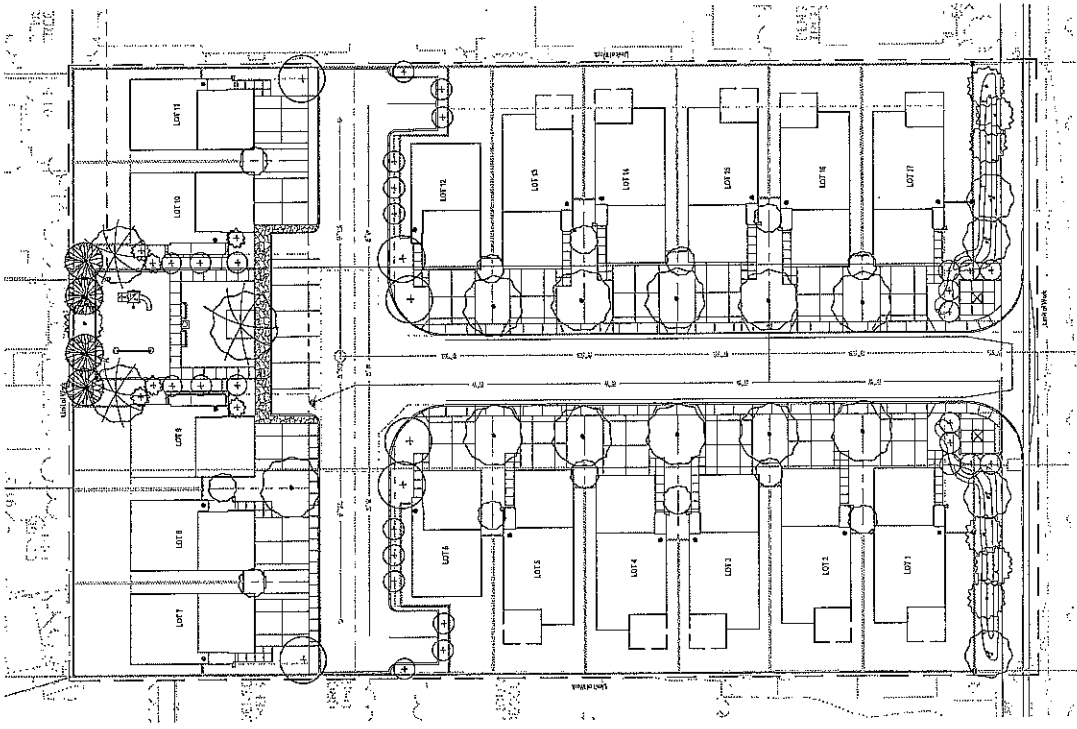
The Olson Company
 2nd City, Submittal | Project No.: TDC05
 Date: June 26, 2012

L-2



Schematic Open Space Enlargement (1/8" Scale)

Garden Grove - Trask Avenue



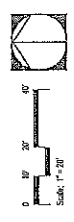
Schematic Planting Plan

SHRUBS and GROUND COVER

- Angelica
- Agave
- Aloe
- Bougainvillea
- Buxus m. japonica 'Green Beauty'
- Carex
- Callisia m. 'Green Carpet'
- Chamaecyparis
- Daboecia
- Dielsia
- Dymondia
- Fajalva
- Garcinia
- Hemerocallis
- Iris
- Leucanthes
- Ligustrum
- Lonicera
- Nerissa
- Muhlenbergia
- Pittosporum
- Rauhae
- Rosa
- Rosemary
- Salvia
- Trachelium
- Viburnum
- Xylocarpus

PLANTING LEGEND

Symbol	Type/Form	Suggestions	Botanical Name (Common Name)	Trunk
	Tree	Spadiform	Platanus chinensis (Chinese Platanus) Sophora japonica (Japanese Pagoda Tree)	Single
	Canopy	Canopy	Ulmus (Chinese Elm)	Single
	Public Street	Public Street	Koeleria paniculata (Goldenrain tree)	Single
	Narrow	Narrow	Taxodium confertum (Baldcypress tree) Gleditsia pumila (Australian Willow)	Single
	Natural Area	Natural Area	Medicago sativa (Lucerne) Platanus chinensis (Chinese Platanus)	Single / Multi
	Conifer / Evergreen	Conifer / Evergreen	Pinus massoniana (Masson's Pine) Pinus bungeana (Bunge's Pine)	Single
	Columnar	Columnar	Juniperus chinensis (Chinese Juniper) Juniperus horizontalis (Horizontal Juniper)	Single
	Medium / Flowering	Medium / Flowering	Lagerströmia indica (Cape Myrtle) Abutilon (Strawberry Tree)	Single



The Olson Company
Project No: TCC08
2nd City Submittal | Date: June 28, 2012

Garden Grove - Trask Avenue

studio
PAD
Landscape Architecture

Notice of Exemption

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

From: City of Garden Grove
11222 Acacia Parkway
Garden Grove, CA 92840

Orange County Clerk Recorder
P.O. Box 238
Santa Ana, CA 92702

Project Title: 17 Single-Family Detached Homes

Project Location – Specific: 11631 and 11641 Trask Avenue (cross streets - Trask Avenue and Newhope Street)

Project Location – City: Garden Grove

Project Location: County: Orange

Description of Nature, Purpose, and Beneficiaries of Project: The 1.59 acre site is presently developed with two occupied single-family detached homes. The site is entitled for the development of a 32-unit apartment complex. The Olson Company proposes to entitle the site with 17 single-family detached homes to replace the approved, but undeveloped, 32-unit apartment complex.

Name of Public Agency Approving Project: City of Garden Grove

Name of Person or Agency Carrying Out Project: The Olson Company

Exempt Status: *(check one)*

Ministerial (Sec. 21080(b)(1); 15268);

Declared Emergency (Sec. 21080(b)(3); 15269(a));

Emergency Project (Sec. 21080(b)(4); 15269(b)(c));

Categorical Exemption; Type and section number: Class 32 Exemption, Infill Development Projects (CEQA Guidelines § 15332); Common Sense Exemption (CEQA Guidelines § 15061(b)(3))

Statutory Exemptions; Code number: _____

Reasons why project is exempt: The Olson Company proposes to develop 17 single-family detached homes on a 1.59 acre site that is currently developed with two occupied single-family detached residences. The Olson Company proposal, if approved, would replace the approved, but undeveloped, 32-unit apartment project for the site with 17 single-family detached homes. The proposed 17 unit subdivision meets all five conditions of a Class 32 categorical exemption per Section 15332 of the California Environmental Quality Act (CEQA) Guidelines for the following reasons.

(a) Consistent with General Plan and Zoning - The project site is designated for Medium High Density Residential land use by the Garden Grove General Plan (Land Use Element, Exhibit LU-3). The Medium High Density Residential land use allows 18.1 to 32 dwelling units per acre. Per the General Plan, the property could be developed with up to 50 residential units (32 dwelling units/acre x 1.59 acres = 50.88 units). The proposed 17 unit subdivision equates to a density of 10.69 dwelling units per acre compared to a maximum density of 32 units/acre allowed by the General Plan. The project proposes 17 single-family detached homes, which is 33 units less than allowed by the General Plan. The project is consistent with the General Plan Medium High Density land use designation.

The site is zoned R-3. The proposed 17 single-family lot subdivision is a permitted use within the R-3 zone and is required to meet the applicable development standards in Section 9.12.040.060 Special Requirements Small Lot Subdivisions of Title 9 of the City's Municipal Code.

The project is consistent with the General Plan and the R-3 zone and a general plan amendment or zone change is not required. The project would not have any significant land use or zoning impacts.

(b) In City Limits and No More Than Five Acres – The property is located at 11631 and 11641 Trask Avenue within the city limits of the City of Garden Grove. The project site is 1.59 acres in size, and, therefore, less than five acres. The project site is bordered by an Elk's Lodge to the west, single-family homes to the north and south, and multifamily uses to the east. The project is therefore surrounded by urban uses.

(c) No Value as Habitat for Endangered, Rare or Threatened Species – Due to the urban, built-out nature of the City and surrounding area, biological resources in Garden Grove are almost non-existent. According to Section 8.1 of the Garden Grove General Plan Environmental Impact Report (May 2008), no known rare or endangered plant or animal species have been identified within the City of Garden Grove. The project site is located within a highly urbanized area. The project site is currently developed with two single-family detached homes. The site was disturbed in the past to develop and construct the existing residential units. The existing vegetation on the property includes introduced, non-native urban landscape materials. No native plant or animal species exist on the property. The site is located in an urbanized area and surrounded by urban development that does not support any endangered, rare or threatened plant or animal species. The project will not have any impacts to endangered, rare or threatened species.

(d) No Significant Traffic, Noise, Air Quality, or Water Quality Effects – Traffic - A traffic engineer¹ estimated the daily vehicle trips that are generated by the two existing on-site residences compared to the proposed 17 unit single-family subdivision, the approved 32 apartments and 50 multi-family units as allowed by the General Plan. A comparison of the estimated daily vehicle trip generation for each development scenario is shown in Table 1.

**Table 1
Trip Generation Comparison**

Land Use	Units	AM Peak Hour			PM Peak Hour			ADT
		In	Out	Total	In	Out	Total	
Trip Generation								
Existing Residences	2	0	1	1	1	1	2	19
Proposed Subdivision	17	3	10	13	11	6	17	163
Approved Apartments	32	3	13	16	13	7	20	213
Allowed Per General Plan	50	5	21	26	20	11	31	333
Trip Rates								
Single Family Detached		.19	.56	.75	.64	.37	1.01	9.57
Apartments		.10	.41	.51	.40	.22	.62	6.65

As shown above in Table 1, the two existing single-family homes are occupied by eight residents² and estimated to generate approximately 19 average daily trips (ADT)³. The proposed 17 single-family home subdivision is estimated to generate 163 ADT, including 13 AM peak hour and 17 PM peak hour trips⁴. The 17 unit subdivision would generate approximately 144 more daily vehicle trips than the existing two single-family residences.

For comparison, the approved 32-unit apartment project would generate a net of 194 ADT⁵, including 16 AM peak hour and 20 PM peak hour trips⁶ and a 50 unit residential development would generate approximately 314 net ADT⁷. The proposed 17 single-family home subdivision would generate 50 trips/day less than the approved 32-unit apartment project and 170 trips/day less than a 50 unit residential development.

Trask Avenue is classified by the Orange County Master Plan of Arterial Highways as a Secondary Arterial with a capacity of 25,000 ADT. Trask Avenue is a four-lane undivided road adjacent to the site and currently operates at

¹ Stantec Consulting Engineers, letter dated August 8, 2012, Garden Grove Residential Project. A copy is on file with the City of Garden Grove Planning Division.

² 3.7 persons/household - State of California Department of Finance, Table 2: E-5 City/County Population & Housing Estimates 1/1/2012.

³ 9.6 trips/day/unit - Institute of Transportation Engineers.

⁴ 9.6 trips/day/unit - Institute of Transportation Engineers.

⁵ After deducting the 19 existing trips.

⁶ 6.6 trips/day/unit - Institute of Transportation Engineers.

⁷ 6.6 trips/day/unit - Institute of Transportation Engineers.

Level of Service A (LOS A) and carries approximately 11,255 vehicles per day⁸ between Newhope Street on the west and Harbor Boulevard on the east. The current traffic volume on Trask Avenue adjacent to the site is less than half of its designed capacity. The 19 daily vehicle trips generated by the two existing residences contribute less than one-half percent of the existing traffic on Trask Avenue adjacent to the site compared to less than two percent by the proposed 17 unit subdivision, or less than one percent of the designed capacity of Trask Avenue. The traffic generated by the approved 32-unit apartment project would add approximately two percent of new traffic to Trask Avenue and a 50 unit project would increase the traffic volume on Trask Avenue adjacent to the site by approximately three percent. While the proposed project would generate more traffic than the two existing residences, Trask Avenue has adequate capacity (LOS A) to accommodate the net 144 daily traffic trips and would not be impacted by project generated traffic. Project ingress and egress will be provided by a single unsignalized full-access driveway at Trask Avenue. The low traffic volumes by the project for the AM and PM peak hours would not have any significant traffic impacts at the site access at Trask Avenue.

The project would not have any significant traffic or circulation impacts.

Noise – The proposed 17 unit subdivision would increase the noise levels on the site and adjacent to the site compared to the two existing single family residences. The proposed project would increase short-term noise levels during project construction and the life of the project. During project construction, short-term noise impacts would occur due to the operation of construction equipment, truck deliveries of materials and equipment, workers entering and leaving the site, etc. Long-term noise associated with residents entering and leaving the site, landscape maintenance, and daily noise associated with urban activities of a 17 unit residential development would occur. The project would be required to comply with Garden Grove Municipal Code Section 8.47.040 and 8.47.060, which restricts noise levels and the hours of the day that noise can occur during project construction and throughout the life of the project. The proposed project would not have any new or greater noise impacts than other similar residential development, including the development of either the approved 32-unit apartment project or a 50 unit development. Although the proposed project would generate more noise than the two existing residences, the proposed project would not have any significant construction or operational noise impacts because all activities of the project must comply with Garden Grove Municipal Code Section 8.47.040 and 8.47.060.

Air Quality - An air quality consultant⁹ was consulted to calculate the air emissions that would be generated by the proposed 17 single-family detached homes compared to the air emissions generated by the two existing residences, the approved 32-unit apartment project and a 50 unit development project. The emissions estimated to be generated during the operation of the two existing residences, the proposed 17 unit subdivision, the approved 32-unit apartment project and a 50 unit residential project were calculated using the California Emissions Estimator Model (CalEEMod), a computer program developed by the South Coast Air Quality Management District (SCAQMD) in conjunction with the California Air Resources Board (CARB). The CalEEMod model utilizes the EMFAC2007 emission rates for the on-road vehicular emissions for each development. The calculated construction and operational emissions for the four project scenarios are shown below in Table 2.

**Table 2
Emission Projections***

	ROG	NOx	CO	SO2	PM10	PM2.5	CO2EQ
Construction							
Existing Residences ¹⁰	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
Proposed 17 Single-Family Residences	24.40	38.53	24.64	0.04	7.53	4.50	299.74
Approved 32 Apartments	25.52	38.53	24.64	0.04	7.53	4.50	320.74

⁸ City of Garden Grove Department of Public Works, 24 Hour 2008 Traffic Volume Map

⁹ Mestre Greve Associates, letter dated July 27, 2012, Air Quality Study for the Olson Residential Development. A copy is on file with the City of Garden Grove Planning Division.

¹⁰ Construction emissions are not applicable since the two residences currently exist.

Maximum Development Per General Plan – 50 Apartments	39.60	38.53	24.64	0.04	7.53	4.50	339.82
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Operational

Existing Two Residences	0.20	0.34	1.46	0.00	0.24	0.02	42.25
Proposed 17 Single-Family Residences	1.75	2.80	11.85	0.02	1.92	0.14	359.90
Approved 32 Apartments	2.13	3.59	16.31	0.02	2.50	0.18	443.07
Maximum Development Per General Plan – 50 Apartments	3.32	5.53	25.47	0.03	3.91	0.28	674.32

SCAQMD Thresholds

Construction	75	100	550	150	150	55	3,000
Operation	55	55	550	150	150	55	3,000

N.A. – Not applicable

* (All emissions in pounds/day, except equivalent CO2 which is metric tons per/year)

As shown in Table 2, the estimated air emissions for the proposed 17 unit subdivision are greater than the emissions of the two single-family residences. The emissions from the proposed 17 single-family homes would be the same or less than the emissions of the approved 32-apartments and much less than the emissions associated with a 50 unit residential project. While the project would generate more air emissions than the two existing residences, the air emissions generated by the proposed 17 unit subdivision would be less than and well below the SCAQMD emission thresholds. The proposed 17 unit subdivision would not have any significant air emission or greenhouse gas impacts as shown in Table 2.

Water Quality - The proposed 17 single-family detached homes project would, like the approved 32-unit apartment project, a 50 unit development or any other development approved for the site, have to comply with all applicable surface water discharge requirements of the National Pollution Discharge Elimination System (NPDES) program and the County of Orange Drainage Area Management Plan (DAMP), which the City of Garden Grove is a co-permittee. As required by law, the proposed project will be required to incorporate Best Management Practices (BMP's) into its design and implementation to reduce the amount of pollutants introduced into the storm water drainage system. Permanent post construction BMP's to reduce surface water quality impacts would also be required for the proposed 17 unit subdivision. The proposed project is greater than 5,000 square feet (69,260 square feet, or 1.59 acres) and therefore, classified as a Priority Project. The City of Garden Grove will require the project developer to prepare a Water Quality Management Plan (WQMP) and a grading plan to identify the applicable source control Best Management Practices (BMPs) that must be installed prior to the start of project construction and maintained during construction to reduce surface water quality impacts. The proposed 17 unit subdivision, as well as the 32-unit apartment project and a 50 unit residential development, cannot discharge any greater quantity of surface water from the site than the current developed condition. Because the proposed project cannot discharge more surface water than existing condition and must meet all applicable NPDES discharge requirements no significant storm water quality impacts would occur.

(e) Adequately Served by Required Utilities and Public Services – The residents of the two existing single-family detached homes on the site are served with public services and utilities, including water, wastewater, electricity, natural gas, telephone, cable, police and fire protection services, solid waste collection, etc. There is a 12-inch water main in Trask Avenue that will serve the proposed project to provide water for domestic use and fire flow. An existing 12-inch sewer line in Trask Avenue that collects wastewater from the existing residents and a 39-inch storm drain that collects storm water runoff from the site will serve the proposed project.

The two occupied single-family residences are estimated to consume approximately 600 gallons¹¹ of water per day, generate approximately 518 gallons¹² of wastewater a day and generate approximately 8.2 pounds¹³ of solid waste a day. The proposed 17 single-family detached homes are estimated to consume approximately 5,100 gallons of water a day, generate approximately 4,403 gallons of wastewater a day and generate approximately 70 pounds of solid waste a day. Compared to the existing condition, the proposed 17 unit subdivision would result in a net consumption of 4,500 gallons of water a day, generate a net of 3,885 gallons of wastewater a day and generate a net of 62 pounds of solid waste a day. The approved 32-unit apartment project is estimated to generate approximately 119 residents and consume approximately 9,600 gallons of water a day, generate approximately 8,830 gallons of wastewater a day and generate approximately 205 pounds of solid waste a day while a 50 unit residential project would generate approximately 185 residents, consume 15,000 gallons of water a day, generate 12,950 gallons of wastewater a day and generate 115 pounds¹⁴ of solid waste a day.

There is an existing 8-inch water main and a 12-inch water main in Trask Avenue adjacent to the site. The 8-inch water main extends along the north side of Trask Avenue and serves the two existing residences. The 12-inch water main extends along the south side of Trask and would serve the proposed project due to the larger pipe size for water supply and fire flow and has adequate capacity to serve the proposed 17-unit subdivision.¹⁵ A 12-inch sewer line in Trask Avenue adjacent to the site serves the two existing residences. The existing 12-inch sewer line has capacity to serve the proposed 17-unit subdivision without the need for any upgrades or improvements.¹⁶ There is an existing 39-inch storm drain in Trask Avenue that collects surface water runoff from the site. This 39-inch storm drain has adequate capacity to collect the surface water that is generated by the proposed 17-unit subdivision without the need for any upgrades or improvements.¹⁷

The proposed 17 unit subdivision would increase the need for public services such as police and fire protection, library services, etc. compared to the two existing residences. Although the proposed project would increase the demand for public services compared to the existing residents, the increase would be incremental and not significantly impact police or fire department response times or the quality of other public services.

The existing water, sewer and storm drain facilities in Trask Avenue have adequate capacity to serve the project without the need to construct new facilities or upgrades. Although the proposed project would have more demand for public services than the two existing residences the increased demand would be incremental and not significantly impact response times or public services. The proposed project would have less demand for public services and utilities including police and fire protection, parks and recreations, libraries, etc. than the approved 32-unit apartment project. The existing public services and utilities that presently serve the site have the capacity to serve the proposed 17 unit subdivision without any significant public service or utility impacts.

The proposed 17 unit development is also exempt pursuant to CEQA's "Common Sense" exemption. CEQA's "Common Sense" Exemption applies where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. (CEQA Guidelines § 15061(b)(3).) As indicated in the studies completed for this project, and based on the application of existing Federal, State, and local law and regulations, it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Lead Agency Contact Person: Lee Marino, Senior Planner Telephone Number: (714) 741-5302

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: _____ Title: _____ Date: _____

Signed by Lead Agency Date received for filing at OPR: _____

Signed by Applicant

¹¹ 300 gallons/dwelling unit/day - Dave Entsminger, City of Garden Grove, July 16, 2012, telephone conversation

¹² 70 gallons/person/day - Dave Entsminger, City of Garden Grove, July 16, 2012, telephone conversation

¹³ 4.1 pounds/day/single-family unit - State of California, Calrecycle, Statewide Waste Characterization Study

¹⁴ 2.3 pounds/day/multifamily unit - State of California, Calrecycle, Statewide Waste Characterization Study.

¹⁵ Scott Lowe, City of Garden Grove Water Services Division, telephone conversation August 7, 2012.

¹⁶ Ibid.

¹⁷ Ibid.

RESOLUTION NO. 5781-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-469-12 AND TENTATIVE TRACT MAP NO. TT-17461 AND RECOMMENDING APPROVAL OF DEVELOPMENT AGREEMENT NO. DA-186-12 FOR PROPERTY LOCATED ON THE NORTH SIDE OF TRASK AVENUE, EAST OF NEWHOPE STREET, AT 11631 AND 11641 TRASK AVENUE, A SESSOR PARCEL NUMBERS 100-362-26, 100-362-27, AND 100-362-28.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on September 20, 2012, does hereby approve Site Plan No. SP-469-12 and Tentative Tract Map No. TT-17461, subject to the Conditions of Approval attached hereto as "Exhibit A", and recommends City Council approval of Development Agreement No. DA-1786-12, for land located on the north side of Trask Avenue, east of Newhope Street, at 11631 and 11641 Trask Avenue, Assessor's Parcel Nos. 100-362-26, 27, and 28.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-469-12, Tentative Tract Map No. TT-17461, and Development Agreement No. DA-186-12, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Olson Urban Housing, LLC.
2. The applicant requests approval of (i) a Site Plan in order to construct 17 single-family homes with associated site improvements that include a private road and common useable open space areas; and (ii) a Tentative Tract Map to subdivide the property into 17 separate lots. A Development Agreement (DA-186-12) is also proposed.
3. Pursuant to the California Environmental Quality Act ("CEQA"), the City of Garden Grove has determined that the proposed project is categorically exempt from the CEQA pursuant to Section 15332 (In-Fill Development Projects) of the CEQA Guidelines (14 Cal. Code Regs., Section 15332). The proposed project consists of an in-fill development on a site of less than five acres substantially surrounded by urban uses and which can be adequately served by all required utilities, and the project is consistent with the applicable General Plan land use designation, all applicable General Plan policies, and the applicable zoning designation and regulations. The project site has no value as habitat for endangered, rare or threatened species. Further, approval of the proposed project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
4. The property has a General Plan Land Use designation of Medium Density Residential and is currently zoned R-3 (Multiple-Family Residential). The 1.59-acre site currently consists three properties that include a vacant site and two single-family homes.

5. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.
6. Report submitted by City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on September 20, 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 on September 20, 2011 and considered all oral and written testimony presented regarding the project; and.

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Section 9.32.030 and 9.40, are as follows:

FACTS:

The site is 1.59 acres in area and currently consists three properties that include a vacant site and two single-family homes.

The site has a General Plan Land Use designation of Medium Density Residential and is zoned R-3 (Multiple-Family Residential).

The minimum site for a single-family residential small-lot subdivision is one (1) acre. The proposed site area is 1.59 acres.

The proposed project complies with the minimum development standards of the City's Small Lot Subdivision Ordinance, Garden Grove Municipal Code Section 9.12.40.060, and of the R-3 (Multi-Family Residential) zoning district.

The application for Site Plan No. SP-469-12 and Tentative Tract Map No. TT-17461 is being processed in conjunction with Development Agreement No. DA-186-12.

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 minimum standards Medium Density Residential Land Use Designation and the R-3 (Multiple-Family Residential) zoning of the property, as they pertain to the City's Small-Lot Subdivision Ordinance. The building facades, building setbacks, number of parking spaces, and landscaping

are consistent with the spirit and intent of the requirements of the Municipal Code. The proposed small-lot subdivision is consistent with the type and density of uses permitted within the Medium Density Residential Land Use Designation of the General Plan and is consistent with the goals and policies of the General Plan, which encourage land subdivision and in-fill projects in order to facilitate new development.

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. The project meets the Code's minimum parking requirements, 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 incorporated in the project design are sufficient for the existing and proposed development.

4. The project will not adversely impact the city's ability to perform its required public works functions.

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, as project conditions of approval. 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 and to be compatible with neighboring uses. The architectural styles of the proposed homes are traditional in design, exhibiting stucco exteriors, building pop-outs, decorative window trim, shutters, and varied rooflines with concrete tile roofing material.

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

The project has been designed for building appearance, building placement, landscaping, and other amenities to attain an attractive environment. The proposed project consists of 17 two-story, single-family homes, ranging in size from 1,466 to 1,759 square feet. Each home will be served 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 minimum depth of 15 feet. A common open space area has been provided at the rear of project that totals 3,484 square feet, which exceeds the Municipal Code's minimum common open space requirement of 3,400 square feet. The open space area includes a benched and a child's play area. The houses on the west and east sides of the open space have direct access from their front doors. The architectural styles of the proposed homes are traditional in design, exhibiting stucco exteriors, building pop-outs, decorative window trim, shutters, and varied rooflines with concrete tile roofing material. The applicant is proposing to maintain the existing six-foot high masonry block walls along the northerly, easterly, and westerly property lines. In addition, 6-foot high stuccoed masonry block walls are proposed behind a 10 foot landscape area along Trask Avenue. Conditions of approval require that all walls be a minimum of 6-foot high from finished grade and be constructed of decorative block or stuccoed block with decorative caps and pilasters. The landscaping along Trask Avenue will include trees, shrubs, vines, and flowering ground covers.

Tentative Tract Map:

1. The Tentative Tract Map for the proposed 17 single-family residential dwelling units is consistent with the objectives, policies, general land uses, and programs specified in the Garden Grove General Plan, which encourages land subdivision in order to facilitate new development. The General Plan Land Use Designation of the subject site is Medium Density Residential, which permits small lot subdivisions of the scope and density proposed. 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, the City's Small-Lot Subdivision Ordinance, and the General Plan provisions for location, proximity to similar uses, lot width, and overall depth for the proposed improvements.
3. The site is physically suitable for the proposed development and complies with the spirit and intent of Title 9 of the City's Municipal Code. The site is adequate in size and shape to accommodate the proposed future development of the site.
4. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, and the requirements of the California Environmental Quality Act ("CEQA") have been satisfied. The City of Garden

Grove has determined that the proposed project is categorically exempt from the CEQA pursuant to Section 15332 (In-Fill Development Projects) of the CEQA Guidelines (14 Cal. Code Regs., Section 15332). The proposed project consists of an in-fill development on a site of less than five acres substantially surrounded by urban uses and which can be adequately served by all required utilities, and the project is consistent with the applicable General Plan land use designation, all applicable General Plan policies, and the applicable zoning designation and regulations. The project site has no value as habitat for endangered, rare or threatened species. Further, approval of the proposed project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

5. The site is physically suitable for the proposed density of the development. The subject site is rectangular in configuration and consists of three properties located on the north side of Trask Avenue, east of Newhope Street, with a combined street frontage of 211.86 feet and a land area of 1.59 acres. The properties have a General Plan Land Use designation of Medium Density Residential and are zoned R-3 (Multiple Family Residential), which allows a density up to 32 units per acre. The resulting density of the proposed project will be 10.7 units per acre, which is well within the permitted maximum density for the property.
6. The design of the 17-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.
7. The design of the 17-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.
8. The design and improvements of the 17-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.
9. 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.
10. The design of the subdivision, to the extent feasible, does have allowance for future passive or natural heating and cooling opportunities.

11. 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.
12. The discharge of waste from the proposed subdivision into the existing sewer system will not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board. The conditions of approval for on and off-site improvements will ensure permitted capacity of the public sewer system is not exceeded.

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 9.32.030 (Site Plan) and 9.40.010, *et seq.* (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-469-12, and Tentative Tract Map No. TT-17461.
3. The Development Agreement possesses characteristics that would indicate justification of the request in accordance with Government Code Section 65864 *et. seq.*, provisions for Development Agreements.

ADOPTED this 20th day of September, 2012

/s/ JENNIFER CABRAL
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 September 20, 2012, by the following votes:

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

/s/ JUDITH MOORE
SECRETARY

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

A decision becomes final if it is not timely appealed to the City Council. Appeal deadline is October 11, 2012.

MINUTE EXCERPT

GARDEN GROVE PLANNING COMMISSION

PUBLIC HEARING: SITE PLAN NO. SP-469-12
TENTATIVE TRACT MAP NO. TT-17461
DEVELOPMENT AGREEMENT NO. DA-186-12
APPLICANT: THE OLSON COMPANY
LOCATION: NORTH SIDE OF TRASK AVENUE, EAST OF NEWHOPE STREET AT 11631 AND 11641
TRASK AVENUE
DATE: SEPTEMBER 20, 2012

REQUEST: Site Plan to construct a 17-unit single-family residential small-lot subdivision and a Tentative Tract Map to reconfigure and subdivide the three existing lots into 17 separate lots. A Development Agreement is also included. The site is in the R-3 (Multiple-Family Residential) zone.

Staff report was read and recommended approval.

Commissioner Brietigam asked staff for the size of the setback on Trask Avenue. Staff responded that the front yard living space must be a minimum of 15'-0" from the front property line; and that when the sides of the homes are adjacent to a major street, the homes must have a 10'-0" setback to a development wall, plus the additional 10'-0" for a total of 20'-0".

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

Mr. John Reekstin, the applicant's representative, approached the Commission and stated that the project would be the fourth community in Garden Grove.

Vice Chair Cabral asked Mr. Reekstin if he had read and agreed with the conditions of approval. Mr. Reekstin replied yes.

Commissioner Dovinh asked Mr. Reekstin for the location of the other three properties. The applicant replied that they built Phases One and Two of Sycamore Walk, and the Mosaic Walk community at Palm Street and Harbor Boulevard.

Vice Chair Cabral thanked the applicant for meeting with the community members and asked if the residents were satisfied with the window corrections. Mr. Reekskin responded that from the two meetings, the residents were satisfied and any further concerns could still be addressed by meeting with property owners to help further mitigate if necessary.

Commissioner Lazenby asked for the average cost of the units. The applicant replied in the mid to high \$400,000's as there were good signs in the residential market.

Commissioner Dovinh asked for the project timeline. The applicant replied that hopefully, the vertical construction of the first phase would be completed in July with move-ins also in July.

Ms. Peggy Bergin approached the Commission and stated that her concerns were the access traffic on Trask Avenue as traffic would be increased, and also limited parking spaces for residents and guests. She also stated that there were too many brick walls along Trask Avenue, however, the project was nice looking.

Mr. Josh McIntosh approached the Commission and stated that he brought along the preliminary draft of the Initial Recognized Obligations schedule for the City. He noted that Sycamore Walk was considered a debt and asked for an explanation of the \$100,000 fee for ground water and soil monitoring. He wondered if the fee could be waived onto the developer to build in the City versus the taxpayers paying the fee.

Commissioner Silva asked if the play area equipment was designed using calculations on capacity utilization. Staff deferred to the applicant.

The applicant noted that the play area equipment was determined depending on the anticipated buyers; that the landscape plan was reviewed by staff for the needs of the buyers and the open space requirements; and, that equipment chosen was durable, looks good, and was safe.

Commissioner Silva pointed out that there was only a jungle-gym and a teeter totter, which did not seem like enough play equipment for 17 homes.

Vice Chair Cabral noted that the average size of the homes were between 15-1600 square feet. The applicant added that the space between the homes was 4'-0" on the side for a total of 8'-0" between the homes.

Vice Chair Cabral asked the applicant to clarify the traffic concerns. Staff interjected that a traffic study was not required; that the traffic did not meet the threshold of 50 vehicle trips during the peak hours using the trip generation manuals made available to Engineering for nationwide surveys of developments of this size; that the peak hours were 7:00 a.m. to 8:00 a.m. and 5:00 p.m. to 6:00 p.m.; that the applicant hired consultants to show that environmentally, for the specific exemption status, there would not be an impact to traffic, air quality, water quality, and noise; that the trip generation comparison, based on the ITE Manuals, indicates that the project would generate 144 average daily trips, which would not exceed the threshold, and 13 trips during the peak hours.

Regarding traffic, Commissioner Dovich asked staff if the City would install lights in the area at the driveways along Trask Avenue? Staff replied no, lights were not required.

Commissioner Brietigam thanked the applicant for holding the community meetings and asked if the traffic issue came up at a meeting. The applicant replied no, that the concerns were density; that the residents did not know that the previous entitlements were for a more dense project of 32 units and that this project was lower density; and, that other concerns included line of sight and privacy issues.

Commissioner Brietigam asked staff if the residents parking in the guest parking would be controlled by CC & R's. The applicant replied yes, that a member of Olson's Champion program would attend every quarterly board meeting of the association, and that residents attempting to park in guest parking would be monitored.

Staff added that the City code parking count includes only one driveway space though there was space for two cars, therefore, there were 17 additional spaces that were not part of the parking count.

Commissioner Lazenby asked if there were any hidden costs the City would need to pay after the project was complete. Staff stated that the Development Agreement fee of \$34,000 would partly go to a fire station fee and that there were no environmental fees.

Vice Chair Cabral again thanked the applicant for holding community meetings and though there were traffic concerns, expressed that the project would be a great addition to the City of Garden Grove.

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

Commissioner Lazenby moved to recommend approval of Development Agreement No. DA-186-12 to City Council and approve Site Plan No. SP 469-12 and Tentative Tract Map No. TT-17461, seconded by Vice Chair Cabral, pursuant to the facts and reasons contained in Resolution No. 5781-12. The motion received the following vote:

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

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-186-12

SP-469-12 and TT-17461

(Olson Urban Housing, LLC)

THIS AGREEMENT is made this _____ day of _____, 200__, by the CITY OF GARDEN GROVE, a municipal corporation ("CITY"), and Olson Urban Housing, 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 17-unit single-family residential small-lot subdivision on a 1.59-acre site and related improvements (the "PROJECT") on that certain real property located on the north side of Trask Avenue, east of Newhope Street, at 11631 and 11641 Trask Avenue, Assessor's Parcel Nos. 100-362-26, 27, and 28.
- B. The Planning Commission approved Site Plan No. SP-469-12 and Tentative Tract Map No. TT-17461, for the PROJECT, on September 20, 2012, subject to this Development Agreement.

- C. The CITY, and DEVELOPER desire to enter into this DEVELOPMENT AGREEMENT for the construction of the PROJECT pursuant to Article 2.5 (commencing with Section 65864) of Chapter 4 of Division 1 of Title 7 of the California Government Code (the "Development Agreement Statute").
- D. The PROJECT is a development requiring certain discretionary approvals by the CITY before it may be constructed.
- E. The Development Agreement Statute provides the authority for CITY to enter into binding development agreements with a developer having a legal and equitable interest in real property.
- F. DEVELOPER has an equitable interest in the PROPERTY.

AGREEMENT

THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. DURATION. This Agreement and Land Use Entitlements described in Section 2 shall expire four (4) years from its effective date, unless any duty specified remains executory, in which case this Agreement may be renewed for a successive one year term at discretion of CITY, pursuant to law, until all duties are performed. This renewal shall not unreasonably be withheld. The effective date of this agreement shall begin on the date first identified above.
2. Permitted Uses/Land Use Entitlements. The following uses are permitted on the PROPERTY: a 17-unit single-family residential small-lot subdivision that includes 17 two-story, single-family homes, ranging in size from 1,466 square feet to 1,759 square feet, along with passive and active common usable open space for recreational purposes. The PROJECT has been granted the following land use entitlements: Site Plan No. SP-469-12 and Tentative Tract Map No. TT-17461. The Development 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, which is 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 17 two-story units with related improvements on a 1.59-acre site.
4. Maximum Height and Building Size. The maximum height and building sizes are as follows: The maximum building height shall be two stories with an overall height not to exceed 35-feet and the building area is comprised of 17 dwelling units ranging in size from 1,466 square feet to 1,759 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-469-12 and Tentative Tract Map No. TT-17461.

6. Improvements. The improvements described in Planning Commission Resolution No. 5781-12 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-469-12 and Tentative Tract Map No. TT-17461.
7. Scope of PROJECT. The PROJECT shall consist of a single-family residential project consisting of two-story homes that range in size from 1,466 square feet to 1,759 square feet, for a total of 17 dwelling units with related improvements.
8. Resolution/Material Terms. All Conditions of Approval as per Resolution No. 5781-12 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 \$32,572.00.
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 \$32,572.00 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. 5781-12 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:

Olson Urban Housing, LLC
3010 Old Ranch Parkway, #100
Seal Beach, CA 90740
Attn.: John Reekstin

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. 5781-12, 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. Recordation. The City Clerk shall cause this Agreement to be recorded against the PROPERTY when DEVELOPER or its permitted successor in interest becomes the owner in fee of the PROPERTY.
27. Remedies. The occurrence of any Event of Default shall give the nondefaulting party the right to proceed with any and all remedies set forth in this Agreement, including an action for damages, an action or proceeding at law or

in equity to require the defaulting party to perform its obligations and covenants under this Agreement or to enjoin acts or things which may be unlawful or in violation of the provisions of this Agreement, and the right to terminate this Agreement.

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

By: _____

Its: _____

Date: _____

(Signature must be notarized.)

APPROVED AS TO FORM:

Garden Grove City Attorney

Date: _____

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.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE
ADOPTING DEVELOPMENT AGREEMENT NO. DA-186-12 BETWEEN THE CITY OF
GARDEN GROVE AND OLSON URBAN HOUSING, LLC

City Attorney Summary

This Ordinance approves a Development Agreement between the City of Garden Grove and Olson Urban Housing, LLC, the developer of a 17-unit small-lot subdivision proposed to be located on the north side of Trask Avenue, east of Newhope Street, at 11631 and 11641 Trask 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-469-12 and Tentative Tract Map No. TT-17461 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 \$32,572.

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 Olson Urban Housing, LLC for Development Agreement No. DA-186-12 for the construction of a 17-unit single family residential small lot subdivision on a 1.59 acre site and related improvements on that certain real property located on the north side of Trask Avenue, east of Newhope Street, at 11631 and 11641 Trask Avenue, Garden Grove, Assessor's Parcel Nos. 100-362-26, 27, and 28 (the "Project");

WHEREAS, pursuant to Resolution No. 5781-12, the Planning Commission, following a duly noticed Public Hearing held on September 20, 2012, recommended approval of Development Agreement No. DA-186-12;

WHEREAS, pursuant to a legal notice, a Public Hearing was held by the City Council on October 23, 2012, and all interested persons were given an opportunity to be heard;

WHEREAS, Development Agreement No. DA-186-12 is consistent with the General Plan and R-3 (Multiple-Family Residential) zoning, including the goals and policies of the Garden Grove General Plan; and

WHEREAS, the City of Garden Grove has determined that this action is exempt pursuant to Section 15332 (In-Fill Development Projects) of the California Environmental Quality Act (CEQA).

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

Section 1. Recitals. That the above recitations are true and correct.

Section 2. Environmental Review. That this action has been determined to be exempt pursuant to Section 15332 (In-Fill Development Projects) of the California Environmental Quality Act (CEQA).

Section 3. Approval. Development Agreement No. DA-186-12 is hereby adopted for property located on the north side of Trask Avenue, east of Newhope Street at 11631 and 11641 Trask Avenue, Garden Grove, Parcel Nos. 100-362-26, 27, and 28. A copy of Development Agreement No. DA-186-12 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 County Recorder for the County of Orange 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.