

**City of Garden Grove**

**INTER-DEPARTMENT MEMORANDUM**

To: Matthew J. Fertal  
Dept: City Manager  
Subject: DEVELOPMENT AGREEMENT WITH  
GARDEN GROVE 12662 DALE, LLC  
(BRANDYWINE) (PROPERTY LOCATED  
AT 12662 DALE AVENUE

From: Susan Emery  
Dept: Community Development  
Date: November 13, 2012

OBJECTIVE

The purpose of this report is to transmit a Planning Commission recommendation for approval of a Development Agreement associated with a project approved by the Planning Commission to construct a 25-unit, three-story apartment complex with a 35% affordable housing density bonus for low to moderate income families on the property located at 12662 Dale Street, Garden Grove. If the Development Agreement is approved and becomes effective, the land use entitlements will be valid for four years and the City will receive a Development Agreement payment of \$47,900. If the Development Agreement is not approved, the land use entitlements will be valid for one year and the City will not receive any payment.

BACKGROUND

At the September 20, 2012, Planning Commission meeting, the Planning Commission considered Site Plan No. SP-470-12 and Development Agreement No. DA-187-12 for the construction of a 25-unit, three-story apartment complex with a 35% affordable housing density bonus for low to moderate income families. Pursuant to State Density Bonus Law, an applicant may obtain waivers from development standards in return for providing low- to moderate-income units in the project.

The applicant proposed a contemporary architectural style for the apartment building that exhibits a stucco exterior, stone accents on the façade of the building, decorative window trim, shutters, decorative wrought iron railings around balconies, decorative arched niches facing Dale Street, and tile roofing. The building is to be located toward the northerly property line. The building will surround a central courtyard and a total of 10,352 square feet of both common useable and private recreation space will be provided. Common open space area is to be 7,679 square feet with the private patio areas totaling 2,673 square feet. All building setback areas, while not part of the common open space area will be landscaped except where walkways have been required.

The units range in size from 906 square feet to 1,226 square feet and include a total of 16 two-bedroom units and 9 three-bedroom units. The unit count includes 9 single-story flats (6 two-bedroom, two-bath and 3 three-bedroom, two-bath units) and 16 two-story townhouse style units (10 two-bedroom, two-bath and 6 three-bedroom, two and half-bath units). The units maintain access from the interior of the courtyard and each unit will have their own private patio area that range in size from 90 square feet to 129 square feet.

The setbacks for the apartment building include a 20-foot front yard setback; an 8-foot side yard setback along the northerly property line; a 20-foot rear yard setback; and a 46-foot side yard setback from the southerly property line along the ground floor and a 39-foot side yard setback from the second and third floors that cantilever over the drive aisle. The carports maintain a 52-foot setback from the front property line, and zero side and rear yard setbacks from the southerly and easterly property lines.

Access to the project will be via a 27-foot wide driveway from Dale Street, located toward the southerly side of the apartment building. The driveway provides access to the parking spaces and walkways to the units. With the exception of four parking spaces, all parking spaces were originally proposed to be located within carports. Half of the carport spaces are to be tucked under the residential units with the remainder of the covered parking located along the southerly property line. Parking for the project is determined by the State Density Bonus Law at two (2) spaces for each unit, and thereby, the project provides a total of 50 parking spaces for the 25-units. A fire truck turn-around area will be landscaped using an underlayment called grass-pave, is designed to blend with the common open space area and will be a useable part of the open space area.

As part of the original application, the applicant proposed three concessions/incentives in the project. The first was the reduced side yard setback along the northerly property line. City Code requires a minimum 10-foot side yard setback. The applicant has proposed to reduce the side yard setback to 8-feet.

The second concession/incentive was to allow a zero yard setback for covered parking along a property line to exceed the Municipal Code's maximum of 50%. The carports along the southerly property line were to maintain a zero side yard setback for a length of approximately 185-feet. The length of the southerly property line is 290.65 feet, for which City Code would allow the carports to maintain a zero side yard setback for a length of approximately 145-feet.

The third concession/incentive was the waiver of the requirement to separate the building from the drive aisle by a distance of 10-feet. The 10-foot separation requirement includes the upper stories of a building. The applicant proposed to cantilever the second and third floors over the drive aisle by 6-feet. The 6-feet provides for living space and recessed patio decks for each unit. The projecting living

space and recessed patios would be setback 39-feet from the side yard property line, which exceeds the Code's required setback of 10-feet.

The applicant developed their proposal based on the allowances of the State Density Bonus Law. The State Density Bonus Law became effective on January 1, 2005. In response, the City Council of Garden Grove approved an Ordinance No. 2668 amending Title 9 to be in conformance with State Law. The Ordinance states that "the California Legislature has determined that the provision of affordable housing for moderate, lower and very low-income individuals ... [is] of primary importance in the state and must be encouraged at the local level." The proposal for 25 units meets the requirements of the State Density Bonus Law and Ordinance No. 2668 of Title 9, City of Garden Grove Municipal Code.

Without the density bonus, the allowed density for this site, under the Zoning Code, would be 18-dwelling units. The proposal for the 25-units is a 35% density bonus increase over the otherwise allowable number of units in the R-3, Multiple-Family residential zone, and is the maximum increase in number of units allowed under State Law. The project must provide a minimum of 20% of the units as low-income in order to obtain the requested density bonus. The density bonus percentage is applied to the number of project units, not counting the affordable density units. The applicant's original proposal included three (3) concessions or incentives as provided by the State law. Due to the applicant proposing three concessions, 30% of the base density units (6-units minimum) were to be made available for low-income families.

During the September 20, 2012, Planning Commission meeting, concerns were raised that included the number of affordable units, parking, the waiver for the 10-foot setback, the replacement of the existing single-family home with 25-units, and traffic congestion in the area. The applicant came forward and requested a two-week continuance in order to reassess the applicant's density bonus approach. The Planning Commission granted the applicant's request and continued the application to the October 4, 2012.

After reviewing their options, the applicant revised their request, reducing the requested number of concessions/incentives from three to two. The requested waivers included allowing residential units within 10-feet of a driving aisle, and reducing the side yard setback from 10-feet to 8-feet along the northerly property line. Additionally, the applicant has modified the project to reflect replacement of a portion of the covered parking along the southerly property line with open parking, thereby eliminating the waiver to allow a zero yard setback for covered parking along a property line to exceed the Municipal Code's maximum of 50%. It should be noted that the originally proposed total number of 50 parking spaces remained the same. Additionally, the reduction of the number of waivers reduced the number of required affordable units from 6-units to 4-units. The Planning Commission approved the project at its October 4, 2012, meeting.

DISCUSSION

Development Agreement:

If the Development Agreement with the City is approved, the land use entitlements will be valid for four years and the City will receive from the developer a Development Agreement payment not to exceed \$47,900. If the Development Agreement is not approved, the land use entitlements will be valid for one year and the City will not receive any payment.

FINANCIAL IMPACTS

None.

RECOMMENDATION

The Planning Commission recommends that the City Council:

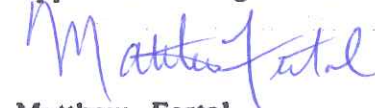
- Conduct a Public Hearing; and
- Introduce and conduct the first reading of the attached Ordinance regarding Development Agreement No. DA-187-12 for Site Plan No. SP-470-12; and
- Authorize the City Manager to execute the Agreement, and make minor modifications as appropriate thereto, on behalf of the City if the Ordinance is adopted and becomes effective.



SUSAN EMERY  
Community Development Director

By:   
Lee Marino  
Senior Planner

**Approved for Agenda Listing**



**Matthew Fertal**  
City Manager

- Attachment 1: Planning Commission Staff Report and Resolutions dated September 20, 2012
- Attachment 2: Planning Commission Meeting Minute Excerpt dated September 20, 2012
- Attachment 3: Planning Commission Staff Report and Resolution dated October 4, 2012
- Attachment 4: Planning Commission Meeting Minute Excerpt dated October 4, 2012
- Attachment 5: Development Agreement
- Attachment 6: Draft City Council Ordinance

# COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> C.2.	<b>SITE LOCATION:</b> East side of Dale Street, north of Stanford Avenue at 12662 Dale Street
<b>HEARING DATE:</b> September 20, 2012	<b>GENERAL PLAN:</b> Medium Density Residential
<b>CASE NOS.:</b> Site Plan No. SP-470-12 and Development Agreement No. DA-187-12	<b>ZONE:</b> R-3 (Multiple-Family Residential)
<b>APPLICANT:</b> Garden Grove 12662 Dale, LLC (Brandywine Homes)	<b>CEQA DETERMINATION:</b> Exempt – CEQA Guidelines § 15332
<b>PROPERTY OWNER:</b> Langstraat Trust	<b>APN NO.:</b> 215-091-25

**REQUEST:**

The applicant is requesting Site Plan approval to construct a 25-unit, three-story apartment complex with a 35% affordable housing density bonus for low to moderate income families. Pursuant to State Density Bonus Law, the applicant is requesting three waivers from the R-3 zone development standards - residential units within 10-feet of a driving aisle; reduction of the side yard setback from 10-feet to 8-feet, along the northerly property line; and allowing a zero yard setback for covered parking along a property line to exceed the Municipal code's maximum of 50%, along the southerly property line. A Development Agreement is also proposed.

**PROJECT STATISTICS:**

<u>PROJECT CRITERIA</u>	<u>ACTUAL</u>	<u>CODE REQUIREMENT</u>	<u>MEETS CODE</u>	<u>REQUIRES A CONCESSION OR INCENTIVE</u>
LOT SIZE	38,622 sq. ft.	15,000 sq. ft.	X	
DENSITY by Site Area	38,622 sq. ft. with Density Bonus 25 units	37,800 sq. ft. to 39,599 sq. ft. 18 units max. With Density bonus an addtl 35% is permitted for a total of 25 units	X	
SETBACKS				
West - Front	20'-0"*	20'-0"		
East - Rear	20'-0"	17'-5"	X	
North - Side	8'-0"	10'-0"	X	*
South - Side	0'-0"*	0'-0" (for 50% of length of property line)	X	*
PARKING				
Total:	2 spaces per unit 25	2 spaces for each 2-3 bedroom unit (25)/State Density Bonus Law Total = 50	X	
BUILDING SEPARATION (Distance from access ways to resid. Unit)	10'-0"	Second and third story cantilevers over access way		*
BUILDING HEIGHT	35'-0"	35'-0"	X	

**BACKGROUND:**

The subject site is a 38.622 square foot lot (after the dedication of 20-feet along Dale Street for street widening purposes) and is located on the east side of Dale Street, north of Stanford Avenue. The site is developed with a single-family home. The subject site has a General Plan Land Use designation of Medium Density Residential and is zoned R-3 (Multiple-Family Residential). The properties to the north, south, and east are zoned R-3 and developed with multi-family units. The properties to the west are zoned R-1 (Single-Family Residential) and are developed with single-family homes.

The applicant is proposing to demolish the single family home and construct 25 new apartment units with a large central courtyard. The project will use the State Density Bonus Law allowances for density, concessions and incentives, along with State-wide parking standards. The project will provide 30% of the units as low-income, which will be reserved through a housing agreement with the City of Garden Grove. A Development Agreement is also included in the proposal.

**DISCUSSION:**

State Density Bonus Law

The applicant and property owner have developed their proposal based on the allowances of the State Density Bonus Law. The State Density Bonus Law became effective on January 1, 2005. In Response, the City Council of Garden Grove approved an ordinance (Ordinance No. 2668) that amended Title 9 to be in conformance with State Law. The ordinance states that "the California Legislature has determined that the provision of affordable housing for moderate, lower and very low-income individuals ... [is] of primary importance in the state and must be encouraged at the local level." The proposal for 25 units meets the requirements of the State Density Bonus Law and Ordinance No. 2668 of Title 9, City of Garden Grove Municipal Code.

The allowed density for this site, under the Zoning Code, is 18-dwelling units. However, the proposed design is for 25 units. The proposal for the 25-units is a 35% density bonus increase over the allowable number of units in the R-3, Multiple-Family residential zone, and the maximum increase in number of units allowed under State Law. The proposal must provide a minimum of 20% of the units as low-income to increase density by 35%. The applicant is also applying for three (3) concessions or incentives as provided by the State law. Similarly, the project meets the parking requirements of the State Law allowing for two on-site parking spaces for each unit that is two (2) to three (3) bedrooms in size. Due to the applicant proposing three concessions, 30% of the units (8-units minimum) must be made available for low-income families.

Site Plan

The proposed development is designed to provide an efficient circulation pattern and the required number of parking spaces to allow for the increase in density. The proposed building is located toward the northerly property line, which is adjacent to

another 25-unit affordable housing project that was approved by the City in November of 2005.

The building has been designed to surround a central courtyard. A total of 10,352 square feet of both common useable and private recreation space has been provided. Common open space area is proposed to be 7,679 square feet with the private patio areas totaling 2,673 square feet. City Code requires a total of 7,500 square feet for the proposed project. All building setback areas, while not part of the common opens space area will be landscaped, except where walkways have been required.

The project is accessed by a 27-foot wide driveway from Dale Street that is located toward the southerly side of the apartment building, and provides access to the parking spaces and walkways to the units. With the exception of four parking spaces, all parking will be located within carports. Half of the carport spaces are tucked under the residential units with the remainder of the covered parking located along the southerly property line. Parking for the project is determined by the State Density Bonus Law at two (2) spaces for each unit with two (2) to three (3) bedrooms. Since, 16 two-bedroom and 9 three-bedroom units are proposed, a total of 50 parking spaces have been provided. The tucked under parking is divided by a fire turn-around area that will be landscaped using an underlayment called grass-pave, which supports the weight of an emergency vehicle. This area is designed to blend with the common open space area and will be a useable part of the open space area.

#### Building Design

The applicant has proposed a contemporary architectural style for the apartment building that exhibits a stucco exterior, stone accents on the façade of the building, decorative window trim, shutters, decorative wrought iron railings around balconies, decorative arched niches facing Dale Street, and tile roofing. The second and third story units facing the southerly property line will cantilever over the drive aisle 7-feet.

The carports will be simple modern structures with a slightly sloped roof with supports located approximately 20-feet apart. The side of the carport that is located closer to Dale Street has been designed to match the apartment building, utilizing the same stucco finish and stone accent with an arched niche.

The apartment building will maintain a 20-foot front yard setback; an 8-foot side yard setback along the northerly property line (Code requires 10-feet); a 20-foot rear yard setback; and a 46-foot side yard setback from the southerly property line along the ground floor and a 39-foot side yard setback from the second and third floors that cantilever over the drive aisle. The carports will maintain a 52-foot setback from the front property line, and zero side and rear yard setbacks from the southerly and easterly property lines.

#### Unit Design

The proposed units range in size from 906 square feet to 1,226 square feet. There are a total of 16 two-bedroom units and 9 three-bedroom units. The unit count

includes 9 single-story flats (6 two-bedroom, two-bath and 3 three-bedroom, two-bath units) and 16 two-story townhouse style units (10 two-bedroom, two-bath and 6 three-bedroom, two and half-bath units). The units will maintain access from the interior of the courtyard and each unit will have their own private patio area that will range in size from 90 square feet to 129 square feet.

### Concessions/Incentives

The applicant is proposing three concessions/incentives in the project. The first is the reduced side yard setback along the northerly property line. City Code requires a minimum 10-foot side yard setback. The applicant has proposed to reduce the side yard setback to 8-feet.

The second concession/incentive is to allow a zero yard setback for covered parking along a property line to exceed the Municipal Code's maximum of 50%. The carports along the southerly property line maintain a zero side yard setback for a length on approximately 185-feet. The length of the southerly property line is 290.65 feet, for which City Code would allow the carports to maintain a zero side yard setback for a length of approximately 145-feet. The side of the carports that are along the property line will have solid walls and have been designed to meet the Building Code provisions that require the wall to be fire-rated along the property line.

The third concession/incentive is the waiver of the requirement to separate the building from the drive aisle by a distance of 10-feet. The 10-foot separation requirement includes the upper stories of a building. The applicant is proposing to cantilever the second and third floors over the drive aisle by 7-feet. The 7-feet provides for living space and a recessed patio decks for each unit. The projecting living space and recessed patios are setback 39-feet from the side yard property line, which exceeds the Code's required setback of 10-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 fee not to exceed \$47,900.00. 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.

### 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.



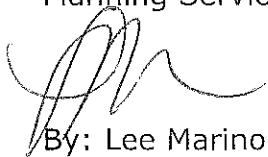
**RECOMMENDATION:**

Staff recommends that the Planning Commission take the following action:

- Recommend the City Council approve the Development Agreement; and,
- Approve Site Plan No. SP-470-12 subject to the conditions of approval;



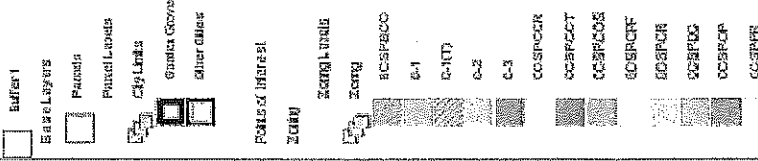
Karl Hill.  
Planning Services Manager



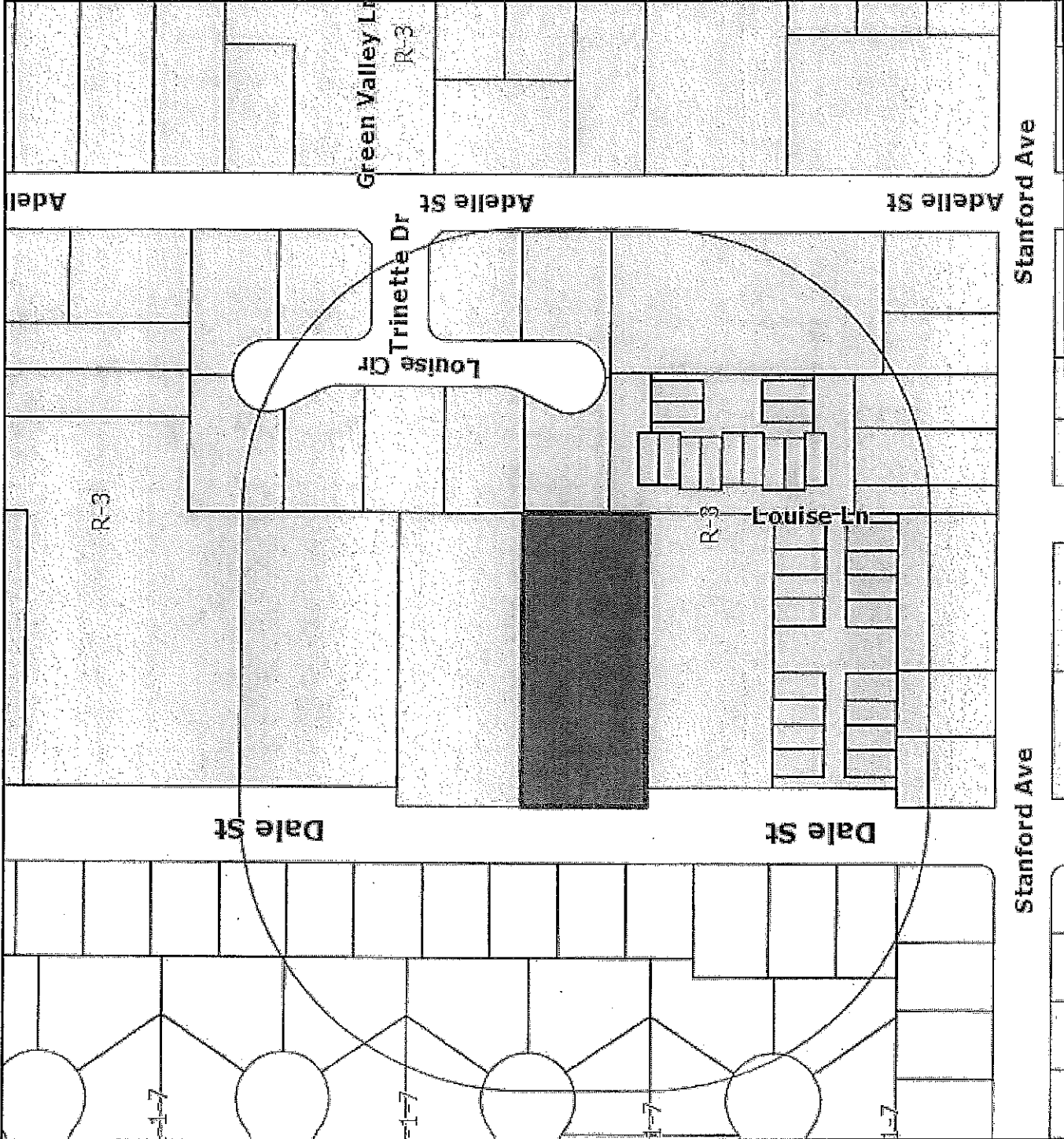
By: Lee Marino  
Senior Planner

# Dale Street Apartments

300 Foot Radius  
CITY OF GARDEN GROVE, CA



GARDEN GROVE



# BRANDYWINE HOMES DALE STREET APARTMENTS

**SITE DATA**  
 NET SIZE OF PARCEL 38,622 S.F.  
 DENSITY 1,546 S.F./UNIT  
 UNITS PER ACRE 28.09  
 TOTAL SQ. FT. OF PARKING AREAS 46 PROVIDED  
 Including areas for ingress or egress, drives, alleys, stalls and maturing, 18,912 S.F.

**LANDSCAPE AREA**  
 within parking area 558 S.F.  
 within parking area as a percent of parking area 3.3%  
 total landscape area including setbacks and parking but excluding common and private recreation areas 8,791 S.F.

**PARKING**  
 OPEN PARKING includes 2 accessible spaces 4 PROVIDED  
 CARPORT PARKING 46 PROVIDED  
 TOTAL PARKING 50 PROVIDED

**LANDSCAPE AREA**  
 LANDSCAPE AREA excluding setbacks 9,164 S.F.  
 RECREATION AREA COMMON REC. AREA 7,579 S.F.  
 PRIVATE PATIOS AREAS 2,673 S.F.

**SITE COVERAGE**  
 BUILDING 5,463 S.F.  
 UNIT AREA 129 S.F. BLDG. OFFICE 450 S.F.  
 ext. unit storage 576 S.F.  
 EXTERIOR STAIRS 576 S.F.  
 TOTAL BLDG. COVERAGE 10,300 S.F.

**CARPORTS**  
 CARPORT A 2,125 S.F.  
 CARPORT B 2,144 S.F.  
 CARPORT C 389 S.F.  
 TOTAL CARPORT COV. 4,652 S.F.  
 TOTAL BLDG. SITE COV. 14,952 S.F.  
 PERCENT OF SITE AREA 38.71 %

**BUILDING DATA**  
 BUILDING HEIGHT MAX. 35'  
 BUILDING AREA 11,867 S.F.  
 FIRST FLOOR 46 S.F.  
 UNIT AREA 5,488 S.F.  
 ext. unit storage 129 S.F. BLDG. OFFICE 450 S.F.  
 COVERED PARKING 3,692 S.F.  
 TOTAL FIRST FLOOR 9,724 S.F.  
 SECOND FLOOR 9,281 S.F.  
 UNIT AREA 480 S.F.  
 BLDG. STORAGE 450 S.F.  
 UNIT PATIOS 1,855 S.F.  
 WALKWAYS 2,300 S.F.  
 excluding stairs 2,300 S.F.  
 TOTAL SECOND FLOOR 14,046 S.F.  
 THIRD FLOOR 11,867 S.F.  
 UNIT AREA 46 S.F.  
 ext. unit storage 250 S.F.  
 WALKWAYS 204 S.F.  
 excluding stairs 204 S.F.  
 TOTAL THIRD FLOOR 12,167 S.F.  
 TOTAL BUILDING AREA 35,937 S.F.

**BUILDING UNITS**  
 (SEE UNIT DATA CHART BELOW)  
 PLAN 1 SINGLE STORY FLAT 6  
 PLAN 2 SINGLE STORY FLAT 3  
 PLAN 3OP SINGLE STORY TOWN 3  
 PLAN 3RP TWO STORY TOWN 3  
 PLAN 4P TWO STORY TOWN 3  
 PLAN 4P TWO STORY TOWN 10  
 TOW STORY TOWN 10  
 TOTAL UNITS 25  
 UNIT DATA

PLAN	NO. ON SITE	SQ. FTG.	BED	BA	PATIO SQ. FTG.
1	6	951	2	2	125
2	3	1,174	3	2	106
3 OP	3	1,228	3	2.5	129
3 RP	3	1,225	3	2.5	105
4	10	908	2	2.5	90
TOTAL UNITS	25				

**INDEX**

- COVER SHEET AND INDEX
- C.1 BOUNDARY MAP/ EXISTING FACILITY PLAN
- C.2 CONCEPT GRADING PLAN/ SITE PLAN
- A.1 UNIT FLOOR PLANS 1 AND 2
- A.2 UNIT FLOOR PLANS 3 AND 4
- A.3 BUILDING FIRST FLOOR PLAN
- A.4 BUILDING SECOND FLOOR PLAN
- A.5 BUILDING THIRD FLOOR PLAN
- A.6 BUILDING SOUTH AND WEST EXT. ELEVATIONS
- A.7 BUILDING NORTH AND EAST EXT. ELEVATIONS
- A.8 BUILDING SOUTH AND WEST COURT EXT. ELEVATIONS
- A.9 BUILDING NORTH AND EAST COURT EXT. ELEVATIONS
- A.10 BUILDING ROOF PLAN
- A.11 TYPICAL CARPORT EXT. ELEVATIONS
- L.1 IRRIGATION
- L.2 PLANTING
- L.3 IRRIGATION SPECS
- L.4 PLANTING SPECS
- L.5 DETAILS
- L.6 DETAILS

BRANDYWINE HOMES  
DALE STREET APARTMENTS

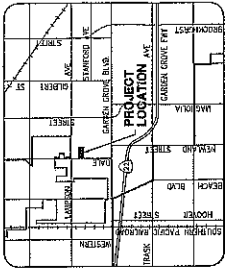
COVER SHEET  
AND INDEX



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 1111 West 27th Street  
 Suite 200  
 Portland, OR 97217  
 Phone: 503.255.1111  
 Fax: 503.255.1112  
 E-mail: info@brandwynehomes.com

# BOUNDARY MAP/EXISTING FACILITIES PLAN DALE STREET 25 UNIT APARTMENT COMPLEX

12662 DALE STREET, GARDEN GROVE, CA



**LEGAL DESCRIPTION:**

PARCEL 1:  
THE NORTH 1/4 OF THE CORNER SECTION 16 OF THE WEST 1/4 OF RANGE 13 NORTH AND WEST 1/4 OF SECTION 10, TOWNSHIP 1 SOUTH, RANGE 1 WEST, SAN BERNARDINO COUNTY, CALIFORNIA

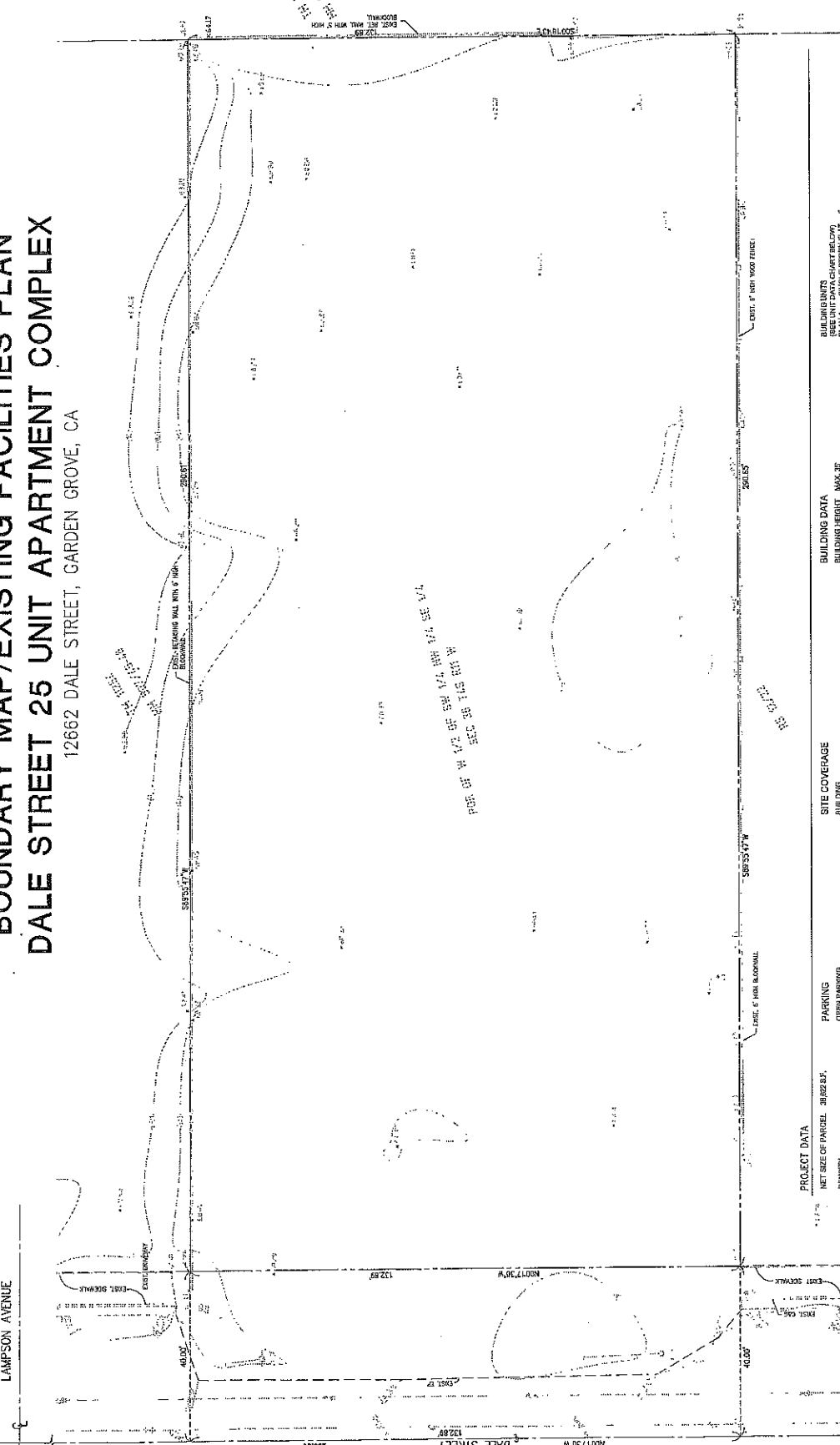
PARCEL 2:  
1/40 ACRES IN LOT A, TRACT 1054 AS PER MAP SUBMITTED BY BOWEN & BOWEN ARCHITECTS INC. TO THE COUNTY OF SAN BERNARDINO, CALIFORNIA, AND RECORDED IN BOOK 10, PAGE 10 OF THE PUBLIC RECORDS OF SAID COUNTY.

PARCEL 3:  
ACR 25-030-045

**BASIS OF BEARING:**  
BASIS OF BEARING HEREON ARE BASED ON THE BEARING OF DALE STREET AS SHOWN ON THE PLAT OF THE LAMPSON AVENUE AND DALE STREET EXTENSION PROJECT, SAN BERNARDINO COUNTY RECORDS OFFICE IN THE COUNTY OF SAN BERNARDINO, CALIFORNIA.

**LAND USE:**  
EXISTING: SINGLE-FAMILY RESIDENTIAL (R-1)  
PROPOSED: MULTIFAMILY RESIDENTIAL (R-3)

**SCALE:** 1"=100'



PROJECT DATA				PARKING				SITE COVERAGE				BUILDING DATA			
NET SIZE OF PARCELS	28,622 SF.	OPEN PARKING	4,892 SF.	BUILDING	5,463 SF.	BUILDING HEIGHT	MAX 3F.	RESIDENTIAL UNITS (SEE UNIT CHART BELOW)		PLAN 1	1	1	1	1	
DENSITY	1.45 SF/AC	COVERED PARKING	4,892 SF.	UNIT AREA	128 SF.	BUILDING AREA		PLAN 2	2	2	2	2	2		
UNIT PER ACRE	24.0	TOTAL PARKING	9,784	BLDG. OFFICE	489 SF.	FIRST FLOOR		PLAN 3	3	3	3	3	3		
TOTAL SQ. FT. OF PARKING AREA	9,784	LANDSCAPE AREA	8,136 SF.	COVERED STORAGE	489 SF.	UNIT AREA	5,463 SF.	PLAN 4	4	4	4	4	4		
(including drive, walk, and maintenance)	9,784	excludes setbacks		CONCRETE PARKING	489 SF.	BLDG. OFFICE	489 SF.	TOTAL UNITS	25						
LANDSCAPE AREA	8,136 SF.	RECREATION AREA	2,125 SF.	TOTAL BLDG. COVERAGE	10,382 SF.	TOTAL FIRST FLOOR	5,463 SF.	UNIT DATA							
with parking area	8,136 SF.	CARPORIT A	2,125 SF.	CARPORIT B	2,125 SF.	UNIT AREA	103 SF.	NO. UNITS	1	2	3	4	5		
total landscaped area including setbacks	8,136 SF.	CARPORIT C	3,885 SF.	UNIT AREA	128 SF.	BLDG. STORAGE	489 SF.	BA	1	2	3	4	5		
3.1%		TOTAL CARPORT COV.	4,892 SF.	BLDG. STORAGE	489 SF.	WALKWAYS	1,425 SF.	SC	1	2	3	4	5		
LANDSCAPE AREA	8,136 SF.	PERCENT OF SITE AREA	38.11%	TOTAL CARPORT COV.	4,892 SF.	WALKWAYS	2,300 SF.	PATIO	1	2	3	4	5		
with parking area	8,136 SF.					WALKWAYS	2,300 SF.	TOTAL	1	2	3	4	5		
total landscaped area including setbacks	8,136 SF.					WALKWAYS	2,300 SF.	TOTAL UNITS	25						
3.1%						WALKWAYS	2,300 SF.								
LANDSCAPE AREA	8,136 SF.														
with parking area	8,136 SF.														
total landscaped area including setbacks	8,136 SF.														
3.1%															

CITY OF GARDEN GROVE  
BOUNDARY MAP/EXISTING FACILITIES PLAN  
DALE STREET 25 UNIT APARTMENT PROJECT  
12662 DALE STREET, GARDEN GROVE, CA  
DATE: 09/20/77

PLANS PREPARED FOR  
**BRANDYWINE**  
ROBBERS  
1444 47th STREET, GARDEN GROVE, CA 92643

ARCHITECT  
**LSA ARCHITECTURE, INC.**  
2800 WILSON AVENUE, SUITE 1000  
IRVINE, CA 92714  
TEL: (714) 261-2424

OWNER  
**ANTON H. LANGSTRAAT**  
MARGARET M. LANGSTRAAT  
1835 WILSON AVENUE, SUITE 1000  
IRVINE, CA 92714  
TEL: (714) 261-2424

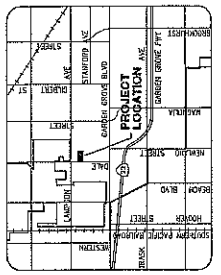
PREPARED BY:  
**DMS CONSULTANTS, INC.**  
1000 WEST 14TH STREET, SUITE 100  
GARDEN GROVE, CA 92643  
TEL: (714) 261-2424

NO.	DATE	BY	DESCRIPTION	APP'D.

REVISIONS:  
DATE: 09/20/77 BY: [Signature] DESCRIPTION: [Text]

APPROVED BY: [Signature]  
DATE: 09/20/77 BY: [Signature] DESCRIPTION: [Text]

# CONCEPT GRADING PLAN/SITE PLAN DALE STREET 25 UNIT APARTMENT COMPLEX 12662 DALE STREET, GARDEN GROVE, CA

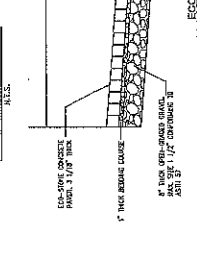
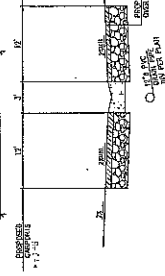
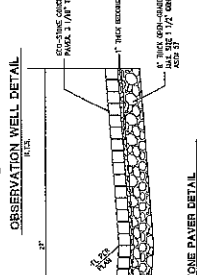
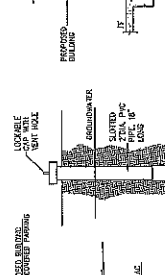
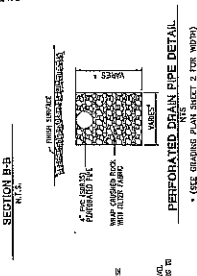
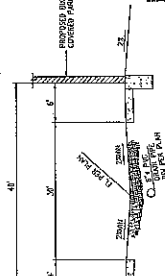
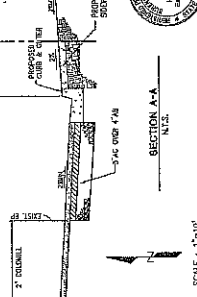
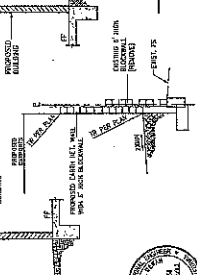
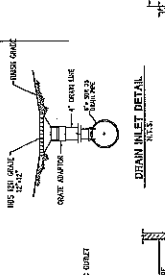
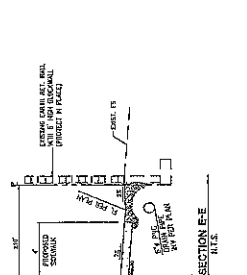
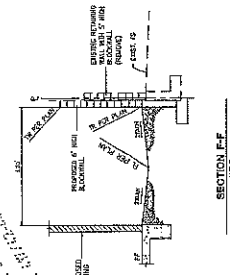
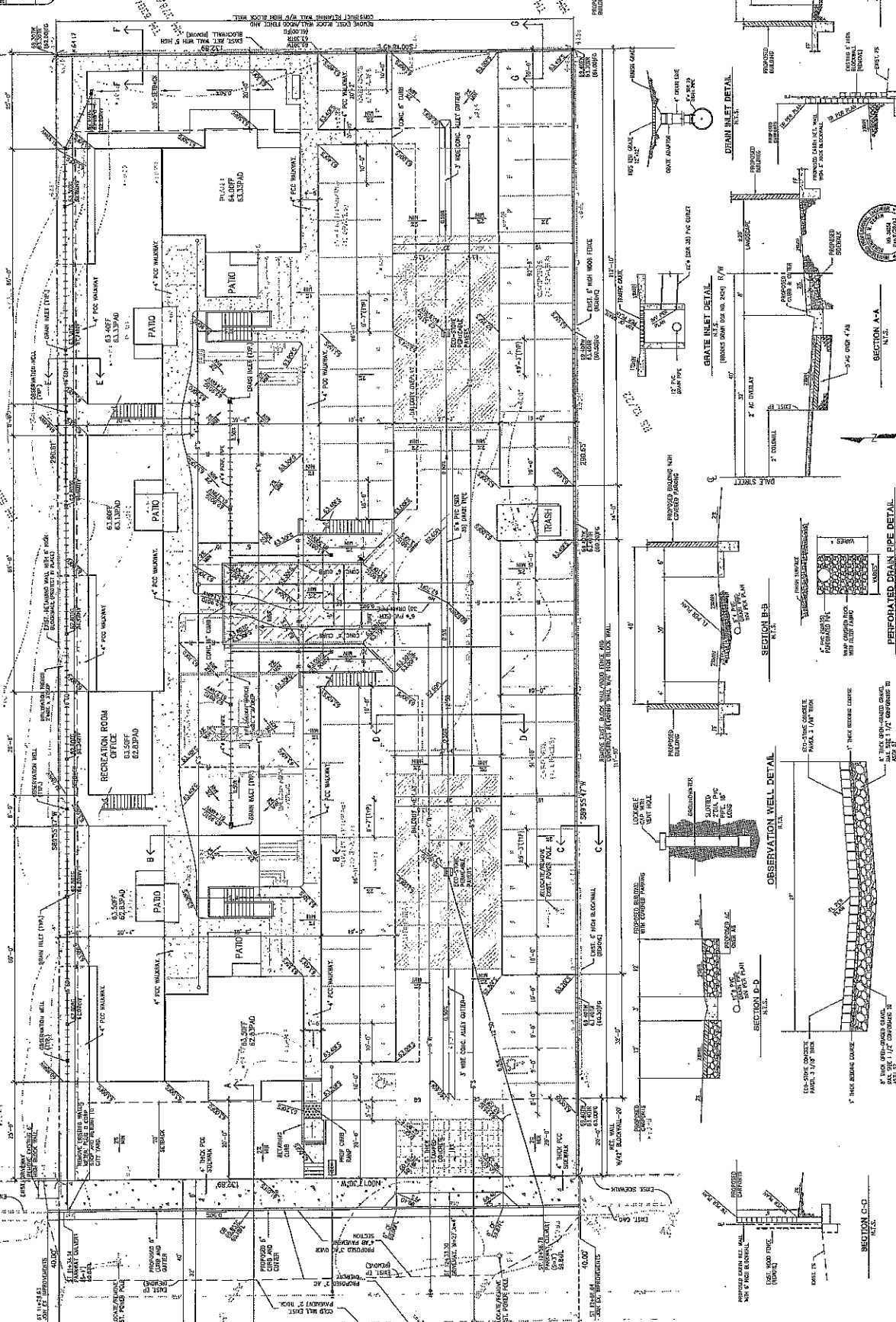


**LEGAL DESCRIPTION:**  
 PARCEL 3  
 THE CITY OF GARDEN GROVE, CALIFORNIA, HAS RECEIVED AND ACCEPTED FOR RECORD A PLAT OF LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46,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

**LAND USE:**  
 SINGLE-FAMILY RESIDENTIAL (R-1)  
 MULTI-FAMILY RESIDENTIAL (R-2)  
 MULTI-FAMILY RESIDENTIAL (R-3)

**CONTRACT NO.:**  
 12662 DALE STREET, GARDEN GROVE, CA

SEE SHEET C-1, EXISTING FACILITIES  
 PLAY/BOUNDARY MAP FOR PROJECT DATA



**CITY OF GARDEN GROVE**  
 CONCEPT GRADING PLAN/SITE PLAN

**DALE STREET 25 UNIT APARTMENT PROJECT**  
 12662 DALE STREET, GARDEN GROVE, CA

PREPARED BY: ANTON M. LANGSTRAAT, INC. ARCHITECT  
 1230 LAMAR BLVD., SUITE 100, GARDEN GROVE, CA 94503  
 TEL: (925) 331-5400 FAX: (925) 331-5400

OWNER: ANTON M. LANGSTRAAT AND MARGARET LANGSTRAAT  
 1230 LAMAR BLVD., SUITE 100, GARDEN GROVE, CA 94503  
 TEL: (925) 331-5400 FAX: (925) 331-5400

DATE: 01/20/03

SCALE: 1"=10'



Architects

3301 E. Dale Ave. Lexington, KY  
600 E. Main St. Lexington, KY  
502-546-3300  
FAX 502-337-1100

10/16/07

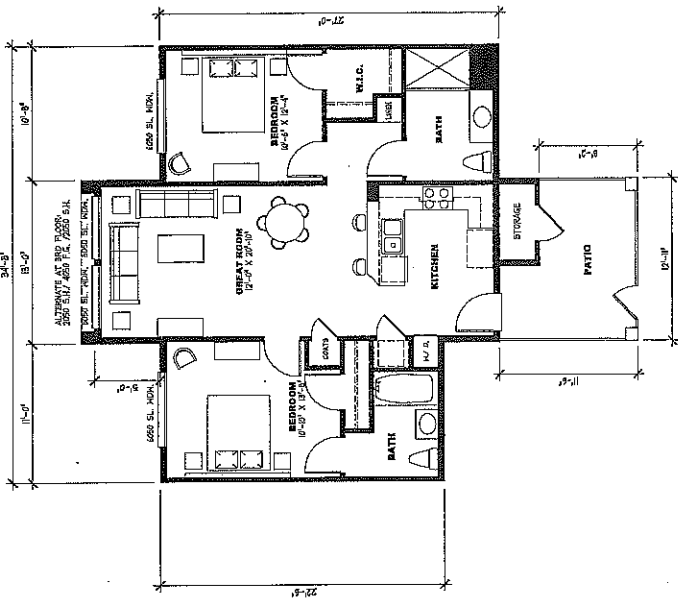
DATE

DESIGNER

DATE

DRAWN

SHEET



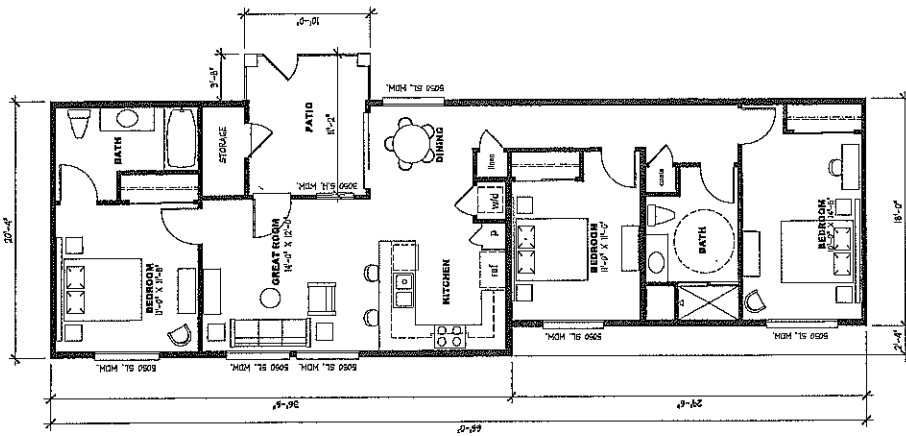
PLAN 1

SQUARE FOOTAGE

FLOOR 191 SQ. FT.

STORAGE 29 SQ. FT.

SCALE: 1/4\"/>



PLAN 2

SQUARE FOOTAGE

FLOOR 174 SQ. FT.

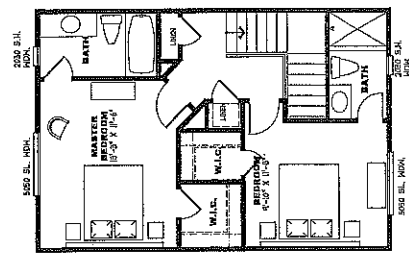
STORAGE 27 SQ. FT.

SCALE: 1/4\"/>

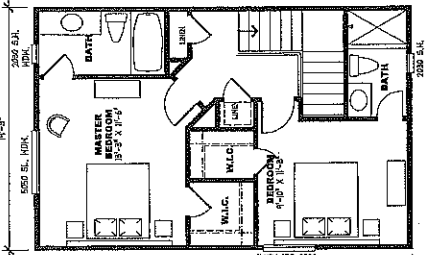


Architect  
W.H. & S. Architects  
1000 N. ...  
...  
...

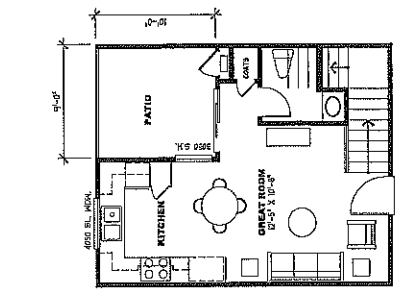
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Checked:	...
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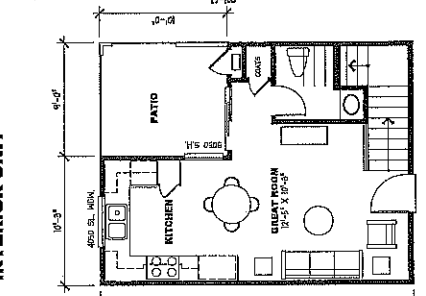
SECOND FLOOR



SECOND FLOOR



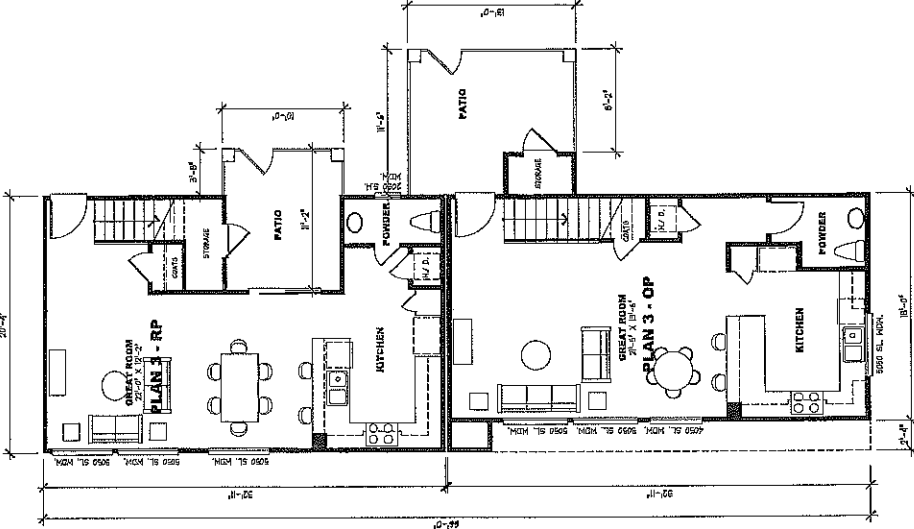
FIRST FLOOR  
INTERIOR UNIT



FIRST FLOOR  
END UNIT

PLAN 4

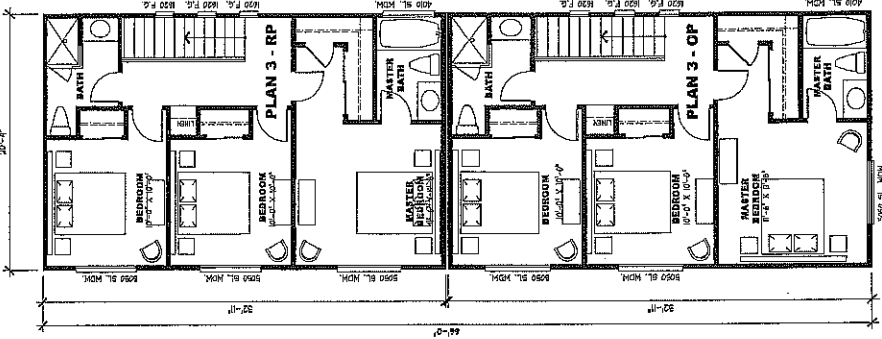
SQUARE FOOTAGE	
FIRST FLOOR	311 SQ. FT.
SECOND FLOOR	305 SQ. FT.
TOTAL	616 SQ. FT.



FIRST FLOOR

PLAN 3-OP

SQUARE FOOTAGE	
FIRST FLOOR	590 SQ. FT.
SECOND FLOOR	84 SQ. FT.
TOTAL	674 SQ. FT.
STORAGE	18 SQ. FT.



SECOND FLOOR

PLAN 3 - RP

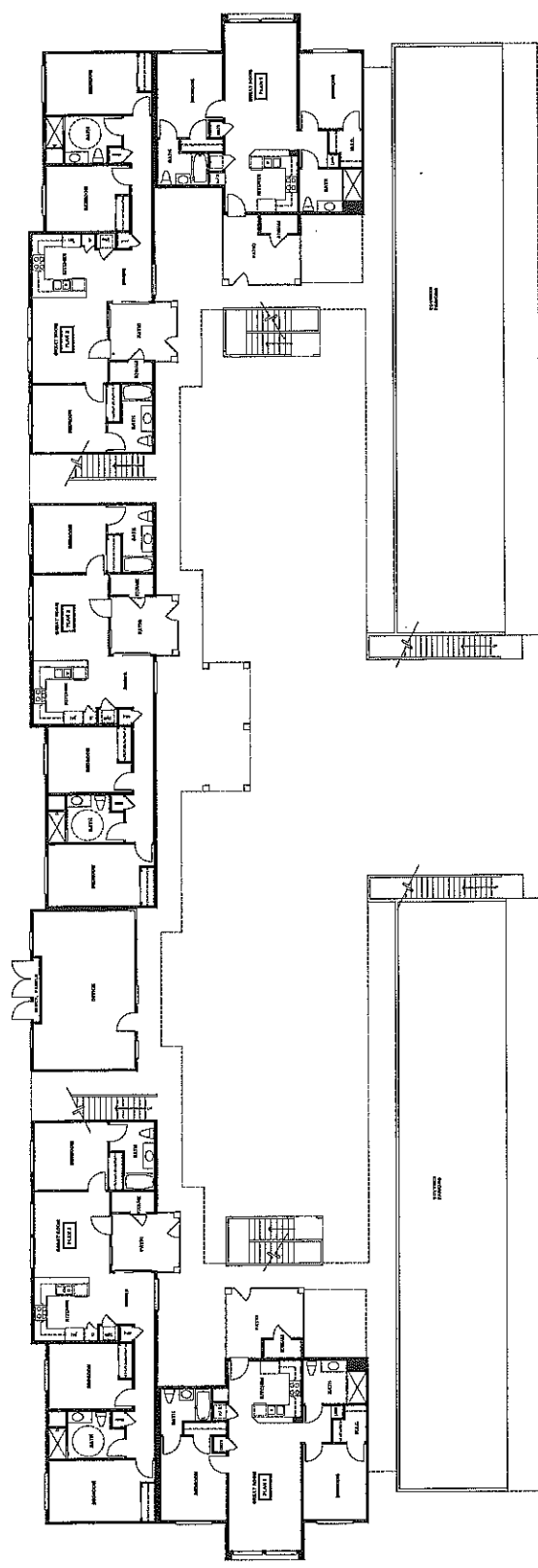
SQUARE FOOTAGE	
FIRST FLOOR	574 SQ. FT.
SECOND FLOOR	83 SQ. FT.
TOTAL	657 SQ. FT.
STORAGE	25 SQ. FT.

PLAN 3



Architect  
J. S. Anderson  
12345 Main Street  
Anytown, CA 12345  
(555) 123-4567

Job No.	XXX
Revision	
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Traced	
Sheet	



FIRST FLOOR

BUILDING DATA

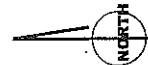
BUILDING AREA	
FIRST FLOOR	
UNIT AREA	5,488 S.F.
BLDG. STORAGE	160 S.F.
OFFICE	450 S.F.
COVERED PARKING	3,682 S.F.
TOTAL FIRST FLOOR	9,774 S.F.
SECOND FLOOR	
UNIT AREA	9,261 S.F.
ext. unit storage	160 S.F.
BLDG. STORAGE	160 S.F.
UNIT PATIOS	1,855 S.F.
WALKWAYS	
excluding stairs	2,300 S.F.
TOTAL SECOND FLOOR	14,046 S.F.
THIRD FLOOR	
UNIT AREA	11,667 S.F.
ext. unit storage	48 S.F.
UNIT PATIOS	259 S.F.
WALKWAYS	
excluding stairs	204 S.F.
TOTAL THIRD FLOOR	12,167 S.F.
TOTAL BUILDING AREA	35,937 S.F.

BUILDING UNITS  
(SEE UNIT DATA CHART BELOW)

PLAN 1	6
SINGLE STORY FLAT	
PLAN 2	3
SINGLE STORY FLAT	
PLAN 3OP	3
TWO STORY TOWN	
PLAN 3RP	3
TWO STORY TOWN	
PLAN 4	10
TWO STORY TOWN	
TOTAL UNITS	25

UNIT DATA

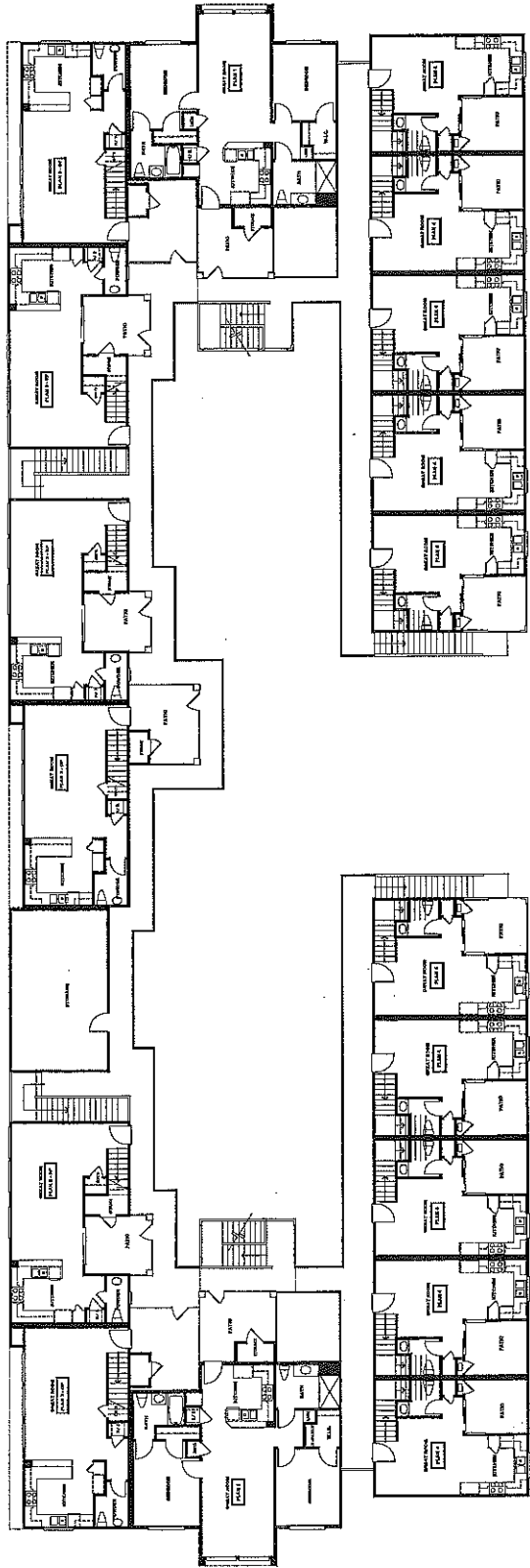
PLAN	NO. ON SITE	SQ. FTG.	BED	BA	PATIO	SQ. FTG.
1	5	991	2	2		126
2	3	1,174	3	2.5		129
3 OP	3	1,226	3	2.5		106
3 RP	3	1,225	3	2.5		90
4	10	906	2			
TOTAL UNITS	25					



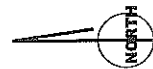




Architecture  
1111 E. South Ave. Suite 100  
Arlington, VA 22204  
Phone: 703-261-1111  
Fax: 703-261-1112  
Job No. XXX  
Revisions  
Drawn:  
Date:  
Sheet



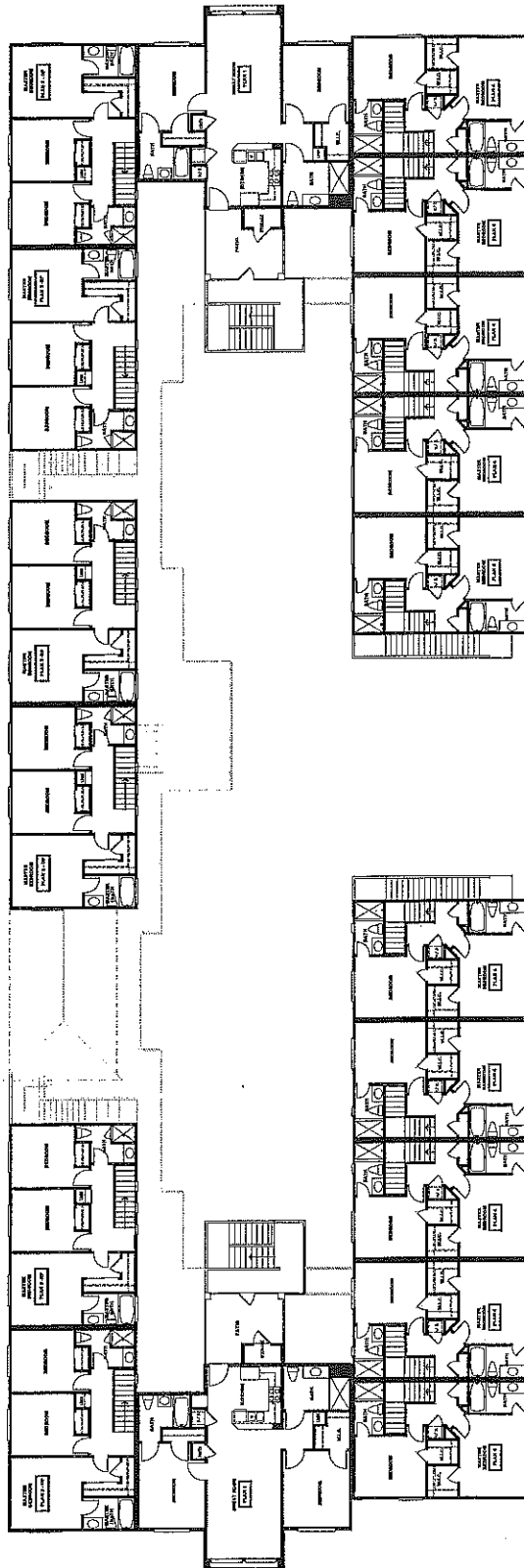
SECOND FLOOR



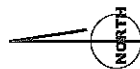


ARCHITECTURE  
MILLER ARCHITECTURE  
1000 W. 10th Street  
Cedar Rapids, IA 52403  
Tel: 319.399.1000  
Fax: 319.399.1001  
E-mail: info@mla.com

Project: \_\_\_\_\_  
Date: \_\_\_\_\_  
Sheet: \_\_\_\_\_  
Scale: \_\_\_\_\_



THIRD FLOOR

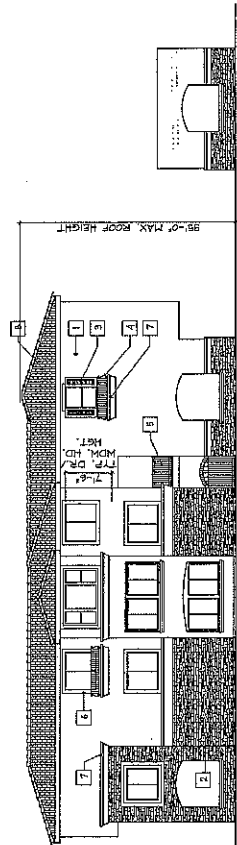




ZSA Architecture  
1000 North Green Road  
Suite 100  
P.O. Box 100  
P.O. Box 100  
P.O. Box 100

JOB No. XXX  
Revision:

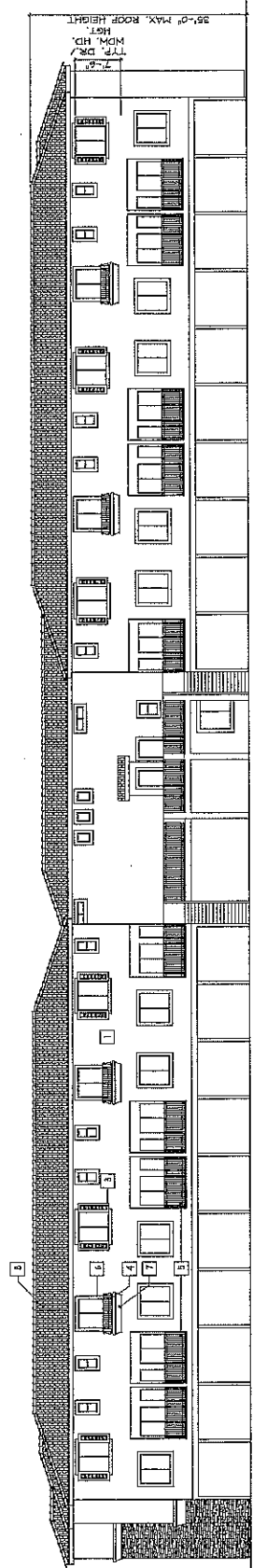
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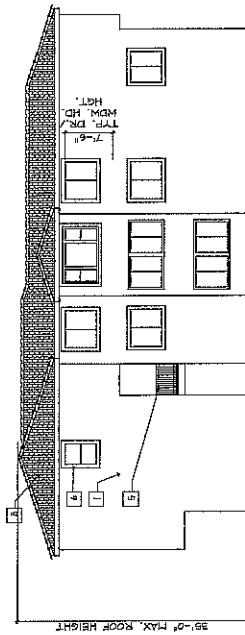
WEST ELEVATION DALE ST.

NOTES

- 1 TYPICAL ELEVATION NOTES, SEE NUMBERS BELOW
- 2 TYPICAL STUCCO
- 3 SYNTHETIC STONE VENEER
- 4 PAINT PRE-FABRICATED SHUTTERS
- 5 2X 4" SILLING
- 6 ALUMINUM KICK GUARD / HANDRAILS
- 7 2X 4" POART TRIM
- 8 1/2" WHITE PLYWOOD
- 9 1/2" TILE BOARDING

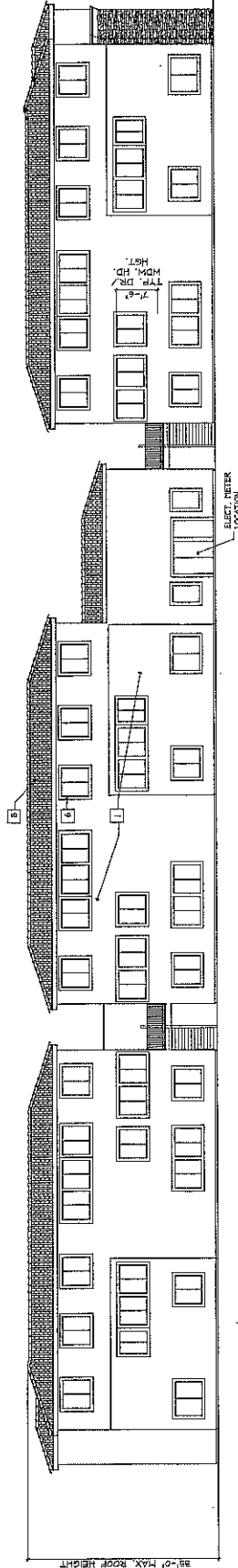


SOUTH ELEVATION

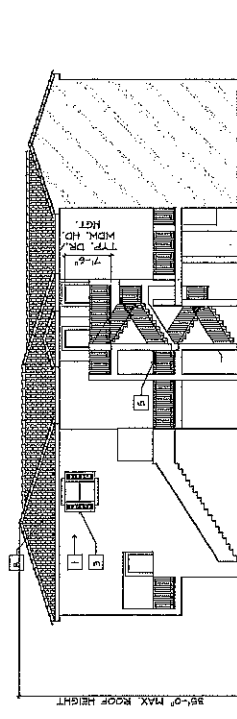


EAST ELEVATION

- NOTES**
- 1 TYPICAL ELEVATION NOTES, SEE NUMBERS BELOW
  - 2 TYPICAL STUCCO
  - 3 SYNTHETIC STONE VENER
  - 4 METAL DOWNSPOUTS
  - 5 DECORATIVE MOUNTED IRON RAILING
  - 6 WREATH IRON GUARD / HANDRAILS
  - 7 2 1/2" TYP. IRON
  - 8 3" TYP. IRON
  - 9 3" TILE ROOFING

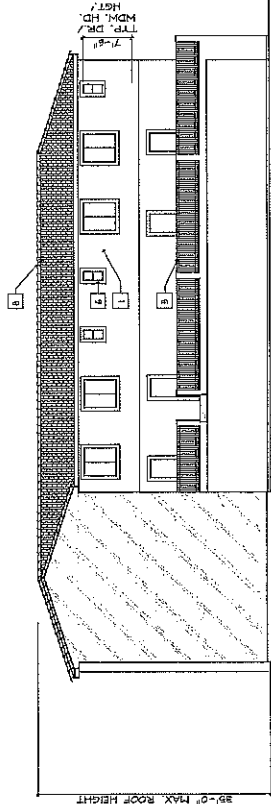


NORTH ELEVATION

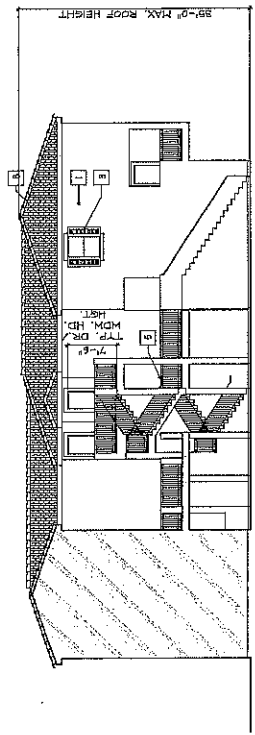


WEST SIDE COURTYARD  
ELEVATION

- NOTES**
- 1 TYPICAL ELEVATION NOTES, SEE NUMBERS BELOW
  - 2 TYPICAL DETAILS
  - 3 SYMBOLIC STAIR RISERS
  - 4 PAINT PRE-FABRICATED SHUTTERS
  - 5 RESISTIVE AIR BARRIER WITH INSULATION
  - 6 2X FLOOR TRIM
  - 7 SHAPED FOAM TRIM
  - 8 8" TILE ROOFING

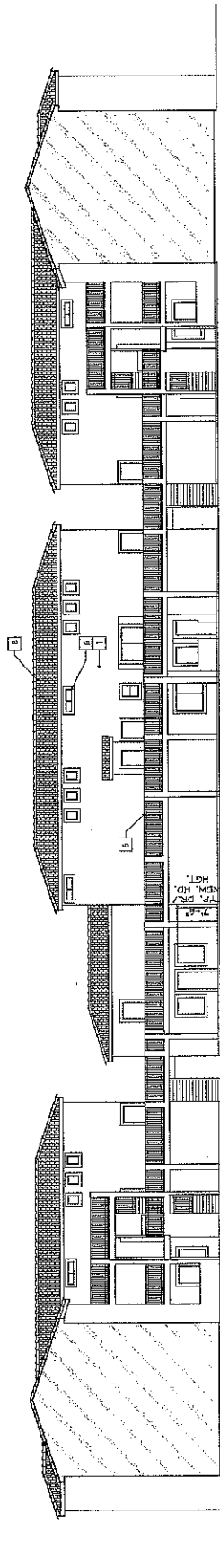


SOUTH SIDE COURTYARD  
ELEVATION

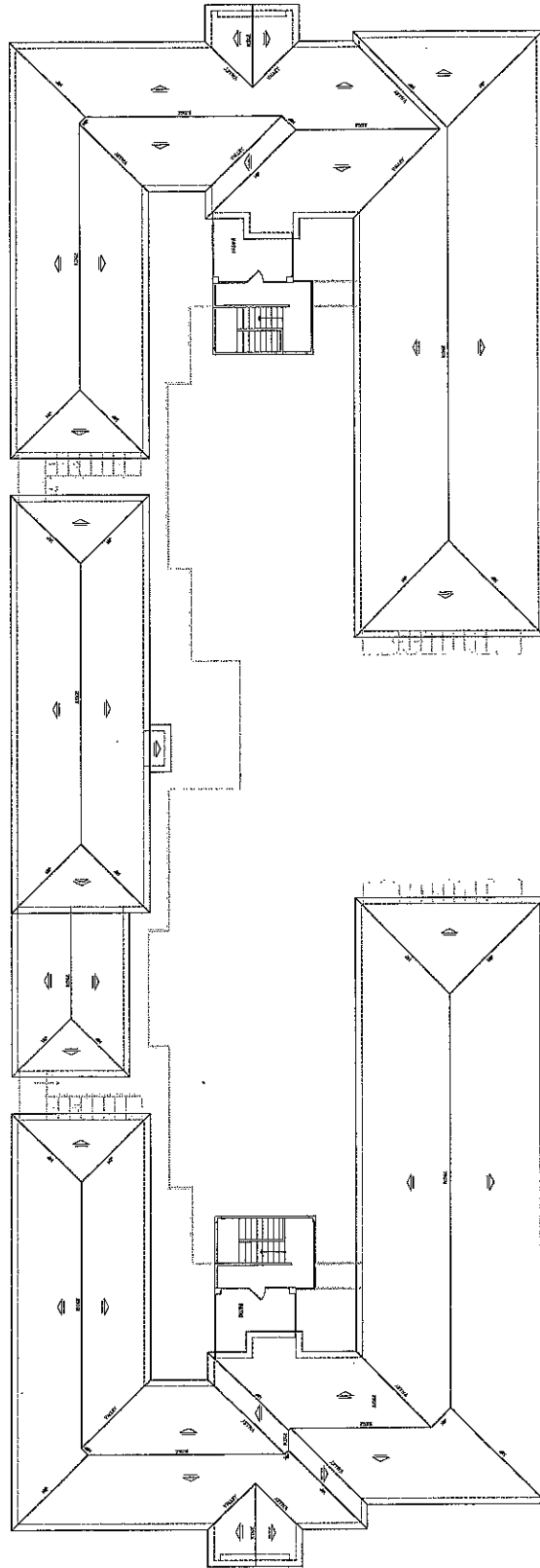


EAST SIDE COURTYARD  
ELEVATION

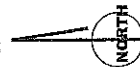
- NOTES**
- 1 TYPICAL ELEVATION NOTES, SEE NUMBERS BELOW
  - 2 TYPICAL FINISHES
  - 3 SYNTHETIC STONE VENEER
  - 4 PAINT PRE-FABRICATED SHUTTERS
  - 5 DECORATIVE MOUNTED IRON RAILING
  - 6 2X PAINT TRIM
  - 7 SHAPED COAT TRIM
  - 8 15' TILE ROOFING



NORTH SIDE COURTYARD  
ELEVATION



ROOF PLAN  
FAUX S' TILE ROOF  
4:12 PITCH - TYP.  
MAX. ROOF HEIGHT - 35'-0"





Architecture

1000 Lakeside Drive  
Cincinnati, OH 45226  
Tel: 513.251.1000

Project No. 0000

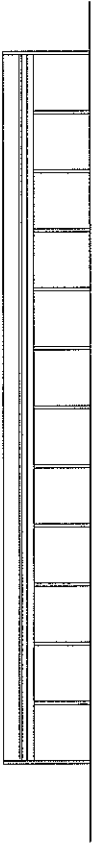
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Date:

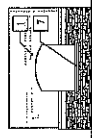
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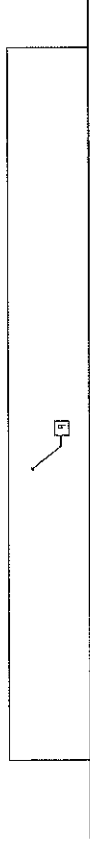
Street



CARPORT -  
NORTH ELEVATION



CARPORT -  
WEST ELEVATION (EAST SIM.)



CARPORT -  
SOUTH ELEVATION

- NOTES**
- 1 TYPICAL ELEVATION NOTES, SEE NUMBERS BELOW
  - 2 TYPICAL STUDIOS
  - 3 SYNTHETIC STONE VENEER
  - 4 PAINT PREPARED BRICK SURFACES
  - 5 PRECAST CONCRETE SLAB WITH 2" POLYURETHANE INSULATION
  - 6 2X FLOOR TRIM
  - 7 1/2" x 1/2" x 1/2" BRICK
  - 8 3/4" x 1/2" BRICK
  - 9 PAINTED BLOCK WALL





**Malefyt Land Planning**  
 Landscape Architecture  
 1400 Cole Street, Suite 200  
 San Jose, CA 95128  
 (408) 937-6721 FAX (408) 374-2184  
 malefyt@aol.com

No.	Date	Revisions
1		
2		
3		
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7		
8		
9		
10		

Malefyt Land Planning is a member of the American Society of Landscape Architects. The firm is a professional corporation, with the approval and license of the State of California. The firm is a member of the American Society of Landscape Architects.

Landscaping Construction Documents  
**Date Apartments**  
 12662 Dale Street  
 Garden Grove, CA

Brandwinne Homes  
 12662 Dale Street  
 Garden Grove, CA 92643  
 949-296-2400

**IRRIGATION PLAN**

Sheet No.



of 6 Sheets

7-16  
 06/AUG/12

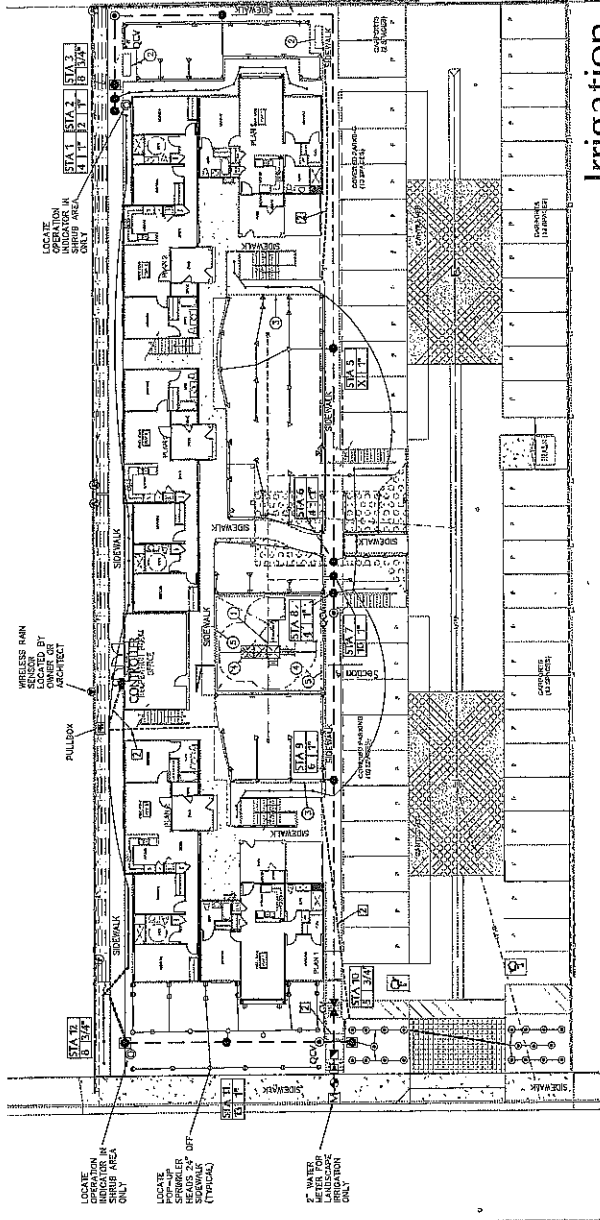
Location	Sheet	Notes
Block		
Parcel		
Acres		
City		
County		
Zone		
Map		

**Drawing Index**

- 11 Irrigation Plan
- 12 Planting Plan
- 13 Irrigation Specifications
- 14 Planting Specifications
- 15 Details
- 16 Details



I HAVE COMPLIED WITH THE CRITERIA OF THE CITY'S WATER EFFICIENT LANDSCAPE DESIGN ACT AND THE WATER EFFICIENT LANDSCAPE DESIGN ACT. I HAVE APPLIED THESE ACCORDING TO THE CITY'S WATER EFFICIENT LANDSCAPE DESIGN ACT. I HAVE APPLIED THESE ACCORDING TO THE CITY'S WATER EFFICIENT LANDSCAPE DESIGN ACT.



**GENERAL NOTES**

1. SCHEDULE TO PVC SLEEVE FOR IRRIGATION CONTROL VALVE. SEE PLAN FOR SIZE.
2. SCHEDULE TO PVC SLEEVE FOR IRRIGATION CONTROL VALVE. SEE PLAN FOR SIZE.
3. SCHEDULE TO PVC SLEEVE FOR IRRIGATION CONTROL VALVE. SEE PLAN FOR SIZE.
4. SCHEDULE TO PVC SLEEVE FOR IRRIGATION CONTROL VALVE. SEE PLAN FOR SIZE.
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9. SCHEDULE TO PVC SLEEVE FOR IRRIGATION CONTROL VALVE. SEE PLAN FOR SIZE.
10. SCHEDULE TO PVC SLEEVE FOR IRRIGATION CONTROL VALVE. SEE PLAN FOR SIZE.

**Irrigation Legend**

SYMBOL	ITEM AND MANUFACTURER	QTY	PSI	COVER
1	6" POP-UP STREAM BUBBLER ON 1" POP-UP 1080 0100 60-SP-PRV-COM BR-2-160-PC2	2	GR4	30
2	6" POP-UP LAWN IRRIGATOR SIZE 60-600-000 01-107/01-01/01-100/01-01-040	10	10/5/22/17	30
3	12" POP-UP SHRUB HEAD-TORO 5702 120-PRV-COM 01-107/01-01/01-100/01-01-040	10	10/5/22/17	30
4	12" POP-UP SHRUB HEAD-TORO 5702 120-PRV-COM 01-107/01-01/01-100/01-01-040	10	10/5/22/17	30
5	RAIN BIRD 8 MULTI-OUTLET EMISSION DEVICE RAIN BIRD 780-80 IN 780 780 MULTI- SEE DETAIL			
6	FLOW SENSOR RFB-100C DIAL INCH IN VALVE HEAT STAMPED 75" CALL DARYL GREEN 944-584-7311 (SEE DETAIL)			
7	MASTEC CONTROL VALVE SUPERIOR 3200 NORMALLY CLOSED. 3" VALVE IN WALL HEAT STAMPED WY (SEE DETAIL)			
8	REDUCED PRESSURE BACKFLOW PREVENTER-C-12000 6020A FOR CITY STANDARDS IF APPLICABLE (SEE DETAIL) SEE PLAN FOR SIZE			
9	WIRELESS RAIN SENSOR-TORO TWO TIMES WIRELESS RAIN-SENSOR LOCATE UNDER THE DIRECTION OF THE ARCHITECT OR OWNER			
10	IRRIGATION CONTROLLER-TORO ET-DRIVEN EYE-ET 612 12 STATIONS WALL MOUNT. OWNER TO PROVIDE POWER			
11	PLUG BOX (11" 3/4" X 17" CHASIS VALVE BOX-HEAT STAMP "PB" ON LID) PROVIDE 6" OF COILED WIRE (SEE DETAIL)			
12	ELECTRIC REMOTE CONTROL VALVE RAIN BIRD 100-REB (ALL 17) (SEE DETAIL)			
13	QUICK COUPLER VALVE-TORO 100-ELC (17) W/LEDGONS WITH COVER-LOCATE ONLY IN GRASS/POURCH AREAS			
14	GATE VALVE/PANTS BR00-50-SR BRONZE VALVE W/STAINLESS STEEL BALL-STEM AND HANDLE. ALL 2" (SEE DETAIL)			
15	POTABLE PRESSURE SUPPLY LINE 2" SCH 40 PVC 18" COVER			
16	NON-PRESSURE LATERAL LINE AND SIZE (PVC SCH 40) 3/4" MINIMUM (60 1/2") 12" COVER			
17	SLEEVE UNDER PAVING FOR PRESSURE, NON-PRESSURE AND LOW VOLTAGE CONDUIT			
18	SCHEDULE 40 PVC WITH 2" COVER AND COMPACTED SAND BACKFILL. SEE DETAIL			

**DRIP LEGEND**

- 1. TORO ELDRIP PC DRIP LINE RSP-442-19
- 2. TORO ELDRIP PC DRIP LINE RSP-442-19
- 3. TORO ELDRIP PC DRIP LINE RSP-442-19
- 4. TORO ELDRIP PC DRIP LINE RSP-442-19
- 5. TORO ELDRIP PC DRIP LINE RSP-442-19
- 6. TORO ELDRIP PC DRIP LINE RSP-442-19
- 7. TORO ELDRIP PC DRIP LINE RSP-442-19
- 8. TORO ELDRIP PC DRIP LINE RSP-442-19
- 9. TORO ELDRIP PC DRIP LINE RSP-442-19
- 10. TORO ELDRIP PC DRIP LINE RSP-442-19

**New Construction**

1. TOT LOT PLAY EQUIPMENT FROM LAND DEVELOPER'S-PLAY SENSE DESIGN 30. COLOR AND EXACT PLACEMENT BY OWNER. SALES REP IS GANST RECREATION INC. AT 714-419-0100
2. WASHBASIN VALLEY & BEACH WITHOUT BACK. ES222 STAT. COLOR BY OWNER (2 REQUIRED)
3. PROVIDE 18" OF CONCRETE PAVING ON ALL SIDES AND UNDER BENCH
4. SHOVEL OUT TURE SOI EDGE
5. 12" MINIMUM DEPTH OF MANUFACTURED WOOD FIBER-FIBER/ZEGLER BR00S OR EQUAL
6. 6" WIDE CONCRETE TOT LOT WALL. SEE SECTION

**Water Calculations**

MAXIMUM APPLIED WATER USE (GPM)  
 (40.2)(210797)(.62) = 100,000 GALLONS PER YEAR  
 ESTIMATED APPLIED WATER USE (GPM)  
 LAWN AREAS 333 SQ. FT. @ 1.5 GPM/SQ. FT. = 500 GPM  
 DRIVE AREAS 7979 SQ. FT. @ 0.5 GPM/SQ. FT. = 4000 GPM  
 TOTAL 4500 GPM  
 FAN-SHREDS-METHOD TO LOW WATER USING  
 (40.2)(210797)(.62)(.65) = 54,000 GALLONS PER YEAR  
 FAN-SHREDS-METHOD TO LOW WATER USING  
 (40.2)(210797)(.62)(.71) = 58,000 GALLONS PER YEAR  
 TOTAL 4500 GPM

**IMPORTANT NOTICE**

SECTOR AGREEMENTS OF THE PROFESSION OFFICE RECORDS, I AS EXCAVATE WILL BE VALID. FOR YOUR DOC. AGENCY. I.D. NUMBER. CALL TWO DAYS BEFORE YOU DIG.



Maleyt Land Planning  
Land Planning  
340 Old Newport Blvd., Suite 4  
Newport Beach, CA 92625  
(949) 672-2181 FAX (949) 574-2194  
maleyt@mlp.com  
maleyt.com

No.	Date	Revision
1		
2		
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4		
5		
6		

Maleyt Land Planning's drawings are instruments of service rendered in conformity with the standards and practices of the landscape architecture profession. They are not to be used for any other purpose or for any other project without the written consent of Maleyt Land Planning.



Landscape Construction Documents  
Dale Apartments  
12662 Dale Street  
Garden Grove, CA

Brandywine Homes  
16580 Aston  
Irvine, CA 92606  
949-296-2400

PLANTING PLAN

Sheet No.

12  
of 6 Sheets

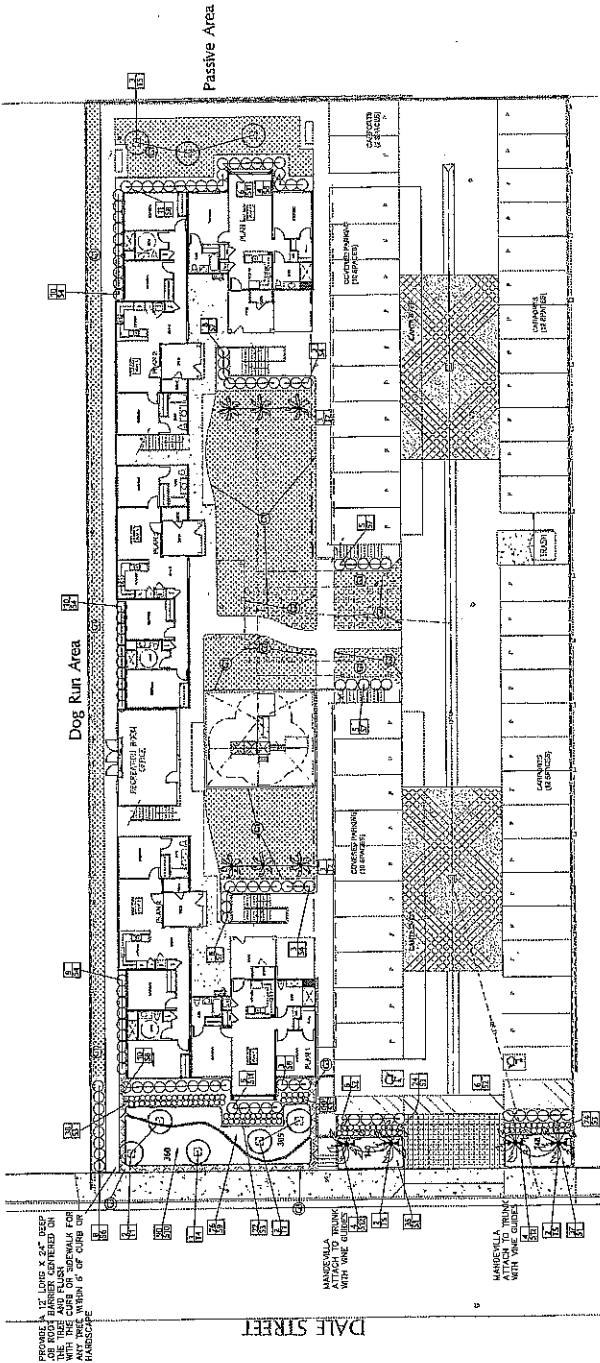


Horizontal	Vertical	Diagonal	Circle	Circle with Dot
1/8" = 1'-0"	1/8" = 1'-0"	1/8" = 1'-0"	1/8" = 1'-0"	1/8" = 1'-0"

VICINITY MAP

Drawing Index

- L1 Irrigation Plan
- L2 Planting Specifications
- L3 Planting Specifications
- L4 Details
- L5 Details
- L6 Details



Planting Legend

IRRIGATOR FACTORS  
REGION 2 - SOUTH COASTAL  
WATER HARDNESS  
MODERATE  
PLANT HARDY ZONE  
PLANT HARDY ZONE

DESIGNATED PLANTING AREA  
REQUIREMENTS FOR PLANTING PER AREA  
ESTIMATED NUMBER OF PLANTS PER AREA  
PLANT SPECIES AS PER LEGEND

Symbols

- DESIGNATED PLANTING AREA
- CONTOUR LINES
- BRASSPANE 2 PERIOD PAVEMENT
- 2" x 4" x 8" JOIST
- FROM ADJACENT HARDSCAPE OR CURB
- (THIS AREA IS UN-IRRIGATED. SEE IRRIGATION PLAN)
- BRASSPANE 2 PERIOD PAVEMENT
- 2" x 4" x 8" JOIST
- FROM ADJACENT HARDSCAPE OR CURB
- (THIS AREA IS UN-IRRIGATED. SEE IRRIGATION PLAN)

- 1 24" x 24" x 2" STANDARD STAKED
- 2 3" x 6" x 1/2" STANDARD STAKED
- 3 3" x 6" x 1/2" STANDARD STAKED
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- 99 3" x 6" x 1/2" STANDARD STAKED
- 100 3" x 6" x 1/2" STANDARD STAKED

**IMPORTANT NOTICE**  
SECTION 05100 OF THE CONSTRUCTION CODE REQUIRES A SPECIFIC IRRIGATION NUMBER BE ISSUED BEFORE A PERMIT FOR CONSTRUCTION WILL BE VALID. FOR YOUR OWN ALERTNESS, CALL UNDERGROUND SERVICE ALERT (USA) AT 800-368-5848 TO LOCATE ANY UNDETECTED UTILITY LINES. CALL TWO DAYS BEFORE YOU DIG.

**IRRIGATION SPECIFICATIONS**

- 4. Flushing of pressure main line pipe.
- 5. Sprinkler control valves.
- 6. Routing of control and common wire.
- 9. Back clogger valves.
- 9. Backflow preventer.
- 10. Vent.
- 11. Airflow.

On or before the date of the final inspection, the Contractor shall deliver the completed and certified final as-built drawings and operation and maintenance manuals to the Owner. The Contractor shall retain responsibility for the drawings and manuals for the term of the warranty period.

**OWNER'S OBLIGATIONS AND RESPONSIBILITIES**  
The Owner shall provide and pay for any and all materials and labor for the following items:  
1. Irrigation system components not included in the Contractor's bid.  
2. Materials and labor for any and all changes to the original drawings and specifications.  
3. Materials and labor for any and all changes to the original drawings and specifications approved by the Architect.

**CONTRACTOR'S OBLIGATIONS AND RESPONSIBILITIES**  
The Contractor shall provide and pay for any and all materials and labor for the following items:  
1. Installation and maintenance of the irrigation system.  
2. Maintenance of the irrigation system for the term of the warranty period.  
3. Replacement of any and all components of the irrigation system that fail during the warranty period.

**WARRANTY**  
The Contractor shall warrant the irrigation system to be free from defects in material and workmanship for a period of 12 months from the date of final acceptance. The Contractor shall also warrant the system to be free from defects in material and workmanship for a period of 24 months from the date of final acceptance.

**INSURANCE**  
The Contractor shall obtain and maintain liability insurance, fire insurance, and theft insurance for the full term of the contract. The Contractor shall also obtain and maintain workers' compensation insurance and unemployment insurance for all employees.

**LIABILITIES**  
The Contractor shall be liable for any and all damages, losses, and expenses resulting from the installation, maintenance, or repair of the irrigation system.

**FORCE MAJEURE**  
If any part of the irrigation system is damaged or destroyed by fire, flood, or other cause beyond the control of the Contractor, the Contractor shall be relieved of its obligations to the Owner.

**ASSIGNMENT**  
The Contractor shall not assign or subcontract any part of the contract without the written consent of the Owner.

**NOTICE TO PROCEED**  
The Contractor shall not proceed with the work until it has received a written notice to proceed from the Owner.

**DISPUTE RESOLUTION**  
Any disputes arising out of or in connection with the contract shall be resolved by arbitration.

**ENTIRE AGREEMENT**  
This contract shall constitute the entire agreement between the Contractor and the Owner.

- 12. The water treatment to be used in conjunction with the irrigation system shall be approved by the Architect.
- 13. The Contractor shall be responsible for obtaining all necessary permits for the irrigation system.

**GENERAL**  
All materials and equipment shall be approved by the Architect. The Contractor shall be responsible for obtaining all necessary permits for the irrigation system.

**INSTALLATION**  
The Contractor shall install the irrigation system in accordance with the drawings and specifications. The Contractor shall be responsible for obtaining all necessary permits for the irrigation system.

**OPERATION AND MAINTENANCE**  
The Contractor shall operate and maintain the irrigation system for the term of the warranty period. The Contractor shall be responsible for obtaining all necessary permits for the irrigation system.

**REPAIRS AND REPLACEMENTS**  
The Contractor shall repair or replace any and all components of the irrigation system that fail during the warranty period. The Contractor shall be responsible for obtaining all necessary permits for the irrigation system.

**FORCE MAJEURE**  
If any part of the irrigation system is damaged or destroyed by fire, flood, or other cause beyond the control of the Contractor, the Contractor shall be relieved of its obligations to the Owner.

**ASSIGNMENT**  
The Contractor shall not assign or subcontract any part of the contract without the written consent of the Owner.

**NOTICE TO PROCEED**  
The Contractor shall not proceed with the work until it has received a written notice to proceed from the Owner.

**DISPUTE RESOLUTION**  
Any disputes arising out of or in connection with the contract shall be resolved by arbitration.

**ENTIRE AGREEMENT**  
This contract shall constitute the entire agreement between the Contractor and the Owner.

- 14. The Contractor shall be responsible for obtaining all necessary permits for the irrigation system.
- 15. The Contractor shall be responsible for obtaining all necessary permits for the irrigation system.

**GENERAL**  
All materials and equipment shall be approved by the Architect. The Contractor shall be responsible for obtaining all necessary permits for the irrigation system.

**INSTALLATION**  
The Contractor shall install the irrigation system in accordance with the drawings and specifications. The Contractor shall be responsible for obtaining all necessary permits for the irrigation system.

**OPERATION AND MAINTENANCE**  
The Contractor shall operate and maintain the irrigation system for the term of the warranty period. The Contractor shall be responsible for obtaining all necessary permits for the irrigation system.

**REPAIRS AND REPLACEMENTS**  
The Contractor shall repair or replace any and all components of the irrigation system that fail during the warranty period. The Contractor shall be responsible for obtaining all necessary permits for the irrigation system.

**FORCE MAJEURE**  
If any part of the irrigation system is damaged or destroyed by fire, flood, or other cause beyond the control of the Contractor, the Contractor shall be relieved of its obligations to the Owner.

**ASSIGNMENT**  
The Contractor shall not assign or subcontract any part of the contract without the written consent of the Owner.

**NOTICE TO PROCEED**  
The Contractor shall not proceed with the work until it has received a written notice to proceed from the Owner.

**DISPUTE RESOLUTION**  
Any disputes arising out of or in connection with the contract shall be resolved by arbitration.

**ENTIRE AGREEMENT**  
This contract shall constitute the entire agreement between the Contractor and the Owner.

- 16. The Contractor shall be responsible for obtaining all necessary permits for the irrigation system.
- 17. The Contractor shall be responsible for obtaining all necessary permits for the irrigation system.

**GENERAL**  
All materials and equipment shall be approved by the Architect. The Contractor shall be responsible for obtaining all necessary permits for the irrigation system.

**INSTALLATION**  
The Contractor shall install the irrigation system in accordance with the drawings and specifications. The Contractor shall be responsible for obtaining all necessary permits for the irrigation system.

**OPERATION AND MAINTENANCE**  
The Contractor shall operate and maintain the irrigation system for the term of the warranty period. The Contractor shall be responsible for obtaining all necessary permits for the irrigation system.

**REPAIRS AND REPLACEMENTS**  
The Contractor shall repair or replace any and all components of the irrigation system that fail during the warranty period. The Contractor shall be responsible for obtaining all necessary permits for the irrigation system.

**FORCE MAJEURE**  
If any part of the irrigation system is damaged or destroyed by fire, flood, or other cause beyond the control of the Contractor, the Contractor shall be relieved of its obligations to the Owner.

**ASSIGNMENT**  
The Contractor shall not assign or subcontract any part of the contract without the written consent of the Owner.

**NOTICE TO PROCEED**  
The Contractor shall not proceed with the work until it has received a written notice to proceed from the Owner.

**DISPUTE RESOLUTION**  
Any disputes arising out of or in connection with the contract shall be resolved by arbitration.

**ENTIRE AGREEMENT**  
This contract shall constitute the entire agreement between the Contractor and the Owner.

- 18. The Contractor shall be responsible for obtaining all necessary permits for the irrigation system.
- 19. The Contractor shall be responsible for obtaining all necessary permits for the irrigation system.

**GENERAL**  
All materials and equipment shall be approved by the Architect. The Contractor shall be responsible for obtaining all necessary permits for the irrigation system.

**INSTALLATION**  
The Contractor shall install the irrigation system in accordance with the drawings and specifications. The Contractor shall be responsible for obtaining all necessary permits for the irrigation system.

**OPERATION AND MAINTENANCE**  
The Contractor shall operate and maintain the irrigation system for the term of the warranty period. The Contractor shall be responsible for obtaining all necessary permits for the irrigation system.

**REPAIRS AND REPLACEMENTS**  
The Contractor shall repair or replace any and all components of the irrigation system that fail during the warranty period. The Contractor shall be responsible for obtaining all necessary permits for the irrigation system.

**FORCE MAJEURE**  
If any part of the irrigation system is damaged or destroyed by fire, flood, or other cause beyond the control of the Contractor, the Contractor shall be relieved of its obligations to the Owner.

**ASSIGNMENT**  
The Contractor shall not assign or subcontract any part of the contract without the written consent of the Owner.

**NOTICE TO PROCEED**  
The Contractor shall not proceed with the work until it has received a written notice to proceed from the Owner.

**DISPUTE RESOLUTION**  
Any disputes arising out of or in connection with the contract shall be resolved by arbitration.

**ENTIRE AGREEMENT**  
This contract shall constitute the entire agreement between the Contractor and the Owner.

- 20. The Contractor shall be responsible for obtaining all necessary permits for the irrigation system.
- 21. The Contractor shall be responsible for obtaining all necessary permits for the irrigation system.

**GENERAL**  
All materials and equipment shall be approved by the Architect. The Contractor shall be responsible for obtaining all necessary permits for the irrigation system.

**INSTALLATION**  
The Contractor shall install the irrigation system in accordance with the drawings and specifications. The Contractor shall be responsible for obtaining all necessary permits for the irrigation system.

**OPERATION AND MAINTENANCE**  
The Contractor shall operate and maintain the irrigation system for the term of the warranty period. The Contractor shall be responsible for obtaining all necessary permits for the irrigation system.

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The Contractor shall repair or replace any and all components of the irrigation system that fail during the warranty period. The Contractor shall be responsible for obtaining all necessary permits for the irrigation system.

**FORCE MAJEURE**  
If any part of the irrigation system is damaged or destroyed by fire, flood, or other cause beyond the control of the Contractor, the Contractor shall be relieved of its obligations to the Owner.

**ASSIGNMENT**  
The Contractor shall not assign or subcontract any part of the contract without the written consent of the Owner.

**NOTICE TO PROCEED**  
The Contractor shall not proceed with the work until it has received a written notice to proceed from the Owner.

**DISPUTE RESOLUTION**  
Any disputes arising out of or in connection with the contract shall be resolved by arbitration.

**ENTIRE AGREEMENT**  
This contract shall constitute the entire agreement between the Contractor and the Owner.



**Majesty Land Planning**  
240 CHH Newport Blvd  
Culver City, CA 90008  
Phone: (818) 553-2324  
Fax: (818) 553-2324  
mjl@mlp.net

No.	Date	Revised

**CONTRACTOR'S OBLIGATIONS AND RESPONSIBILITIES**  
The Contractor shall provide and pay for any and all materials and labor for the following items:  
1. Installation and maintenance of the irrigation system.  
2. Maintenance of the irrigation system for the term of the warranty period.  
3. Replacement of any and all components of the irrigation system that fail during the warranty period.



**Landscape Construction Documents**  
**Date Apartments**  
12662 Dale Street  
Garden Grove, CA

**Brandwynne Homes**  
16300 Irvine Blvd  
Irvine, CA 92618  
949-292-2400

**IRRIGATION SPECIFICATIONS**

Sheet No. 13

of 6 Sheets  
06Aug12







**Malesyk Land Planning**  
 Landscape Architecture  
 340 Old Newport Blvd, Suite 4  
 Newport Beach, CA 92663  
 (949) 675-2116, (949) 574-2194  
 malesyk.com

No.	Date	Revisions

Malesyk Land Planning's drawings, as instruments of service, shall be prepared and used only for the project and site specifically identified on the drawings. They shall not be used for other projects or any purposes not intended by Malesyk Land Planning, a registered professional firm of Malesyk Land Planning.

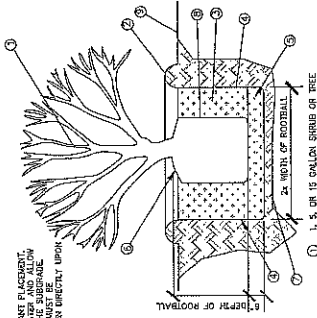


Landscape Construction Documents  
**Dale Apartments**  
 12662 Dale Street  
 Garden Grove, CA

**Braodwyn Homes**  
 16580 Canyon Blvd, Suite 606  
 Garden Grove, CA 92646  
 949-236-2400

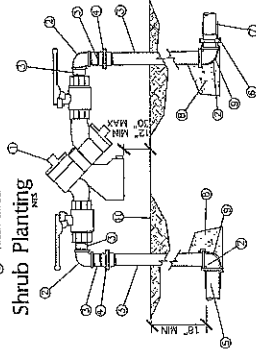
**DETAILS**  
 Sheet No.

**L6**  
 of 6 Sheets  
 06/AUG/12



NOTE: PRIOR TO PLANT PLACEMENT, FILL ALL PITS WITH WATER AND ALLOW TO PENETRATE INTO THE SOIL. THOROUGHLY WATERED IN DIRECTLY UPON INITIAL PLANTING.

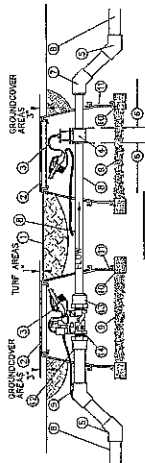
1. 1.5, OR 1.5 DOLLAR DIBBLE OR TREE
2. WATER BASH 3" HORIZONTAL DEPTH
3. NATIVE SOIL
4. SCARIFY SIDES AND BOTTOM OF PLANTING PIT
5. 6" DEEP COMPACTED NATIVE SOIL BACKFILL
6. 2" DEEP COMPACTED NATIVE SOIL BACKFILL
7. EXISTING SOIL
8. LIGHTLY SCARIFY AND CUT ROOTS ALONG FOOTBALL
9. FINISH GRADE



1. FERCO 8257M REDUCED PRESSURE BACKFLOW
2. BRASS ELBS
3. BRASS NIPPLES
4. BRASS UNION
5. PRESSURE SUPPLY LINE, BRASS TO POINT OF CONNECTION
6. PVC SCHEDULE 40 MALE ADAPTER
7. PVC SCHEDULE 40 PRESSURE SUPPLY LINE DISCHARGE
8. CONCRETE SLURRY THROST BLOCK
9. VIOLETTEN WRAPPED
10. FINISH GRADE

NOTE: PART 1 ALL PARTS ABOVE GRADE ONE COAT OF METAL PRIMER AND ONE COAT OF DARK EXTERIOR GREEN PAINT.

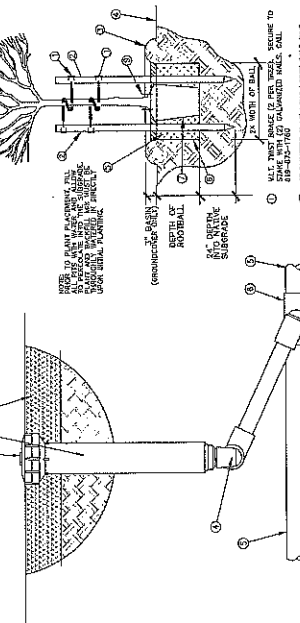
**Reduced Pressure Backflow Preventer**



1. FINISH GRADE
2. FLOW SENSOR FOR SPECIFICATIONS
3. PVC 45 DEGREE ELB (TYP)
4. BRASS 1/2" PIPE DIAMETER
5. MANUFACTURED BRASS JOINT
6. PVC 45 DEGREE ELB (TYP)
7. 1/2" BUSH DOWN TO 1/4" (TYP)
8. 1/2" BUSH DOWN TO 1/4" (TYP)
9. 1/2" BUSH DOWN TO 1/4" (TYP)
10. 1/2" BUSH DOWN TO 1/4" (TYP)
11. VALVE BOX
12. CONTINUOUS BRICK SUPPORTS
13. GRAVEL (1 CU. FT.)
14. ELECTRIC GROUND WALK WITH 2500-37-04 1" MODEL NO.
15. 1/2" MALE ADAPTER - BUSH FROM TO FLAT
16. 1/2" MALE ADAPTER - BUSH FROM TO FLAT
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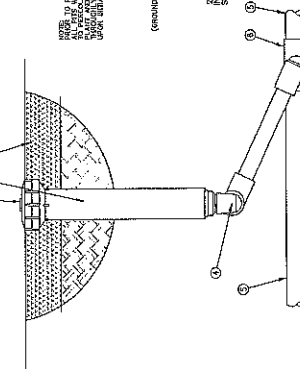
**Flow Sensor-Master Valve**

1. SPRINKLER NOZZLE, SEE IRRIGATION LEGEND
2. TURBO SPRINKLER STRUT-UP-PPRM-COM
3. FINISH GRADE-3" OF ANCH
4. MANUFACTURED BRASS JOINT
5. HUNTER #31-S1E OR RAIN BIRD #34-1250
6. LATRAL LINE SON 40
7. LATRALIA TEE



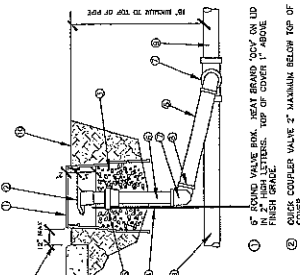
1. 1/2" DEEP WATERING BASH IN OVERFLOW
2. FINISH GRADE
3. NATIVE SOIL (NO AMENDMENTS)
4. SCARIFY SIDES AND BOTTOM OF PLANTING PIT
5. LIGHTLY SCARIFY AND CUT ROOTS ALONG FOOTBALL
6. 2" IN APPROVED BUSH IN BASH, FOR LAWN MOWER AND OTHER EQUIPMENT TO MAINTAIN FROM TURNS
7. METAL TIE CHAIN IN TIEP AIDS ONLY

**Tree Planting/Staking**



1. 6" ROUND VALVE BOX, HEAVY BRASS "ODD" ON LID
2. FINISH GRADE
3. COUPLER VALVE, 2" MAXIMUM BELOW TOP OF COVER
4. #4 REBAR, 24" LONG
5. STAINLESS STEEL CLAMP
6. BRASS NIPPLE
7. THREADED BRASS STREET ELL
8. 3/8 BRASS ELL
9. PVC MARKING
10. FINISH GRADE
11. SIDEWALK, BACK OF CURB OR WALL

**6" Pop-up Head**



1. 6" ROUND VALVE BOX, HEAVY BRASS "ODD" ON LID
2. FINISH GRADE
3. COUPLER VALVE, 2" MAXIMUM BELOW TOP OF COVER
4. #4 REBAR, 24" LONG
5. STAINLESS STEEL CLAMP
6. BRASS NIPPLE
7. THREADED BRASS STREET ELL
8. 3/8 BRASS ELL
9. PVC MARKING
10. FINISH GRADE
11. SIDEWALK, BACK OF CURB OR WALL

**Quick Coupler Valve**

RESOLUTION NO. 5780-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-470-12 AND RECOMMENDING APPROVAL OF DEVELOPMENT AGREEMENT NO. DA-187-12.

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-470-12 and recommends City Council approval of Development Agreement No. DA-187-12, for land located on the east side of Dale Street, north side of Stanford Avenue, at 12662 Dale Street, Assessor's Parcel No. 215-091-25.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-470-12 and Development Agreement No. DA-187-12, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Brandywine Homes (Garden Grove 12662 Dale, LLC).
2. The applicant requests approval of a Site Plan (SP-470-12) in order to construct a 25-unit, three-story apartment complex with a 35% affordable housing density bonus for low to moderate income families. Pursuant to State Density Bonus Law, the applicant is requesting the following three waivers/modifications from the R-3 zone development standards: (a) waiver of standard that residential units be located within at least 10-feet of a driving aisle (GGMC Section 9.12.040.020.A.2(e)) in order to cantilever the second and third floors over the drive aisle by 7 feet; reduction of the required side yard setback from 10-feet to 8-feet along the northerly property line (GGMC Section 9.12.040.020.A.1); and waiver of 50% maximum zero yard setback for covered parking along a property line (GGMC Section 9.12.040.020.A.2.(a) along the southerly property line. In addition, the applicant is requesting the Planning Commission recommend approval to City Council of a Development Agreement (DA-186-12).
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 38,622 square foot site is currently developed with a single-family home.
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, 2012 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, are as follows:

FACTS:

The site is 38,622 square foot in area, and currently developed with a single-family home.

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

The applicant is proposing to demolish the existing single-family home and construct 25 residential units reserving 30% (8 dwelling units) of the units for low-income renters. The proposed units range in size from 906 square feet to 1,226 square feet.

The application for Site Plan No. SP-470-12 is being processed in conjunction with Development Agreement No. DA-187-12.

FINDINGS AND REASONS:

Site Plan:

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

The project complies with the goals of the Medium Density Residential Land Use Designation for the property by providing a variety of housing (unit types) that will be available for differing family sizes, providing a high quality project design



that will preserve residential property values, and providing both common and private open space areas that are available to serve the residents of the subject project. The requested waivers/modifications of development standards are reasonable and required to be granted by the State Density Bonus Law, and the project otherwise meets the standards of the R-3 (Multiple-Family Residential) zoning of the property, as they pertain to the access, building setbacks, number of parking spaces, and landscaping. Therefore, the proposed project will improve the site and fulfill the goals and policies of the General Plan and Land Use Code by creating a well-maintained and attractive development that enhances the existing residential neighborhood.

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 State's Density Bonus Housing provisions as implemented through the City's Code for 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 developer is required to make street improvements by dedicating 20-feet of right-of-way to the City of Garden Grove and constructing street improvements on Dale Street. The street improvements include constructing curb and gutter, paving additional area on the street, constructing a sidewalk, reconstructing the drive approach, and planting street trees behind the new sidewalk. Additionally, existing 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 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. 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 site design provides a greatly improved circulation pattern and point of access. The project has been designed for building appearance, building placement, landscaping, and other amenities to attain an attractive environment that will be an enhancement to the neighborhood.

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 that will be an enhancement to the neighborhood. The building has been designed to surround a central courtyard. A total of 10,352 square feet of both common useable and private recreation space has been provided. Common open space area is proposed to be 7,679 square feet with the private patio areas totaling 2,673 square feet. City Code requires a total of 7,500 square feet for the proposed project. All building setback areas, while not part of the common open space area, will be landscaped, except where walkways have been required. The proposed units range in size from 906 square feet to 1,226 square feet. There are a total of 16 two-bedroom units and 9 three-bedroom units. The unit count includes 9 single-story flats (6 two-bedroom, two bath and 3 three-bedroom, two bath units) and 16 two-story townhouse style units (10 two-bedroom, two bath and 6 three-bedroom, two and half bath units). The units will maintain access from the interior of the courtyard and each unit will have their own private patio area that will range in size from 90 square feet to 129 square feet. The applicant has proposed a contemporary architectural style for the apartment building that exhibits a stucco exterior, stone accents on the façade of the building, decorative window trim, shutters, decorative wrought iron railings around balconies, decorative arched niches facing Dale Street, and tile roofing. The second and third story units facing the southerly property line will cantilever over the drive aisle 7 feet. The carports will be simple modern structures with a slightly sloped roof with supports located approximately 20-feet apart. The side of the carport that is located closer to Dale Street has been designed to match the apartment building, utilizing the same stucco finish and stone accent with an arched niche.

#### 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 possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030 (Site Plan)
2. In order to fulfill the purpose and intent of the Municipal Code, and, thereby, promote the health, safety, and general welfare, the following Conditions of Approval, attached as "Exhibit A", shall apply to Site Plan No. SP-470-12.

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.

## **EXHIBIT "A"**

### **Site Plan No. SP-470-12**

12662 Dale Street

### **CONDITIONS OF APPROVAL**

#### **General Conditions**

1. The applicant shall record a "Notice of Agreement with Conditions of Approval and Discretionary Permit of Approval," as prepared by the City Attorney's Office, on the property. Proof of such recordation is required within 30 days of this approval. All conditions of approval are required to be adhered to for the life of the project, regardless of property ownership. Any changes of the Conditions of Approval require approval by the Planning Commission.
2. Approval of this Site Plan 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. The approved site plan, floor plan, and building design with colors are an integral part of the decision approving this Site Plan. There shall be no change in the site plan, floor plan, building design and/or colors as revised without the approval of the Community Development Department. Any change in the site plan, and/or floor plan, which has the effect of expanding or intensifying the use, shall require approval from the Planning Commission.
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.

- 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 Dale Street, or any parking areas, and shall be screened to the satisfaction of the Community Development Department.
- c. No roof-mounted mechanical equipment, including, but not limited to, dish antennas, shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community Development Department prior to the issuance of building permits. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
- d. All ground- or wall-mounted mechanical equipment shall be screened from view from any place on or off the site.

#### **Public Work's Engineering Division**

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

6. A separate street permit is required for work performed within the public right-of-way.
7. The applicant shall be subject to Traffic Mitigation Fees.
8. The applicant shall remove the two telephone poles fronting the project site on Dale Street and underground the utilities, as described on the preliminary grading plan and in a manner meeting the approval of the City Engineer.
9. The applicant shall post "No Guest Parking Beyond this Point" sign at a location determined by the City Traffic Engineer and shall be installed prior to occupancy.
10. The applicant shall designate each covered parking stall to an apartment unit.
11. Prior to the issuance of certificates of use and occupancy, the applicant shall dedicate 20-feet of road right-of-way on Dale Street along the property frontage for an ultimate half-road right-of-way width of 40-feet. This will bring this segment of Dale Street into compliance with its Master Planned Designation as a Secondary Arterial Highway. The applicant shall design and construct street frontage improvements as identified below:
  - Remove the two existing substandard driveway approaches and existing landscaping on Dale Street and construct new curb, gutter and sidewalk;

- A new driveway approach to the site shall be constructed in accordance with City of Garden Grove Standard Plan B-120, at a minimum width of 27-feet;
  - New 8-inch curb and gutter shall be constructed along the property frontage at 32-feet from centerline according to City of Garden Grove Standard Plan B-113 (Type C-8);
  - Construct a new 8-foot sidewalk adjacent to the new curb per City Standard Plan B-106;
  - Pave the street from centerline to the new curb meeting City Standard Plan B-103. All new improvements are to meet and match existing public improvements to the immediate north and south of Dale Street. Any in-kind broken pavement, curb gutter or other concrete improvements adjacent to the work, which are undermined, damaged or displaced due to a contractor's performance of the work, shall be replaced.
12. A grading plan and street improvement plan prepared by a registered Civil Engineer are required. The 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.
13. 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 make recommendations for pavement design of interior drive aisles and parking spaces. 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.
14. Prior to the issuance of any grading or building permits or prior to recordation upon subdivision of land if determined applicable by the City Building Official, the applicant shall submit to the City for review and approval a Water Quality Management Plan (WQMP) that:
- Addresses Site Design BMPs such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas;

- 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.
15. 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 best management practices (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 on-site;
  - Submit for review and approval by the City an Operations and Maintenance (O&M) Plan for all structural BMPs.
16. All trash container areas shall meet the following requirements:
- Paved with an impervious surface, designed not to allow run-on from adjoining areas, designed to divert drainage from adjoining roofs and pavements diverted around the area, screened or walled to prevent off-site transport of trash;
  - Provide solid roof or awning to prevent direct precipitation;
  - Connection of trash area drains to the municipal storm drain system is prohibited;
  - Potential conflicts with fire code and garbage hauling activities should be considered in implementing this source control;

- See CASQA Storm Water Handbook Section 3.2.9 and BMP Fact Sheet SD-32 for additional information.
  - The trash shall be located to allow pick-up and maneuvering, including turnarounds, in the area of the enclosures.
17. Prior to the issuance of any grading or building permits for projects that will result in soil disturbance of one acre or more of land, the applicant shall demonstrate that coverage has been obtained under California's General Permit for Stormwater Discharges Associated with Construction Activity by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number. Projects subject to this requirement shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). A copy of the current SWPPP shall be kept at the project site and be available for City review on request.
  18. Any new or required block walls and/or retaining walls shall be shown on the grading plans. Block walls shall be designed in accordance with City standards or designed by a professional registered engineer.
  19. Parkway culverts will be designed according to County of Orange Standard Plan 1309 and to the satisfaction of the City Engineer.
  20. Prior to issuance of a grading permit, provide public improvement completion bonds in a manner satisfactory to the City Engineer, City Attorney and City Finance Department (Risk Management). Alternate forms of security may be considered, solely in the discretion of the City Engineer and with the concurrence of the City Attorney and City Finance Department (Risk Management).

### **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 apartment building 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 above ground 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. Life safety and fire sprinkler alarm system shall comply with NFPA 72 requirements.



23. Fire hydrant(s) shall be provided on-site, number of hydrants and locations are subject to Fire Department and Water Services Department approval. The fire hydrant(s) shall be on a loop system approved by the Fire Department. The fire hydrants and an all-weather road, compliant with the California Fire Code, shall be installed and fully operational prior to any combustible material being delivered to the site.
24. All Fire related aspects of the proposed project shall comply with California Fire Codes and the California Building Codes 2010 Edition.
25. There shall be a minimum of 20-foot clear access within the drive aisle and emergency vehicle turn-around area. In addition, pedestrian access shall be available along the north and west side of the development to facilitate secondary access requirements.
26. If applicable, elevator dimensions shall be approved by the Fire Department prior to issuance of building permits.

**Building Services Division**

27. The homes shall be designed to comply with the California Building Codes.

**Public Work's Water Services Division**

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

28. A composite utility site plan of the sewer and water shall be part of the water plan approval. The plan shall be in DWG format with City title block and a City assigned drawing number.
29. 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.
30. The complex is to be master metered. The meter is to be sized by developer and service to be installed by a contractor with a Class A or C-34 license per City Standards and inspected and approved by a Public Work's inspector.
31. A Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed for meter protection. The landscape system shall have an RPPD device. Any carbonation dispensing equipment shall have an RPPD device. 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 Work's, Water Services Division. Property owner must open a water account upon installation of RPPD device. The above ground RPPD assemblies shall be screened from public view as required by the Planning Division.

32. Any new or existing water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.
33. City shall determine if existing water service(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.
34. Fire service shall have above ground backflow device with a double check valve assembly. Device shall be tested immediately after installation and once a year thereafter by a certified backflow device tester and the results submitted to Public Work's, Water Services Division Device shall be on private property and is the responsibility of the property owner. The above-ground assembly shall be screened from public view as required by the Planning Division.
35. Location and number of fire hydrants shall be as required by the City's Water Services Division and the City's Fire Department.
36. The site shall be graded so that no rain or landscape irrigation water can drain into sewer drains in wash bays. All wash bays shall have adequate roof overhang to prevent rainwater from entering wash bays. No outside sinks or wash area shall be permitted. Owner shall maintain service records for sewer wastes that are disposed of in accordance with current laws and regulations for hazardous waste.
37. Developer/owner shall install new private sewer main system with laterals with clean outs. Lateral/main in public right-of-way shall be 6-inches min. dia., extra strength VCP with wedgelock joints.
38. 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**

39. The developer shall submit a detailed landscape and irrigation plan of all landscape areas, including the parkway area behind the new sidewalks. The plan shall be submitted to and be approved by the Community Development Department, Planning Services Division prior to the issuance of any permit for construction. Said plan shall include substantial plantings that create a natural setting and include type (both common and botanical names), size, location,

and quantity of all plant material. The landscaping shall be planted prior to the finalization of the permit for construction. The landscape plan shall also include the following:

- a. The landscaping plan shall comply with all the landscaping requirements as specified in Title 9 of the City of Garden Grove Municipal Code.
  - b. Trees planted within ten (10) feet 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 Dale Street shall be incorporated into the front landscape setback, no street trees will be planted in the sidewalk, unless required by the City's Public Work's Department. The landscape plan shall maximize the plantings along the perimeter wall where planters are possible. There shall be vine plantings along the length of the perimeter walls. The vines shall be mainly perennial and evergreen with some flowering, deciduous types interspersed.
  - c. The front landscape area shall reflect the existing character of the site with abundant tropical plantings and shade trees.
  - d. A complete, permanent, and automatic remote control irrigation system shall be provided for all landscape areas shown on the plan. Subsurface irrigation systems are encouraged. The irrigation plan for any trees planted in the setback areas adjacent to the sidewalks and in the parking lot shall have a deep-water irrigation system that shall be specified on the landscape plan. A detail of the deep-water irrigation system shall be provided for review. If sprinklers are used in other areas, they shall be low flow/precipitation sprinkler heads for water conservation.
  - e. All above ground utilities (e.g., water backflow devices, electrical transformers, irrigation equipment, etc.) shall be shown on the landscaping plan and shall be screened from view by appropriate plantings.
  - f. The developer is responsible for the installation of all landscaping, irrigation, and other site improvements on the property. Said responsibility shall extend to all landscaped areas, the playground, the landscape setbacks, sidewalk, curb and pavement of the site.
40. The developer/property owner shall prepare a Density Bonus Housing Agreement pursuant to Ordinance 2668 and Section 9.12.110 (Density bonuses and other incentives for affordable housing) (Subsection I – "Density Bonus Housing Agreement") of Title 9. The Housing Agreement shall be submitted for review and approval by the City Attorney's office and the Community Development Department prior to the issuance of building permits. The approved Housing Agreement shall be recorded prior to issuance of a

building permit for any structure in the housing development. The Housing Agreement shall run with the land and bind on all future owners and successors in interest. The Density Bonus Housing Agreement shall include, but not limited to, the following:

- a. The total number of units approved for the Housing Development, the number, location, and level of affordability of target units, and the number of density bonus units.
- b. Standards for determining affordable rent or affordable ownership cost for the target units.
- c. The location, unit size in square feet, and number of bedrooms of target units.
- d. Provisions to ensure affordability in accordance with Subsection G of this section.
- e. A schedule for completion and occupancy of target units in relation to construction of non-restricted units.
- f. A description of any concessions or incentives or waivers and modifications being provided by the City.
- g. A description of remedies for breach of the agreement by either party. The City may identify tenants or qualified purchasers as third party beneficiaries under the agreement.
- h. Procedures for qualifying tenants and prospective purchasers of target units.
- i. Any other provisions to ensure implementation and compliance with this section.
- j. Procedures for establishing affordable rent, filling vacancies, and maintaining target units for eligible tenants.
- k. Provisions requiring verification of household incomes.
- l. Provisions requiring maintenance of records to demonstrate compliance with this subsection.
- m. The property owner shall restrict tenancy occupancy to a "2 + 1" formula, 2 persons per bedroom plus one additional person (ex: a two bedroom unit can only house five persons).

- n. The property owner shall provide a professional on-site caretaker, as defined and required by Title 25, Division 4, Article 5, Section 42 of the State Housing Law Regulations.
41. 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.
  42. The developer/property owner shall enter into a binding Development Agreement with the City of Garden Grove.
  43. Each Unit shall have phone-jacks and cable-TV in all rooms, except any laundry area, hallways, and bathrooms.
  44. Each unit shall be provided with an air conditioning condensing unit so that there are no wall-mounted, window mounted, or roof type air conditioning systems on the building.
  45. All units shall be equipped with trash compactors and shall provide a minimum of three cubic feet of space for the collection and storage of refuse and recyclable material. All exterior collection areas shall be located within a screened yard.
  46. Each unit shall have a separate area for storage having a minimum of three hundred cubic feet of private and secure space. This storage may be located within the carports, provided that it does not interfere with automobile parking.
  47. Enhanced concrete treatment shall be provided at a 20-foot depth within the entry drive from Dale Street. Concrete treatment and color shall be approved by the Community Development Department prior to issuance of building permits.
  48. Storage of boats, recreational vehicles, or commercial vehicles on the property shall be prohibited.
  49. 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.
50. 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, east, and south property lines (where no carport is located) 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.
  - 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.
51. 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.
52. The common recreation area improvements, including the design of the play equipment, shall be reviewed and approved by the Community Development Department, Planning Division prior to issuance of building permits. The improvements within the common open space areas shall include a turf area, benches, barbecue, child's play equipment, and related equipment and improvements. The emergency vehicle turn-around area shall be constructed using Grass-Pave or similar system that will maintain the weight of an emergency vehicle.
  53. Building color and material samples shall be submitted to the Planning Division for review and approval prior to issuance of building permits. The buildings shall include multi-toned stuccoed exteriors with stone veneer, window and door trim, decorative paneled front doors, shutters, decorative wrought iron railings, and varied rooflines with tile roofing material. All side, rear, and interior courtyard elevations shall maintain the same level of, including but not limited, to window and door trims.
  54. No security fencing/gate shall be permitted to be installed within the entry of the project, unless a vehicular turn-around area meeting Public Work's Engineering Division requirements can be accommodated.
  55. All recreation areas, landscaping along the interior project street and entryway, landscaped areas outside the perimeter block wall, and any landscaping within the public right-of-ways shall be maintained for the life of the project.
  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.

**NOTICE OF CEQA EXEMPTION**

DALE STREET APARTMENTS  
12662 DALE STREET  
GARDEN GROVE, CALIFORNIA



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

From: City of Garden Grove  
Community Development Department  
Planning Services Division  
11222 Acacia Parkway  
Garden Grove, CA 92840

County Clerk County of Orange  
12 Civic Center Plaza, Room 101  
Santa Ana, CA 92701

**Project Title:** Dale Street Apartments

**Project Location - Specific:** 12662 Dale Street, City of Garden Grove (See also attached maps)

**Project Location - City:** Garden Grove **Project Location - County:** County of Orange

**Description of Nature, Purpose, and Beneficiaries of Project:** 25 unit apartment units.

**Name of Public Agency Approving Project:** City of Garden Grove **Name of Person or Agency Carrying Out Project:** Brandywine Homes, 16580 Aston Street, Irvine California 92606

**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. State type and section number: Class 32, Infill Development Projects (CEQA Guidelines § 15332); Common Sense Exemption (CEQA Guidelines § 15061(b)(3)).
- Statutory Exemptions. State code number:

**Reasons why project is exempt:** See attachment.

**Lead Agency**

**Contact Person:** \_\_\_\_\_ **Area Code/Telephone/Extension:** \_\_\_\_\_

**If filed by applicant:**

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

Signature:

Signed by the Lead Agency

Title:

Signed by the Applicant

Date:





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## ATTACHMENT FOR THE NOTICE OF CEQA EXEMPTION DALE STREET APARTMENTS (12662 DALE STREET, GARDEN GROVE, CALIFORNIA)

### 1. INTRODUCTION

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, a Notice of Exemption (NOE) may be filed if the City of Garden Grove, in its capacity as the lead agency, determines that a proposed action or project is exempt from CEQA. According to the CEQA Guidelines<sup>1</sup>, a NOE must contain the following information:

- A brief description of the proposed action or project;
- A finding that the proposed action or project is exempt, including a citation of the State CEQA Guidelines section or statute under which the project is found to be exempt; and,
- A brief statement in support of the finding.<sup>2</sup>

This NOE provides a description of the proposed Dale Street Apartments, indicates the applicable sections of CEQA that support the findings for the CEQA exemption, and discusses the lead agency's findings that are applicable to the proposed project.

### 2. PROJECT DESCRIPTION

The proposed project site is located at 12662 Dale Street in the City of Garden Grove. The project site is located on the east side of Dale Street between Lampson Avenue (on the north) and Stanford Avenue (on the south). The location of the project is also indicated on the attached maps. The proposed project will involve the construction of 25 apartment (rental) units within the (approximately) 0.9-acre site. Access to the proposed project will be provided by a single driveway connection with Dale Street. An internal drive aisle will extend along the southerly portion of the site which will provide access to the covered parking spaces.

### 3. APPLICABLE CEQA EXEMPTION(S)

The City of Garden Grove has reviewed the proposed project and has determined that it is categorically exempt pursuant to the *Class 32 Exemption, Infill Development Projects*, (CEQA Guidelines § 15332) ) and qualifies for CEQA's Common Sense Exemption (CEQA Guidelines § 15061(b)(3)).

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<sup>1</sup> The CEQA Guidelines are set forth in California Code of Regulations, Title 14, Sections 15000 *et seq.*

<sup>2</sup> CEQA Guidelines § 15062.

## NOTICE OF CEQA EXEMPTION

DALE STREET APARTMENTS  
12662 DALE STREET  
GARDEN GROVE, CALIFORNIA



### 3.1 CLASS 32 EXEMPTION (INFILL DEVELOPMENT PROJECTS)

The Class 32 exemption consists of projects characterized as infill developments that meet the following conditions:

- The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations;
- The proposed undertaking will occur within the city limits on a project site of not more than five acres that is substantially surrounded by urban uses;
- The project site has no value as habitat for endangered, rare or threatened species;
- The approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and,
- The site can be adequately served by all required utilities and public services.<sup>3</sup>

### 3.2 COMMON SENSE EXEMPTION

In addition to the aforementioned exemptions, the City of Garden Grove has determined that the proposed project is exempt based on Section 15061(b)(3) of CEQA which states the following:

“The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a *significant effect* on the environment. Where it can be seen with certainty that there is no possibility that an activity in question may have a significant effect on the environment, the activity is not subject to CEQA.”

## 4. FINDINGS SUPPORTING THE APPLICABLE CEQA EXEMPTION(S)

The City of Garden Grove, determined following a preliminary evaluation of the proposed project, that the proposed project would not result in any significant effects on the environment. This determination is based on the following:

### 4.1 CLASS 32 (INFILL DEVELOPMENT PROJECTS)

- The proposed project is consistent with both the City of Garden Grove General Plan land use designation that is applicable to the site and the City of Garden Grove Zoning Ordinance and Map. No General Plan Amendment or Zone Change will be required to accommodate the proposed project. The proposed

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<sup>3</sup> CEQA Guidelines § 15332.

## NOTICE OF CEQA EXEMPTION

DALE STREET APARTMENTS  
12662 DALE STREET  
GARDEN GROVE, CALIFORNIA



project meets the development standards of the City's code except with respect to waivers/modifications required by the State Density Bonus Law

- The proposed project occurs within city limits on a project site of less than five acres that is substantially surrounded by urban uses. The project site is approximately 0.9 acres in size and, as indicated in Exhibit 6, is bordered on all four sides by existing urban development. The lots to the north, south and east of the property are developed with multi-family uses. The lots to the west are developed with single-family homes.
- 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 site's small size and its isolation from other open space areas limit its utility as a habitat or an animal migration corridor. No native or natural habitats are found within the project site or on adjacent parcels.
- The approval of the proposed project would not result in any significant effects relating to traffic, noise, air quality, or water quality. The City required that a noise study, air quality study, traffic study, and a hydrology and water quality study be prepared to ascertain the environmental impacts associated with the proposed project's construction and subsequent occupancy. These studies determined that the proposed project would not result in any significant traffic, noise, air quality, or water quality impacts. These studies are identified in Section 6 and are incorporated herein by reference.
- The proposed project site can be adequately served by all required utilities and public services.

### 4.2 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. Furthermore, the City of Garden Grove makes the following additional findings in support of a CEQA exemption for the proposed project.

- No significant dislocation of on-site or off-site uses will be required to accommodate the proposed project.

## 5. PREPARERS AND REFERENCES

The following individuals were responsible for the preparation of this NOE:

**City of Garden Grove**

Community Development Department, Planning Division  
Lee Moreno, Senior Planner

**Project CEQA Consultant**

Blodgett/Baylosis Associates  
Marc Blodgett, Project Manager

The following documents are incorporated herein by reference.

RK Engineering Group, Inc. *Dale Street Apartments Traffic Impact Study and Parking Review*. City of Garden Grove, California. July 31, 2012.

RK Engineering Group, Inc. *Dale Street Apartments Final Acoustics Study and Parking Review (Revised 8/1/2012)*. City of Garden Grove, California. August 1, 2012.

RK Engineering Group, Inc. *Dale Street Apartments Air Quality and GHG Study (Revised 8/1/2012)* City of Garden Grove, California. August 1, 2012.

DMS Consultants, Inc. *Hydrology Study for the Dale Apartments, 12662 Dale Street*. Garden Grove, California. June 19, 2011.

DMS Consultants, Inc. *Preliminary Water Quality Management Plan (WQMP) for the Dale Apartments, 12662 Dale Street*. Garden Grove, California. July 31, 2012.

Garden Grove, City of. *Garden Grove General Plan 2030, Chapter 10. Conservation Element*. May 2008.

Garden Grove, City of. *Garden Grove General Plan 2030, Chapter 6. Infrastructure Element*. May 2008.

Blodgett/Baylosis Associates. *Water Quality Study Dale Street Apartments 12662 Dale Street (Garden Grove, California)*. August 9, 2012

**NOTICE OF CEQA EXEMPTION**

DALE STREET APARTMENTS  
12662 DALE STREET  
GARDEN GROVE, CALIFORNIA



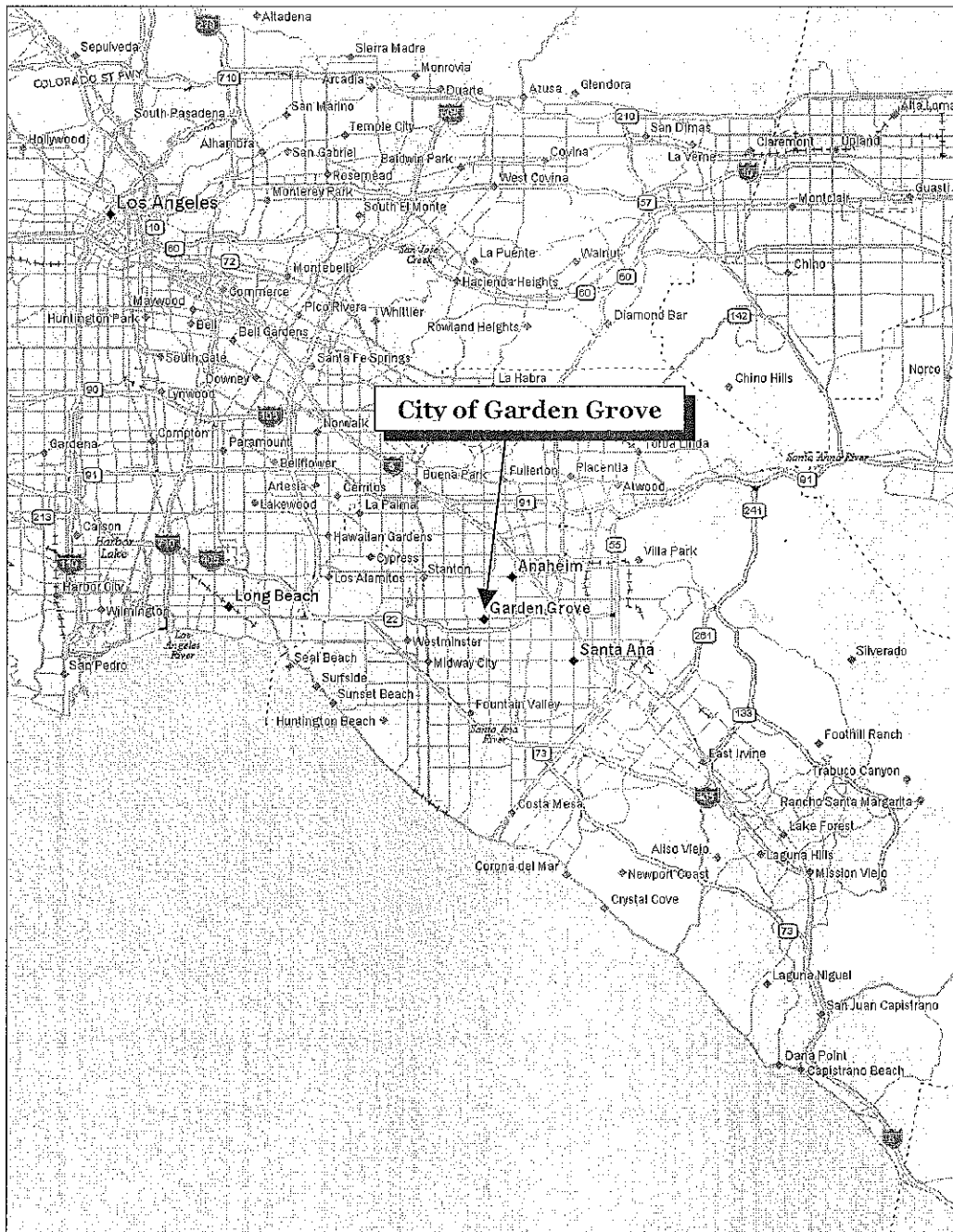
**GARDEN GROVE**

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**EXHIBITS**

**NOTICE OF CEQA EXEMPTION**

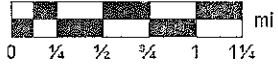
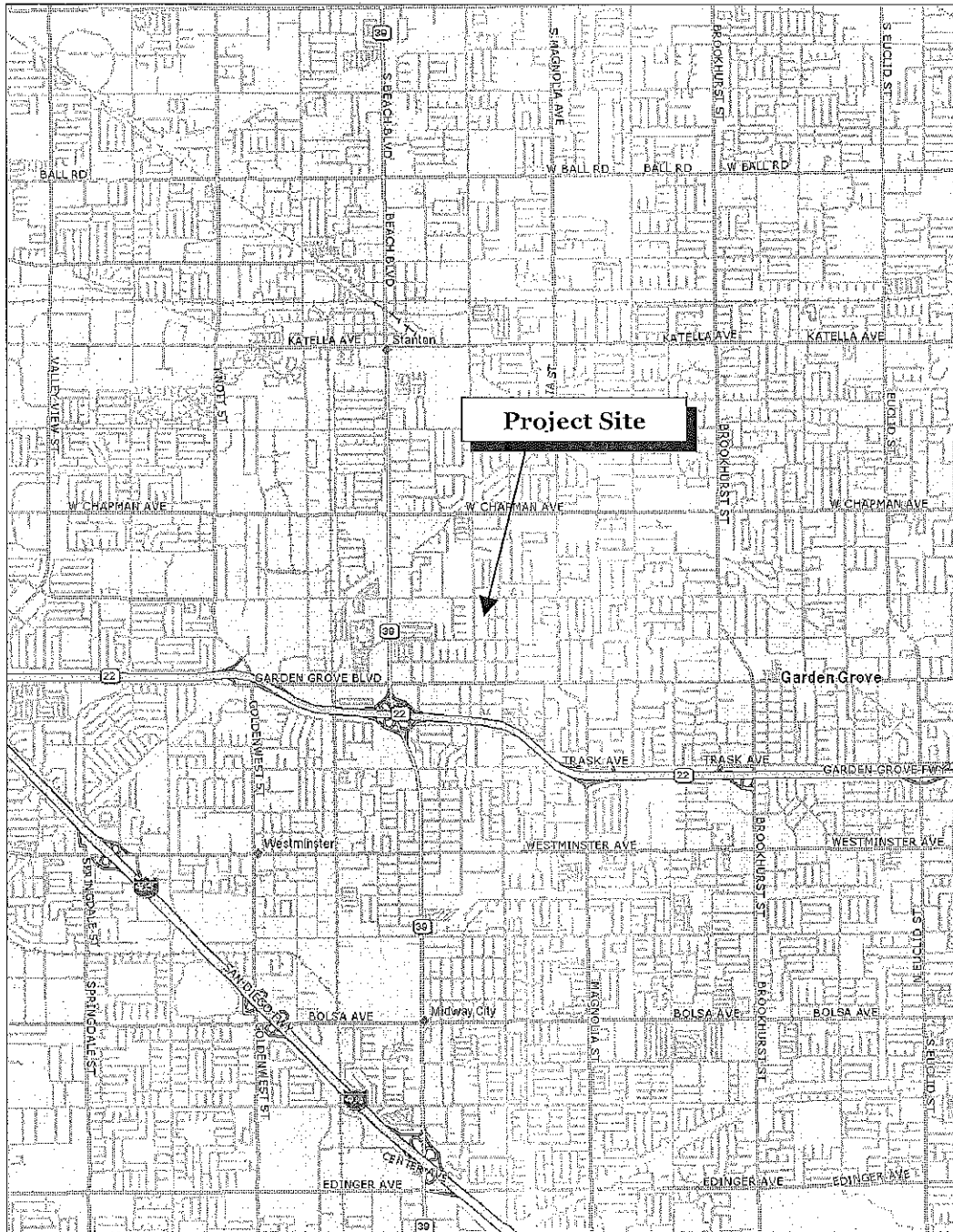
DALE STREET APARTMENTS  
12662 DALE STREET  
GARDEN GROVE, CALIFORNIA



**EXHIBIT 1**  
**REGIONAL LOCATION**  
SOURCE: DELORME 2009

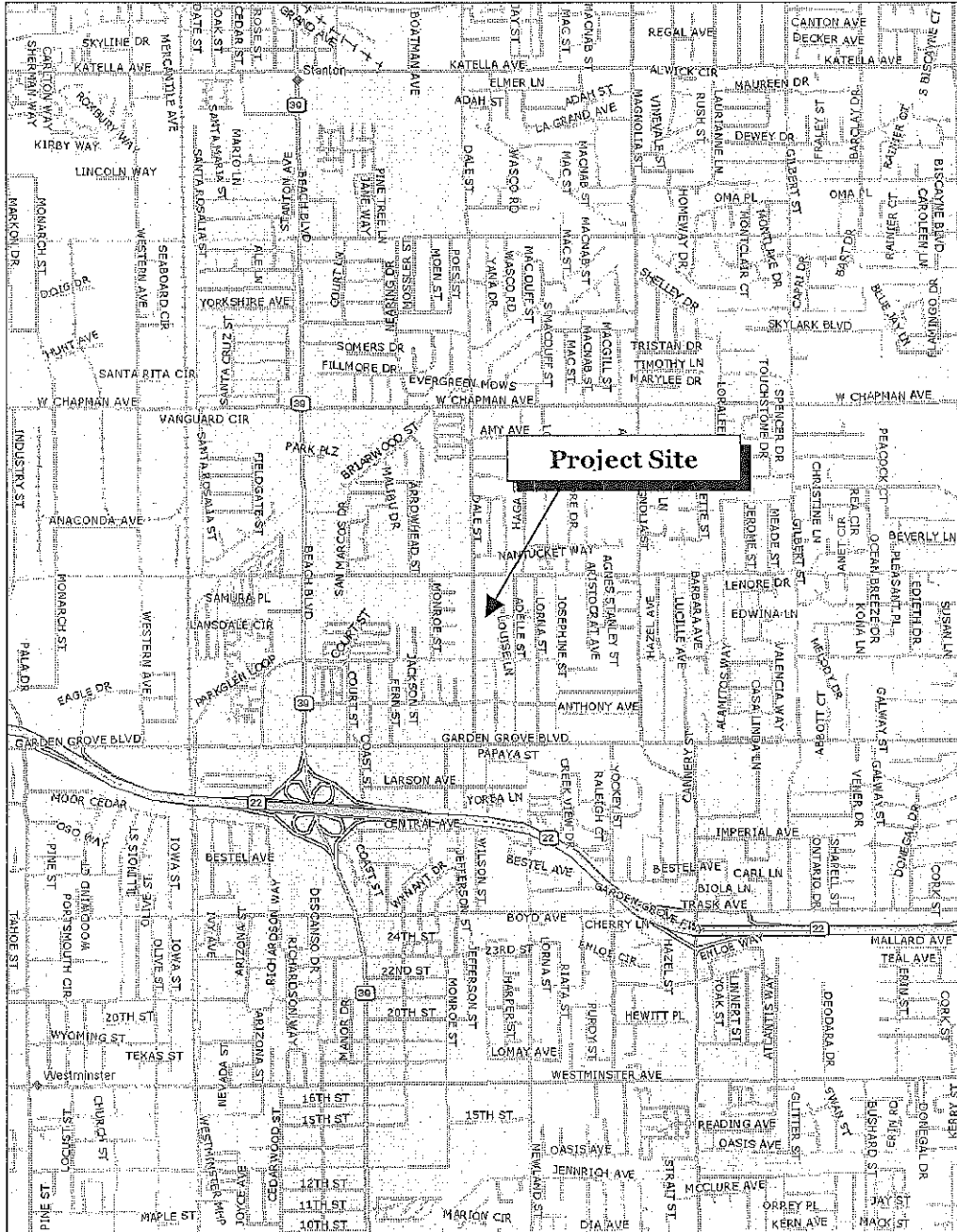
**NOTICE OF CEQA EXEMPTION**

DALE STREET APARTMENTS  
12662 DALE STREET  
GARDEN GROVE, CALIFORNIA



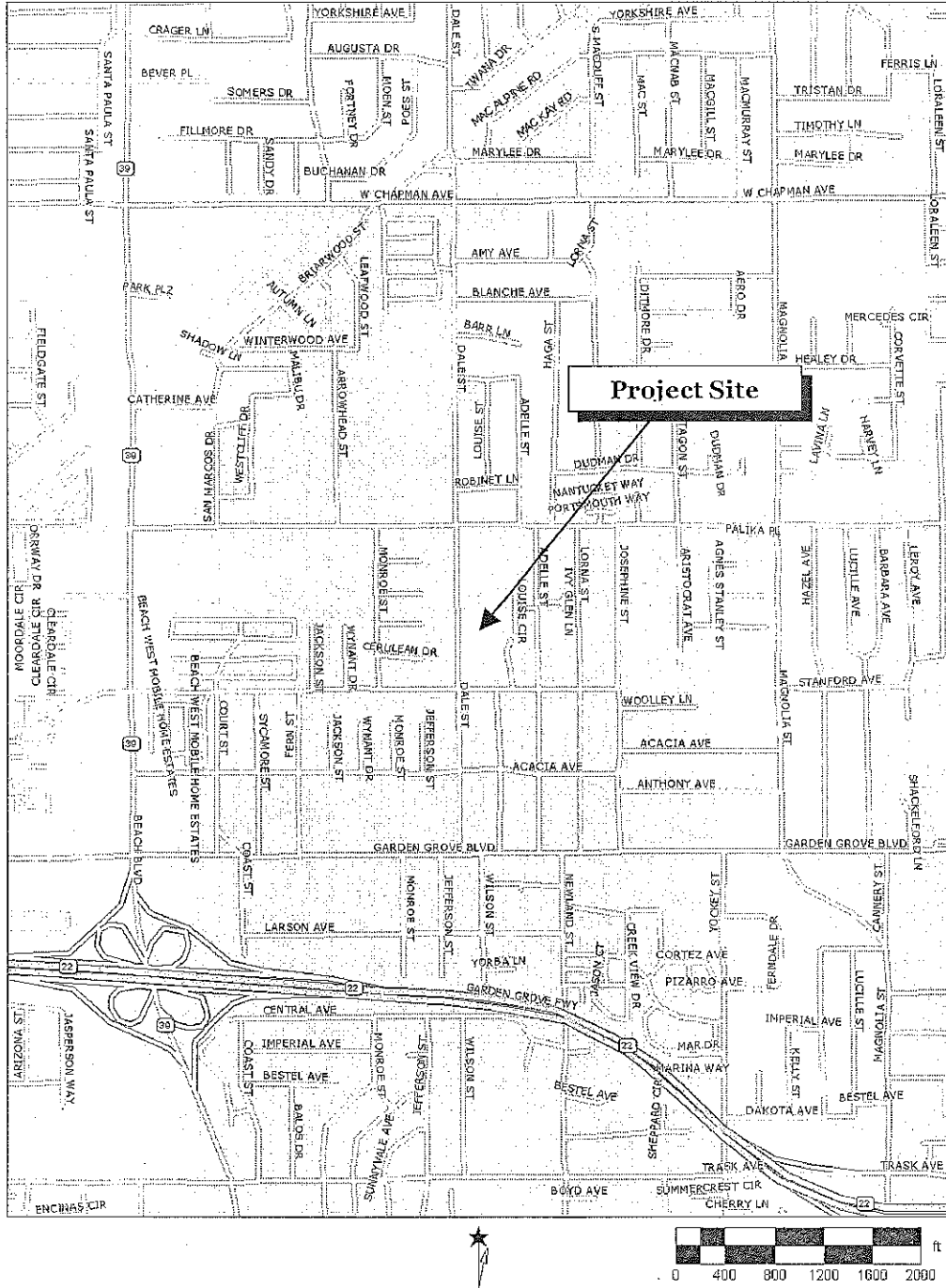
**EXHIBIT 2  
AREA MAP**

SOURCE: DELORME 2009



**EXHIBIT 3**  
**VICINITY MAP**  
 SOURCE: DELORME 2009

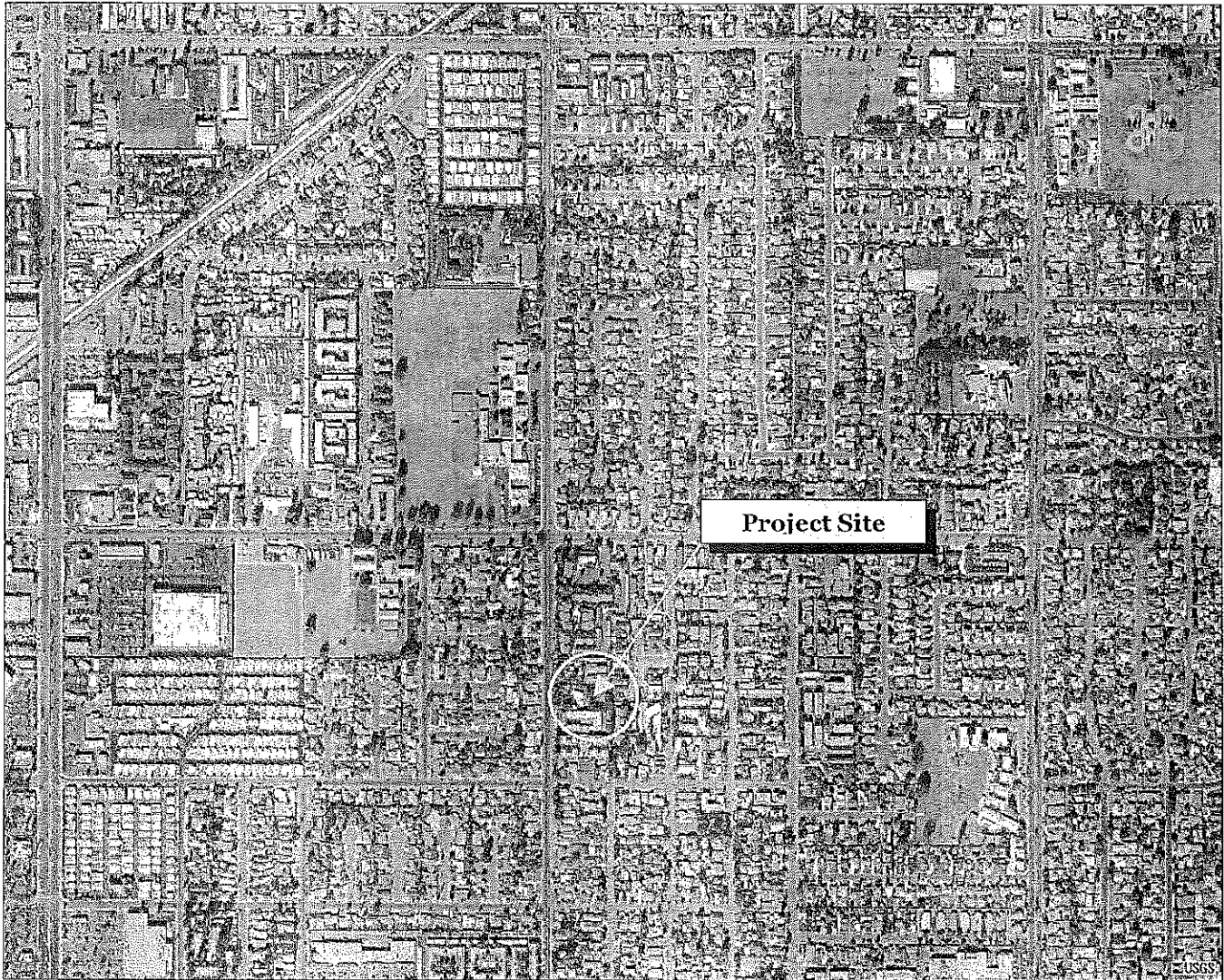




**EXHIBIT 4**  
**LOCAL MAP**  
 SOURCE: DELORME 2009

**NOTICE OF CEQA EXEMPTION**

DALE STREET APARTMENTS  
12662 DALE STREET  
GARDEN GROVE, CALIFORNIA



**EXHIBIT 5**  
**AERIAL PHOTOGRAPH (SMALL SCALE)**

SOURCE: UNITED STATES GEOLOGICAL SURVEY



**EXHIBIT 6**  
**AERIAL PHOTOGRAPH (LARGE SCALE)**  
SOURCE: UNITED STATES GEOLOGICAL SURVEY

NOTICE OF CEQA EXEMPTION

DALE STREET APARTMENTS  
12662 DALE STREET  
GARDEN GROVE, CALIFORNIA

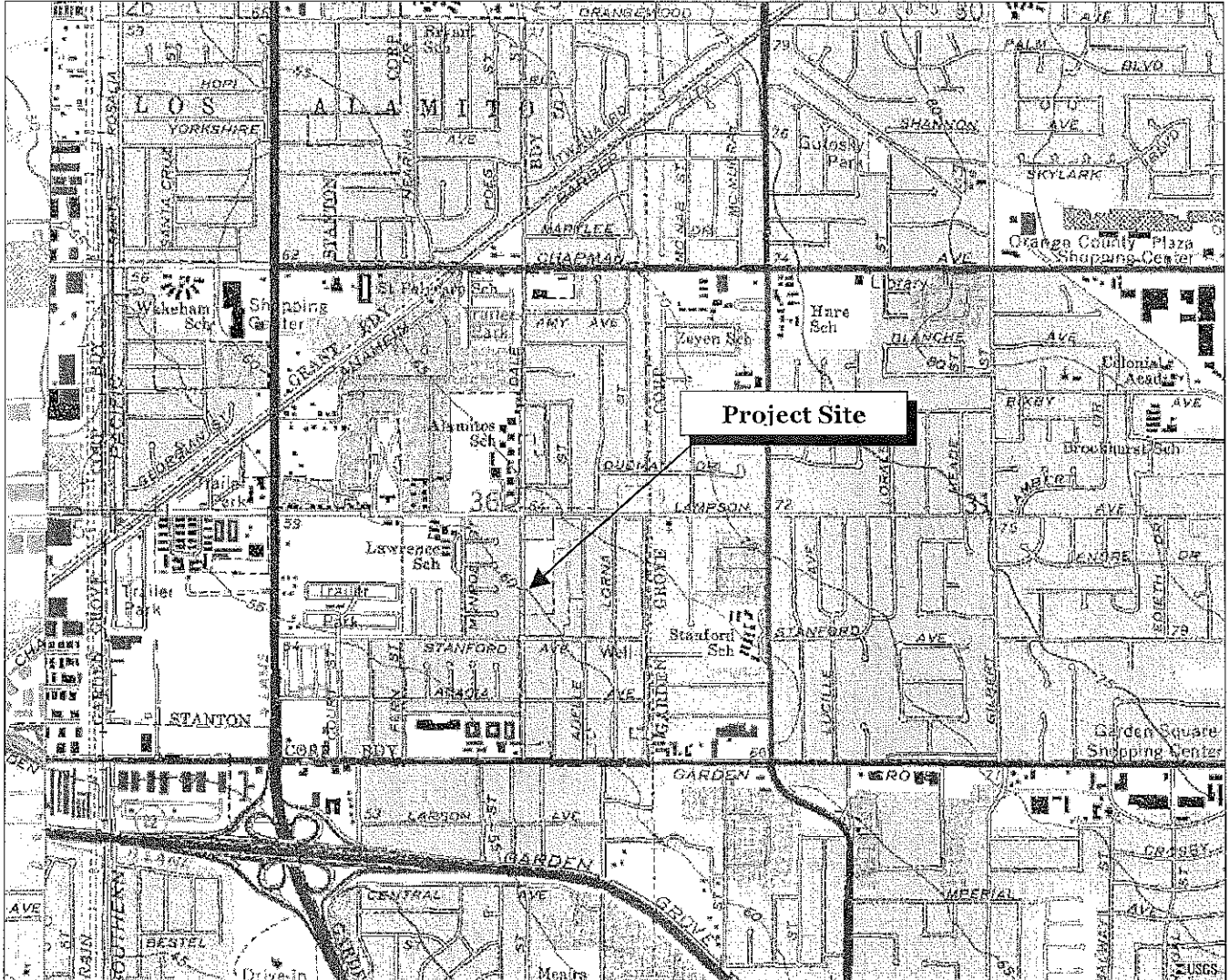
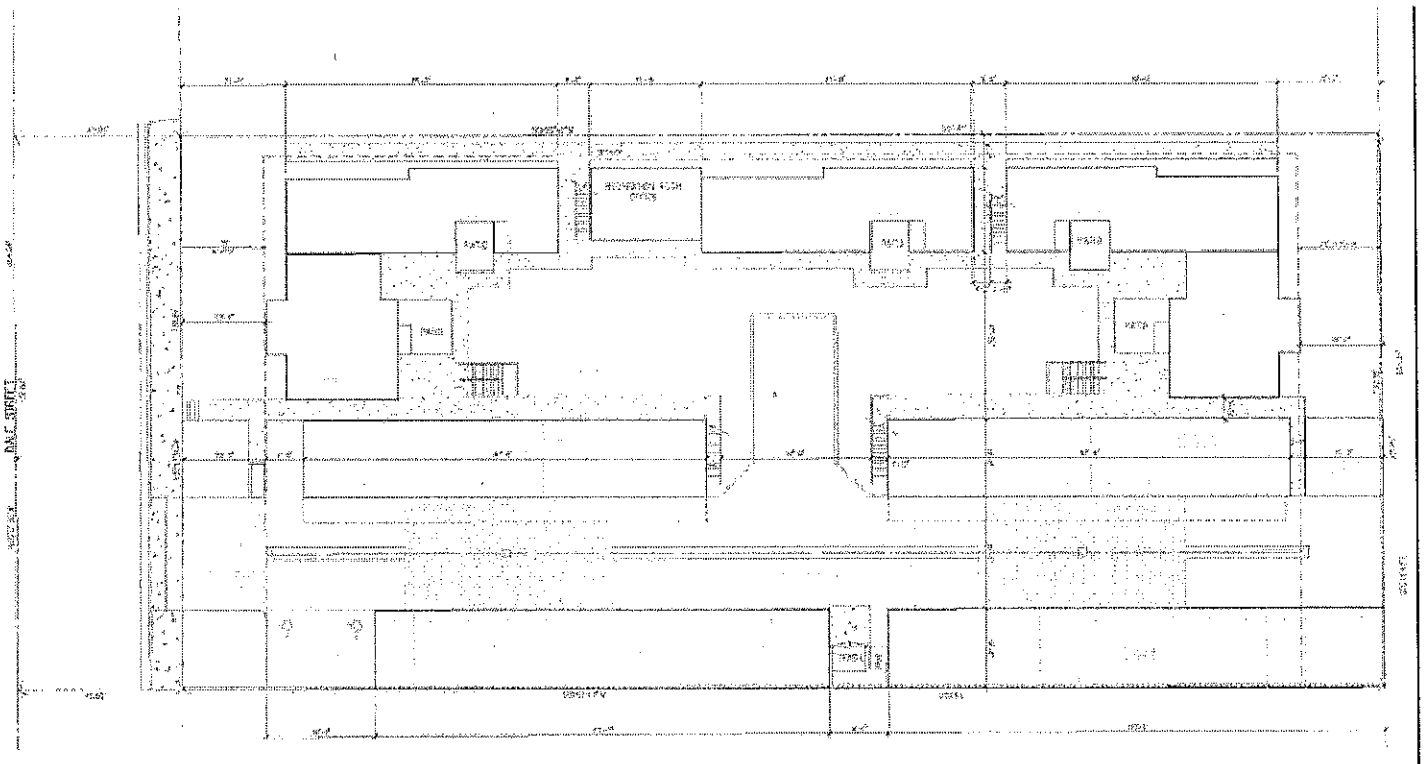


EXHIBIT 7  
TOPOGRAPHIC MAP  
SOURCE: UNITED STATES GEOLOGICAL SURVEY

NOTICE OF CEQA EXEMPTION  
DALE STREET APARTMENTS  
12662 DALE STREET  
GARDEN GROVE, CALIFORNIA



**EXHIBIT 8**  
**SITE PLAN**  
SOURCE: BRANDYWINE HOMES



## MINUTE EXCERPT

GARDEN GROVE PLANNING COMMISSION

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PUBLIC HEARING: SITE PLAN NO. SP-470-12  
DEVELOPMENT AGREEMENT NO. DA-187-12  
APPLICANT: BRANDYWINE HOMES  
LOCATION: EAST SIDE OF DALE STREET, NORTH OF STANFORD AVENUE AT 12662 DALE STREET  
DATE: SEPTEMBER 20, 2012

REQUEST: Site Plan approval to construct a 25-unit, three story apartment complex with a 35% affordable housing density bonus for low to moderate income families within the R-3 (Multiple-Family Residential) zone. The project includes both two and three bedroom units and will range in size from 906 to 1,226 square feet. Pursuant to State Law regarding affordable housing projects, the applicant is requesting three waivers from the R-3 zone development standards – residential units within ten feet of a driving aisle; reducing the north side yard setback from ten feet to eight feet; and, allowing a zero yard setback for covered parking along the south property line to exceed the Municipal Code's maximum of 50%. A Development Agreement is also proposed.

Staff report was read and recommended approval. Staff noted that in the staff report, the number of affordable units was eight, however, per State Law, the number of units should be six units. Also, one letter was written by Nona Margo with affordable housing and parking concerns.

Commissioner Silva asked staff if the six low-income units were at random. Staff replied that the six units were not designated and the affordable housing agreement was for a period of 30 years.

Commissioner Silva asked staff to confirm that the parking spaces were two per unit with either two or three bedrooms. Staff replied yes, per State Law; that the incentive was given automatically as part of the low-income standards allowing only two spaces per unit; and, that if the project were not low-income, two bedrooms would allow for 2.5 spaces and three bedrooms for 3.25 spaces.

Commissioner Silva pointed out that the number of allowable parking spaces was lower than the last approved project. Staff explained that the type of street determines the difference; and, that on major streets such as Trask Avenue or Garden Grove Boulevard, the parking ratio would be higher.

Commissioner Brietigam asked staff to explain waiving the 10'-0" setback requirement as nearby setbacks vary on Dale street. Staff responded that a

street dedication of 20'-0" was required for street widening and that the 20'-0" would occur from the front property line at the ultimate right-of-way line; that the setback to be waived was a side yard setback, not the street-widening Dale Street setback; and, that this project's improvements would align the curb, gutter and sidewalk to the ultimate right-of-way, though there were still sections of Dale Street not yet improved.

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

Mr. Jim Barisic, the applicant, approached the Commission and stated that he would like a two-week continuance in order to understand the code more fully regarding the number of affordable units; and, that one of the waiver requests may be removed.

Commissioner Brietigam asked Mr. Barisic if he was in agreement with the conditions of approval.

The applicant responded yes, however, he requested three code waivers, which required six affordable units instead of the anticipated five.

Mr. Josh McIntosh, a preservationist, approached the Commission and commented that one abandoned home would be removed to create 25 units, which thereby, would erase a part of Orange County history; that there was no guest parking for the development, which would make an already bad situation worse; and, that less apartments were needed as the area was too congested. He also asked if there was a zone change and wondered what Steve Jone's relationship was with developers.

Ms. Brenda Martin, the real estate broker, approached the Commission and stated that the original homeowner did not desert the property; that he and his wife had passed away and the daughter was thrilled to have Brandywine develop the property. She was, however, disappointed that the property was reduced by 20'-0", but understood the progress.

Staff then suggested leaving the public hearing open and also responded that the property had not been re-zoned and remains an R-3 zone consistent with the east side zoning.

Vice Chair Cabral asked staff to address the guest parking. Staff reiterated that the number of spaces was consistent with State Law at providing only two parking spaces.

Vice Chair Cabral asked if the Planning Commission could make parking adjustments. Staff replied no, not to parking.



Commissioner Brietigam asked if the project could be denied. Staff responded that a density bonus project would require specific written findings as required by statute; that reasons for denial would be written into the Resolution for due process and potential challenges by the applicant, who would appeal. Staff also added that if the project had design issues that did not affect the density bonus, the project could be denied; and, that a denial could be problematic if the project were denied due to standards that could not be met, though the affordable units were not affected.

Commissioners Brietigam and Silva then expressed that the generic denial questions were for clarification purposes only and nothing was implied regarding the project.

There being no further comments, the public portion of the hearing was left open to be continued at the Thursday, October 4, 2012 Planning Commission meeting.

Vice Chair Cabral moved to continue the case to the next regularly scheduled Planning Commission meeting on Thursday, October 4, 2012, seconded by Commissioner Brietigam. The motion received the following vote:

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

## COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> C.1.	<b>SITE LOCATION:</b> East side of Dale Street, north of Stanford Avenue at 12662 Dale Street
<b>HEARING DATE:</b> October 4, 2012	<b>GENERAL PLAN:</b> Medium Density Residential
<b>CASE NOS.:</b> Site Plan No. SP-470-12 and Development Agreement No. DA-187-12	<b>ZONE:</b> R-3 (Multiple-Family Residential)
<b>APPLICANT:</b> Garden Grove 12662 Dale, LLC (Brandywine Homes)	<b>CEQA DETERMINATION:</b> Exempt – CEQA Guidelines § 15332
<b>PROPERTY OWNER:</b> Langstraat Trust	<b>APN NO.:</b> 215-091-25

### **REQUEST:**

The applicant is requesting Site Plan approval to construct a 25-unit, three-story apartment complex with a 35% affordable housing density bonus for low to moderate income families. Pursuant to State Density Bonus Law, the applicant is requesting three waivers from the R-3 zone development standards - residential units within 10-feet of a driving aisle; reduction of the side yard setback from 10-feet to 8-feet, along the northerly property line; and allowing a zero yard setback for covered parking along a property line to exceed the Municipal code's maximum of 50%, along the southerly property line. A Development Agreement is also proposed.

### **DISCUSSION:**

At the September 20, 2012 Planning Commission meeting, the subject application request was presented to the Planning Commission with a recommendation for approval. After staff presented the project and after the Planning Commission discussed the request, the applicant came forward to request a two-week continuance in order to understand the Code more fully regarding the number of affordable units and possibly reduce the number of requested waivers from three waivers to two waivers. The Planning Commission granted the applicant's request and continued the application to the October 4, 2012 Planning Commission Meeting.

After reviewing their options, the applicant has submitted the attached letter dated September 26, 2012 modifying their request to reducing the requested number of waivers from three to two. The requested waivers now are for residential units within 10-feet of a driving aisle and the reduction of the side yard setback from 10-feet to 8-feet. Additionally, the applicant is modifying the project to reflect replacement of a portion of the covered parking along the southerly property line with open parking, thereby eliminating the waiver to allow a zero yard setback for covered parking along a property line to exceed the Municipal code's maximum of 50%. It should be noted that the originally proposed total number of 50 parking spaces will remain the same. Additionally, the reduction of the number of waivers will reduce the number of required affordable units from 6-units to 4-units. The original staff report and attachments have been attached as reference.

**RECOMMENDATION:**

Staff recommends that the Planning Commission take the following action:

- Recommend the City Council approve the Development Agreement; and,
- Approve Site Plan No. SP-470-12 subject to the conditions of approval;



Karl Hill  
Planning Services Manager



By: Lee Marino  
Senior Planner



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brandywine-homes.com

September 26, 2012

Lee Marino  
Senior Planner  
City of Garden Grove  
11222 Acacia Parkway  
Garden Grove, Ca 92842

Subject: 12662 Dale St.

Dear Lee,

This letter is in regards to our project located at 12662 Dale St. We are proposing a 25 unit apartment project on this site. Originally we had requested three waivers for the project, however after reviewing the project in more detail we are now only requesting two waivers. Below are the two waivers that we are still requesting:

- (1) There are residential units within 10' of the drive isle
- (2) The North setback from the property line is 8' instead of 10'

We have changed the site plan to reflect only 50% of the parking spaces along the southern property line to have a roof structure (carport). With this change the project is now subjected to 4 affordable units.

Please let me know if you have any questions or concerns in this regard. We appreciate the opportunity to continue working in the City and look forward to starting construction in the near future.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Whitehead', written over a white background.

Mark Whitehead  
Vice-President

RESOLUTION NO. 5780-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-470-12 AND RECOMMENDING APPROVAL OF DEVELOPMENT AGREEMENT NO. DA-187-12.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on September 20, 2012 and October 4, 2012, does hereby approve Site Plan No. SP-470-12 and recommends City Council approval of Development Agreement No. DA-187-12, for land located on the east side of Dale Street, north side of Stanford Avenue, at 12662 Dale Street, Assessor's Parcel No. 215-091-25.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-470-12 and Development Agreement No. DA-187-12, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Brandywine Homes (Garden Grove 12662 Dale, LLC).
2. The applicant requests approval of a Site Plan (SP-470-12) in order to construct a 25-unit, three-story apartment complex with a 35% affordable housing density bonus for low to moderate income families. Pursuant to State Density Bonus Law, the applicant is requesting the following two waivers/modifications from the R-3 zone development standards: (a) waiver of standard that residential units be located within at least 10-feet of a driving aisle (GGMC Section 9.12.040.020.A.2(e)) in order to cantilever the second and third floors over the drive aisle by 7 feet and reduction of the required side yard setback from 10-feet to 8-feet along the northerly property line (GGMC Section 9.12.040.020.A.1). In addition, the applicant is requesting the Planning Commission recommend approval to City Council of a Development Agreement (DA-186-12).
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 38,622 square foot site is currently developed with a single-family home.

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 October 4, 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, 2012 and October 4, 2012 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, are as follows:

FACTS:

The site is 38,622 square foot in area, and currently developed with a single-family home.

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

The applicant is proposing to demolish the existing single-family home and construct 25 residential units reserving 20% (4 dwelling units) of the units for low-income renters. The proposed units range in size from 906 square feet to 1,226 square feet.

The application for Site Plan No. SP-470-12 is being processed in conjunction with Development Agreement No. DA-187-12.

FINDINGS AND REASONS:

Site Plan:

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

The project complies with the goals of the Medium Density Residential Land Use Designation for the property by providing a variety of housing (unit types) that will be available for differing family sizes, providing a high quality project design that will preserve residential property values, and providing both common and private open space areas that are available to serve the residents of the subject

project. The requested waivers/modifications of development standards are reasonable and required to be granted by the State Density Bonus Law, and the project otherwise meets the standards of the R-3 (Multiple-Family Residential) zoning of the property, as they pertain to the access, building setbacks, number of parking spaces, and landscaping. Therefore, the proposed project will improve the site and fulfill the goals and policies of the General Plan and Land Use Code by creating a well-maintained and attractive development that enhances the existing residential neighborhood.

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 State's Density Bonus Housing provisions as implemented through the City's Code for 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 developer is required to make street improvements by dedicating 20-feet of right-of-way to the City of Garden Grove and constructing street improvements on Dale Street. The street improvements include constructing curb and gutter, paving additional area on the street, constructing a sidewalk, reconstructing the drive approach, and planting street trees behind the new sidewalk. Additionally, existing 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 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. 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 site design provides a greatly improved circulation pattern and point of access. The project has been designed for building appearance, building placement, landscaping, and other amenities to attain an attractive environment that will be an enhancement to the neighborhood.

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 that will be an enhancement to the neighborhood. The building has been designed to surround a central courtyard. A total of 10,352 square feet of both common useable and private recreation space has been provided. Common open space area is proposed to be 7,679 square feet with the private patio areas totaling 2,673 square feet. City Code requires a total of 7,500 square feet for the proposed project. All building setback areas, while not part of the common open space area, will be landscaped, except where walkways have been required. The proposed units range in size from 906 square feet to 1,226 square feet. There are a total of 16 two-bedroom units and 9 three-bedroom units. The unit count includes 9 single-story flats (6 two-bedroom, two bath and 3 three-bedroom, two bath units) and 16 two-story townhouse style units (10 two-bedroom, two bath and 6 three-bedroom, two and half bath units). The units will maintain access from the interior of the courtyard and each unit will have their own private patio area that will range in size from 90 square feet to 129 square feet. The applicant has proposed a contemporary architectural style for the apartment building that exhibits a stucco exterior, stone accents on the façade of the building, decorative window trim, shutters, decorative wrought iron railings around balconies, decorative arched niches facing Dale Street, and tile roofing. The second and third story units facing the southerly property line will cantilever over the drive aisle 7 feet. The carports will be simple modern structures with a slightly sloped roof with supports located approximately 20-feet apart.

#### 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 possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030 (Site Plan)
2. In order to fulfill the purpose and intent of the Municipal Code, and, thereby, promote the health, safety, and general welfare, the following Conditions of Approval, attached as "Exhibit A", shall apply to Site Plan No. SP-470-12.
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 4th day of October, 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 October 4, 2012, by the following votes:

AYES:	COMMISSIONERS:	BRIETIGAM, CABRAL, DOVINH, SILVA
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	BUI, LAZENBY, 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 25, 2012.

## **EXHIBIT "A"**

### **Site Plan No. SP-470-12**

12662 Dale Street

### **CONDITIONS OF APPROVAL**

#### **General Conditions**

1. The applicant shall record a "Notice of Agreement with Conditions of Approval and Discretionary Permit of Approval," as prepared by the City Attorney's Office, on the property. Proof of such recordation is required within 30 days of this approval. All conditions of approval are required to be adhered to for the life of the project, regardless of property ownership. Any changes of the Conditions of Approval require approval by the Planning Commission.
2. Approval of this Site Plan 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. The approved site plan, floor plan, and building design with colors are an integral part of the decision approving this Site Plan. There shall be no change in the site plan, floor plan, building design and/or colors as revised without the approval of the Community Development Department. Any change in the site plan, and/or floor plan, which has the effect of expanding or intensifying the use, shall require approval from the Planning Commission.
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.

- 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 Dale Street, or any parking areas, and shall be screened to the satisfaction of the Community Development Department.
- c. No roof-mounted mechanical equipment, including, but not limited to, dish antennas, shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community Development Department prior to the issuance of building permits. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
- d. All ground- or wall-mounted mechanical equipment shall be screened from view from any place on or off the site.

### **Public Work's Engineering Division**

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

6. A separate street permit is required for work performed within the public right-of-way.
7. The applicant shall be subject to Traffic Mitigation Fees.
8. The applicant shall remove the two telephone poles fronting the project site on Dale Street and underground the utilities, as described on the preliminary grading plan and in a manner meeting the approval of the City Engineer.
9. The applicant shall post "No Guest Parking Beyond this Point" sign at a location determined by the City Traffic Engineer and shall be installed prior to occupancy.
10. The applicant shall designate each covered parking stall to an apartment unit.
11. Prior to the issuance of certificates of use and occupancy, the applicant shall dedicate 20-feet of road right-of-way on Dale Street along the property frontage for an ultimate half-road right-of-way width of 40-feet. This will bring this segment of Dale Street into compliance with its Master Planned Designation as a Secondary Arterial Highway. The applicant shall design and construct street frontage improvements as identified below:
  - Remove the two existing substandard driveway approaches and existing landscaping on Dale Street and construct new curb, gutter and sidewalk;

- A new driveway approach to the site shall be constructed in accordance with City of Garden Grove Standard Plan B-120, at a minimum width of 27-feet;
  - New 8-inch curb and gutter shall be constructed along the property frontage at 32-feet from centerline according to City of Garden Grove Standard Plan B-113 (Type C-8);
  - Construct a new 8-foot sidewalk adjacent to the new curb per City Standard Plan B-106;
  - Pave the street from centerline to the new curb meeting City Standard Plan B-103. All new improvements are to meet and match existing public improvements to the immediate north and south of Dale Street. Any in-kind broken pavement, curb gutter or other concrete improvements adjacent to the work, which are undermined, damaged or displaced due to a contractor's performance of the work, shall be replaced.
12. A grading plan and street improvement plan prepared by a registered Civil Engineer are required. The 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.
13. 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 make recommendations for pavement design of interior drive aisles and parking spaces. 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.
14. Prior to the issuance of any grading or building permits or prior to recordation upon subdivision of land if determined applicable by the City Building Official, the applicant shall submit to the City for review and approval a Water Quality Management Plan (WQMP) that:
- Addresses Site Design BMPs such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas;

- 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.
15. 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 best management practices (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 on-site;
  - Submit for review and approval by the City an Operations and Maintenance (O&M) Plan for all structural BMPs.
16. All trash container areas shall meet the following requirements:
- Paved with an impervious surface, designed not to allow run-on from adjoining areas, designed to divert drainage from adjoining roofs and pavements diverted around the area, screened or walled to prevent off-site transport of trash;
  - Provide solid roof or awning to prevent direct precipitation;
  - Connection of trash area drains to the municipal storm drain system is prohibited;
  - Potential conflicts with fire code and garbage hauling activities should be considered in implementing this source control;

- See CASQA Storm Water Handbook Section 3.2.9 and BMP Fact Sheet SD-32 for additional information.
  - The trash shall be located to allow pick-up and maneuvering, including turnarounds, in the area of the enclosures.
17. Prior to the issuance of any grading or building permits for projects that will result in soil disturbance of one acre or more of land, the applicant shall demonstrate that coverage has been obtained under California's General Permit for Stormwater Discharges Associated with Construction Activity by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number. Projects subject to this requirement shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). A copy of the current SWPPP shall be kept at the project site and be available for City review on request.
  18. Any new or required block walls and/or retaining walls shall be shown on the grading plans. Block walls shall be designed in accordance with City standards or designed by a professional registered engineer.
  19. Parkway culverts will be designed according to County of Orange Standard Plan 1309 and to the satisfaction of the City Engineer.
  20. Prior to issuance of a grading permit, provide public improvement completion bonds in a manner satisfactory to the City Engineer, City Attorney and City Finance Department (Risk Management). Alternate forms of security may be considered, solely in the discretion of the City Engineer and with the concurrence of the City Attorney and City Finance Department (Risk Management).

### **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 apartment building 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 above ground 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. Life safety and fire sprinkler alarm system shall comply with NFPA 72 requirements.

23. Fire hydrant(s) shall be provided on-site, number of hydrants and locations are subject to Fire Department and Water Services Department approval. The fire hydrant(s) shall be on a loop system approved by the Fire Department. The fire hydrants and an all-weather road, compliant with the California Fire Code, shall be installed and fully operational prior to any combustible material being delivered to the site.
24. All Fire related aspects of the proposed project shall comply with California Fire Codes and the California Building Codes 2010 Edition.
25. There shall be a minimum of 20-foot clear access within the drive aisle and emergency vehicle turn-around area. In addition, pedestrian access shall be available along the north and west side of the development to facilitate secondary access requirements.
26. If applicable, elevator dimensions shall be approved by the Fire Department prior to issuance of building permits.

**Building Services Division**

27. The homes shall be designed to comply with the California Building Codes.

**Public Work's Water Services Division**

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

28. A composite utility site plan of the sewer and water shall be part of the water plan approval. The plan shall be in DWG format with City title block and a City assigned drawing number.
29. 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.
30. The complex is to be master metered. The meter is to be sized by developer and service to be installed by a contractor with a Class A or C-34 license per City Standards and inspected and approved by a Public Work's inspector.
31. A Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed for meter protection. The landscape system shall have an RPPD device. Any carbonation dispensing equipment shall have an RPPD device. 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 Work's, Water Services Division. Property owner must open a water account upon installation of RPPD device. The above ground RPPD assemblies shall be screened from public view as required by the Planning Division.

32. Any new or existing water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.
33. City shall determine if existing water service(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.
34. Fire service shall have above ground backflow device with a double check valve assembly. Device shall be tested immediately after installation and once a year thereafter by a certified backflow device tester and the results submitted to Public Work's, Water Services Division Device shall be on private property and is the responsibility of the property owner. The above-ground assembly shall be screened from public view as required by the Planning Division.
35. Location and number of fire hydrants shall be as required by the City's Water Services Division and the City's Fire Department.
36. The site shall be graded so that no rain or landscape irrigation water can drain into sewer drains in wash bays. All wash bays shall have adequate roof overhang to prevent rainwater from entering wash bays. No outside sinks or wash area shall be permitted. Owner shall maintain service records for sewer wastes that are disposed of in accordance with current laws and regulations for hazardous waste.
37. Developer/owner shall install new private sewer main system with laterals with clean outs. Lateral/main in public right-of-way shall be 6-inches min. dia., extra strength VCP with wedgelock joints.
38. 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**

39. The developer shall submit a detailed landscape and irrigation plan of all landscape areas, including the parkway area behind the new sidewalks. The plan shall be submitted to and be approved by the Community Development Department, Planning Services Division prior to the issuance of any permit for construction. Said plan shall include substantial plantings that create a natural setting and include type (both common and botanical names), size, location,



and quantity of all plant material. The landscaping shall be planted prior to the finalization of the permit for construction. The landscape plan shall also include the following:

- a. The landscaping plan shall comply with all the landscaping requirements as specified in Title 9 of the City of Garden Grove Municipal Code.
  - b. Trees planted within ten (10) feet 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 Dale Street shall be incorporated into the front landscape setback, no street trees will be planted in the sidewalk, unless required by the City's Public Work's Department. The landscape plan shall maximize the plantings along the perimeter wall where planters are possible. There shall be vine plantings along the length of the perimeter walls. The vines shall be mainly perennial and evergreen with some flowering, deciduous types interspersed.
  - c. The front landscape area shall reflect the existing character of the site with abundant tropical plantings and shade trees.
  - d. A complete, permanent, and automatic remote control irrigation system shall be provided for all landscape areas shown on the plan. Subsurface irrigation systems are encouraged. The irrigation plan for any trees planted in the setback areas adjacent to the sidewalks and in the parking lot shall have a deep-water irrigation system that shall be specified on the landscape plan. A detail of the deep-water irrigation system shall be provided for review. If sprinklers are used in other areas, they shall be low flow/precipitation sprinkler heads for water conservation.
  - e. All above ground utilities (e.g., water backflow devices, electrical transformers, irrigation equipment, etc.) shall be shown on the landscaping plan and shall be screened from view by appropriate plantings.
  - f. The developer is responsible for the installation of all landscaping, irrigation, and other site improvements on the property. Said responsibility shall extend to all landscaped areas, the playground, the landscape setbacks, sidewalk, curb and pavement of the site.
40. The developer/property owner shall prepare a Density Bonus Housing Agreement pursuant to Ordinance 2668 and Section 9.12.110 (Density bonuses and other incentives for affordable housing) (Subsection I – "Density Bonus Housing Agreement") of Title 9. The Housing Agreement shall be submitted for review and approval by the City Attorney's office and the Community Development Department prior to the issuance of building permits. The approved Housing Agreement shall be recorded prior to issuance of a

building permit for any structure in the housing development. The Housing Agreement shall run with the land and bind on all future owners and successors in interest. The Density Bonus Housing Agreement shall include, but not limited to, the following:

- a. The total number of units approved for the Housing Development, the number, location, and level of affordability of target units, and the number of density bonus units.
- b. Standards for determining affordable rent or affordable ownership cost for the target units.
- c. The location, unit size in square feet, and number of bedrooms of target units.
- d. Provisions to ensure affordability in accordance with Subsection G of this section.
- e. A schedule for completion and occupancy of target units in relation to construction of non-restricted units.
- f. A description of any concessions or incentives or waivers and modifications being provided by the City.
- g. A description of remedies for breach of the agreement by either party. The City may identify tenants or qualified purchasers as third party beneficiaries under the agreement.
- h. Procedures for qualifying tenants and prospective purchasers of target units.
- i. Any other provisions to ensure implementation and compliance with this section.
- j. Procedures for establishing affordable rent, filling vacancies, and maintaining target units for eligible tenants.
- k. Provisions requiring verification of household incomes.
- l. Provisions requiring maintenance of records to demonstrate compliance with this subsection.
- m. The property owner shall restrict tenancy occupancy to a "2 + 1" formula, 2 persons per bedroom plus one additional person (ex: a two bedroom unit can only house five persons).

- n. The property owner shall provide a professional on-site caretaker, as defined and required by Title 25, Division 4, Article 5, Section 42 of the State Housing Law Regulations.
- 41. 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.
  - 42. The developer/property owner shall enter into a binding Development Agreement with the City of Garden Grove.
  - 43. Each Unit shall have phone-jacks and cable-TV in all rooms, except any laundry area, hallways, and bathrooms.
  - 44. Each unit shall be provided with an air conditioning condensing unit so that there are no wall-mounted, window mounted, or roof type air conditioning systems on the building.
  - 45. All units shall be equipped with trash compactors and shall provide a minimum of three cubic feet of space for the collection and storage of refuse and recyclable material. All exterior collection areas shall be located within a screened yard.
  - 46. Each unit shall have a separate area for storage having a minimum of three hundred cubic feet of private and secure space. This storage may be located within the carports, provided that it does not interfere with automobile parking.
  - 47. Enhanced concrete treatment shall be provided at a 20-foot depth within the entry drive from Dale Street. Concrete treatment and color shall be approved by the Community Development Department prior to issuance of building permits.
  - 48. Storage of boats, recreational vehicles, or commercial vehicles on the property shall be prohibited.
  - 49. 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.
50. 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, east, and south property lines (where no carport is located) 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.
  - 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.
51. 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.

52. The common recreation area improvements, including the design of the play equipment, shall be reviewed and approved by the Community Development Department, Planning Division prior to issuance of building permits. The improvements within the common open space areas shall include a turf area, benches, barbecue, child's play equipment, and related equipment and improvements. The emergency vehicle turn-around area shall be constructed using Grass-Pave or similar system that will maintain the weight of an emergency vehicle.
53. Building color and material samples shall be submitted to the Planning Division for review and approval prior to issuance of building permits. The buildings shall include multi-toned stuccoed exteriors with stone veneer, window and door trim, decorative paneled front doors, shutters, decorative wrought iron railings, and varied rooflines with tile roofing material. All side, rear, and interior courtyard elevations shall maintain the same level of, including but not limited, to window and door trims. Plans submitted for permits shall show the reduction in the carport structure along the southerly property line thereby eliminating the need for a waiver from City Code allowing a zero yard setback for covered parking along a property line to exceed the Municipal code's maximum of 50%, along the southerly property line.
54. No security fencing/gate shall be permitted to be installed within the entry of the project, unless a vehicular turn-around area meeting Public Work's Engineering Division requirements can be accommodated.
55. All recreation areas, landscaping along the interior project street and entryway, landscaped areas outside the perimeter block wall, and any landscaping within the public right-of-ways shall be maintained for the life of the project.
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.

## MINUTE EXCERPT

## GARDEN GROVE PLANNING COMMISSION

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CONTINUED  
PUBLIC HEARING: SITE PLAN NO. SP-470-12  
DEVELOPMENT AGREEMENT NO. DA-187-12  
APPLICANT: BRANDYWINE HOMES  
LOCATION: EAST SIDE OF DALE STREET, NORTH OF STANFORD AVENUE AT 12662 DALE STREET  
DATE: OCTOBER 4, 2012

REQUEST: Site Plan approval to construct a 25-unit, three story apartment complex with a 35 percent affordable housing density bonus for low to moderate income families within the R-3 (Multiple-Family Residential) zone. The project includes both two and three bedroom units and will range in size from 906 to 1,226 square feet. Pursuant to State Law regarding affordable housing projects, the applicant is requesting three waivers from the R-3 zone development standards – residential units within ten feet of a driving aisle; reducing the north side yard setback from ten feet to eight feet; and, allowing a zero yard setback for covered parking along the south property line to exceed the Municipal Code’s maximum of 50 percent. A Development Agreement is also proposed.

Vice Chair Cabral closed the continued public hearing.

Staff report was read and recommended approval, with amendments, specifically that the project waivers were reduced to two instead of the original three, and that the affordable units were reduced to four in lieu of six. One letter of support was written by Jeremy Harris of the Garden Grove Chamber of Commerce.

Staff then conducted a presentation on Affordable Housing Density Bonus Law and pointed out that one density bonus project was approved a few years ago for Dale Street. Staff added that this would not be the first time or last time for State intervention on Planning issues; and, that good reasons were required for not complying with State law.

Staff also read a part of Government Code regarding the Housing Accountability Act – Anti-Nimby Law – State law places strict limitations on a City’s discretion to deny any housing development pursuant to Government Codes 65589.5. In order for a City to deny a proposed housing development that otherwise complies with applicable objective General Plan and zoning standards and criteria, the City must base its decision regarding the proposed housing development project upon written findings supported by substantial evidence on the record that both of the following conditions exist. The housing development project would have a specific adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project would be developed at a lower density and that there is no feasible method to satisfactorily mitigate or avoid that adverse impact other than the disapproval of the housing development project, or the approval of the project upon the condition that the project be developed at a lower density. Pursuant to the statute, specific adverse impact means a significant quantifiable direct and unavoidable impact based on objective identified written public health or safety standards, policies or conditions.

Staff stated that since the last Planning Commission meeting, the applicant had modified the request to reduce the waiver request to 'two' in lieu of 'three'; that the waivers kept were to allow residential units within ten feet of the driving aisle, and to reduce the side yard setback from ten feet to eight feet along the northerly property line; that a portion of the covered parking, along the southerly property line, would be replaced with open parking to eliminate the zero yard setback for covered parking along a property line to exceed the code maximum of 50 percent; that the total number of parking spaces would remain the same; and, that the required number of affordable units would be four in lieu of six.

Commissioner Silva asked staff to clarify the 35 percent density bonus reduction to 25 percent.

Staff explained that the density bonus remains at 35 percent per the base density of 18 units; that the 35 percent rounded up allows for 25 units; that the number of affordability units was based on a 'percentage' of the base density of 18 units, which resulted in four affordable units (20 percent); that two waivers was 20 percent (four units for moderate income) and three waivers would have been 30 percent (six units) of the 18-unit base density; and, that the State allowed the increase of density to 35 percent (25 units overall), if the developer provided the 20 percent of affordable units based on the base density of the 18 units.

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

Brett Whitehead, the applicant, approached the Commission and stated that Brandywine had been building and creating jobs in the City of Garden Grove since 1996.

Vice Chair Cabral asked the applicant if he had read and agreed with the Conditions of Approval. The applicant replied yes.

Mr. Josh McIntosh approached the Commission and stated that apparently, a portion of the Brandywine construction crews did not speak English and were not United States citizens making working along side them difficult; that the migrant workers were not local; that Brandywine had not brought benefits to the community over the years, though the developer had benefited from their relationship with staff; that the cookie-cutter condominiums have replaced history such as beautiful farm houses; that the new 25 homes would have no guest parking, which would cause blight on Dale Street; and that litter, car alarms, and overcrowding were concerns and would lower the Garden Grove quality of life.

Ms. Brenda Martin, the real estate broker for the project, approached the Commission and stated that there were more cars on Dale Street from the single-family residences; that the project would not impact the neighborhood; and, that the sellers were thrilled to have Brandywine represent them.

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

Commissioner Silva commented that he knew Mr. McIntosh, however, his comments regarding people not speaking English were offensive.

Vice Chair Cabral stated that she understood Mr. McIntosh's concerns and agreed with some and disagreed with others, however, the Planning Commission was not the

appropriate forum for such inappropriate comments; that she was offended that he took the opportunity to grandstand and needs to express his views in the appropriate forums; that she was grateful that Brandywine was willing to do business in Garden Grove, however, she did not care for the density bonus State law as it appears the Planning Commission's hands were tied because the project would be approved whether the Commission liked it or not; and, that a previously submitted letter from Nona Margo expressed parking concerns to which she could relate as she was a resident on Dale Street and knew of the existing parking issues. She then asked staff how any safety impacts, especially regarding parking, were determined.

Staff explained that the State imposes the parking standards and does not believe parking would be an impact; and, that a project could not be denied based on parking.

Commissioner Brietigam asked if the parking issues differentiated by types of streets, especially regarding safety issues.

Staff responded that the projects have been in residential neighborhoods, not on main streets, and that this was the same argument the Planning Commission and City Council was up against years ago, as the community of Garden Grove was concerned about on-street parking and overcrowding; that the City's parking needs were higher than other cities, and the parking standard was raised; that there was no leniency from the State; and, that some other environmental issue, such as soil contamination, could be a cause of denial, but not parking.

Vice Chair Cabral then stated that she was in support of the project, however, parking was the major concern.

Commissioner Brietigam asked if soil tests had been performed.

Vice Chair Cabral re-opened the public hearing and asked the applicant if environmental soil testing was performed.

The applicant responded that soil testing and a Phase One analysis had been done and the site was clean.

Commissioner Silva asked the applicant to clarify reducing the six affordable units to four affordable units.

The applicant explained that there were three concessions originally and thought reducing to two concessions would be better for the Planning Commission and staff; that affordable housing was a good, and was requested by all the cities; that they were not asking for City funds; that with the loss of redevelopment agencies, which subsidized affordable housing, they thought they were doing a good thing.

Staff then pointed out that the Planning Commission would soon review the Housing Element, which was also State mandated through the General Plan, and which has RENA numbers for each city indicating the number of affordable housing units to be constructed, with progress shown over a five-year period; and, that this project helps the City to meet that goal.

Mr. McIntosh then approached the Commission and apologized for his previous statement as he believes in quality construction with local workers on any project in



Garden Grove. He also asked that Garden Grove residents be considered first, and that a job fair to attract Garden Grove workers would be wonderful.

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

Commissioner Silva moved to recommend approval of Development Agreement No. DA-187-12 to City Council and approve Site Plan No. SP-470-12, with amendments, seconded by Commissioner Dovich, pursuant to the facts and reasons contained in Resolution No. 5780-12. The motion received the following vote:

AYES:	COMMISSIONERS:	BRIETIGAM, CABRAL, DOVINH, SILVA
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	BUI, LAZENBY, 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-187-12**

**SP-470-12**

(Garden Grove 12662 Dale, LLC)

**THIS AGREEMENT** is made this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_, by the CITY OF GARDEN GROVE, a municipal corporation ("CITY"), and Garden Grove 12662 Dale, LLC, a California 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 25-unit multiple-family residential development with (20% reserved for low-income housing) on a 38,622 square foot lot with related improvements (the "PROJECT") on that certain real property located on the east side of Dale Street, north of Stanford Avenue, at 12662 Dale Street, Assessor's Parcel No. 215-091-25.
- B. The Planning Commission approved Site Plan No. SP-470-12, for the PROJECT, on October 4, 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").

(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 25-unit multiple-family residential project with four (4) units (20%) reserved for low-income renters. The units range in size from 906 square feet to 1,226 square feet. The PROJECT has been granted two waivers from the R-3 zone development standards - residential units within 10-feet of a driving aisle and reduction of the side yard setback from 10-feet to 8-feet, along the northerly property line. The following land use entitlement has been granted: Site Plan No. SP-470-12. The Development is subject to the development standards of the City's Multi-Family Residential Development Standards (Chapter 9.12 of Title 9 of the City's Municipal Code) and the base zoning of R-3 (Multiple-Family Residential).
3. Density/Intensity. The density or intensity of the PROJECT is as follows: multiple-family residential project consisting of 25-units with related improvements on a 38,622 square foot 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 approximately 35,937 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-470-12.

7. Scope of PROJECT. The PROJECT shall consist of a multiple-family residential project consisting 25-units that range in size from 906 square feet to 1,226 square feet, with related improvements.
8. Resolution/Material Terms. All Conditions of Approval as per Resolution No. 5780-12 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 \$47,900.00.
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 \$47,900.00 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. 5780-12 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:  
Garden Grove 12662 Dale, LLC  
16580 Aston  
Irvine, CA 92606  
Attn.: Jim Barisic

B. Address of CITY is as follows:  
City of Garden Grove  
11222 Acacia Parkway  
Garden Grove, CA 92840

19. DEVELOPER'S Proposal. The PROJECT shall include DEVELOPER's proposal, as modified by Planning Commission and City Council, including all Conditions of Approval contained in Planning Commission Resolution No. 5780-12, 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"**  
**Garden Grove 12662 Dale, LLC,**  
**A California Limited Liability Company**

managing member  
By: Brandywine Community Holdings, LLC  
HS, Jim Barisic  
Its: member  
Date: 10/18/12  
(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.

**CALIFORNIA ALL-PURPOSE  
CERTIFICATE OF ACKNOWLEDGMENT**

State of California

County of Orange

On 10/18/12 before me, Janine Marie Brazier Notary  
(Here insert name and title of the officer)

personally appeared James Barisic

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

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

WITNESS my hand and official seal.

Janine Marie Brazier  
Signature of Notary Public



(Notary Seal)





State of California  
Secretary of State

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STATEMENT OF INFORMATION  
(Limited Liability Company)

97

Filing Fee \$20.00. If this is an amendment, see instructions.

**IMPORTANT — READ INSTRUCTIONS BEFORE COMPLETING THIS FORM**

**FILED**  
In the office of the Secretary of State  
of the State of California  
MAY 18 2012

This Space For Filing Use Only

**File Number and State or Place of Organization**

2 SECRETARY OF STATE FILE NUMBER  
201213810176

3 STATE OR PLACE OF ORGANIZATION (If formed outside of California)  
CA

**No Change Statement**

4. If there have been any changes to the information contained in the last Statement of Information filed with the California Secretary of State, or no statement of information has been previously filed, this form must be completed in its entirety.

If there has been no change in any of the information contained in the last Statement of Information filed with the California Secretary of State, check the box and proceed to Item 15.

**Complete Addresses for the Following (Do not abbreviate the name of the city. Items 5 and 7 cannot be P.O. Boxes.)**

5. STREET ADDRESS OF PRINCIPAL EXECUTIVE OFFICE 16580 Aston	CITY Irvine	STATE CA	ZIP CODE 92606
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6. MAILING ADDRESS OF LLC, IF DIFFERENT THAN ITEM 5	CITY	STATE	ZIP CODE
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7. CALIFORNIA OFFICE WHERE RECORDS ARE MAINTAINED (DOMESTIC ONLY) 16580 Aston	CITY Irvine	STATE CA	ZIP CODE 92606
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**Name and Complete Address of the Chief Executive Officer, If Any**

8. NAME N/A	ADDRESS	CITY	STATE	ZIP CODE
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**Name and Complete Address of Any Manager or Managers, or if None Have Been Appointed or Elected, Provide the Name and Address of Each Member (Attach additional pages, if necessary.)**

9. NAME Brandywine Homes	ADDRESS 16580 Aston	CITY Irvine	STATE CA	ZIP CODE 92606
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10. NAME	ADDRESS	CITY	STATE	ZIP CODE
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11. NAME	ADDRESS	CITY	STATE	ZIP CODE
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**Agent for Service of Process** If the agent is an individual, the agent must reside in California and item 13 must be completed with a California address, a P.O. Box is not acceptable. If the agent is a corporation, the agent must have on file with the California Secretary of State a certificate pursuant to California Corporations Code section 1505 and item 13 must be left blank.

12. NAME OF AGENT FOR SERVICE OF PROCESS  
Brett Whitehead

13. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL 16580 Aston	CITY Irvine	STATE CA	ZIP CODE 92606
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**Type of Business**

14. DESCRIBE THE TYPE OF BUSINESS OF THE LIMITED LIABILITY COMPANY  
Real Estate Investments

15. THE INFORMATION CONTAINED HEREIN, INCLUDING ANY ATTACHMENTS, IS TRUE AND CORRECT.

5/18/12

Brett Whitehead

Authorized Person

/s./

DATE

TYPE OR PRINT NAME OF PERSON COMPLETING THE FORM

TITLE

SIGNATURE



I hereby certify that the foregoing  
numbered \_\_\_\_\_ page(s)  
is a full, true and correct copy of the  
original record in the custody of the  
California Society of Surveyors office

MAY 21 2012

Date: \_\_\_\_\_

*Debra Cowen*

DEBRA COWEN Secretary of Surveyors

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE  
ADOPTING DEVELOPMENT AGREEMENT NO. DA-187-12 BETWEEN THE CITY OF  
GARDEN GROVE AND GARDEN GROVE 12662 DALE, LLC

***City Attorney Summary***

***This Ordinance approves a Development Agreement between the City of Garden Grove and Garden Grove 12662 Dale, LLC, the developer of a 25-unit multiple-family residential development with (20% reserved for low-income housing) proposed to be located on the east side of Dale Street, north of Stanford Avenue, at 12662 Dale Street, 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-470-12 for a period of 4 years and a development agreement payment to the City of Garden Grove in an amount not to exceed \$47,900.00.***

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

WHEREAS, the City of Garden Grove has received an application from Garden Grove 12662 Dale, LLC for Development Agreement No. DA-187-12 for the construction of a 25-unit multiple-family residential development with (20% reserved for low-income housing) on a 38,622 square foot lot with related improvements on that certain real property located on the east side of Dale Street, north of Stanford Avenue, at 12662 Dale Street, Garden Grove, Assessor's Parcel No. 215-091-25 (the "Project");

WHEREAS, pursuant to Resolution No. 5780-12, the Planning Commission following a duly noticed Public Hearing held on September 20, 2012 and October 4, 2012, recommended approval of Development Agreement No. DA-187-12;

WHEREAS, pursuant to a legal notice, a Public Hearing was held by the City Council on November 13, 2012, and all interested persons were given an opportunity to be heard;

WHEREAS, Development Agreement No. DA-187-12 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. The City Council finds that the above recitations are true and correct.

Section 2. Environmental Review. The City Council has determined that this action is exempt pursuant to Section 15332 (In-Fill Development Projects) of the California Environmental Quality Act (CEQA).

Section 3. Approval. Development Agreement No. DA-187-12 is hereby adopted for property located on the east side of Dale Street, north of Stanford Avenue, at 12662 Dale Street, Garden Grove, Assessor's Parcel No. 215-091-25. A copy of Development Agreement No. DA-187-12 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.