



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;
- Introduce and conduct the first reading of the attached Ordinance regarding Development Agreement No. DA-188-12 for Site Plan No. SP-472-12 and Lot Line Adjustment No. LLA-10-12; 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

Attachment 1: Planning Commission Staff Report and Resolutions dated November 15, 2012

Attachment 2: Planning Commission Meeting Minute Excerpt dated November 15, 2012

Attachment 3: Development Agreement

Attachment 4: Draft City Council Ordinance

Approved for Agenda Listing

  
Matthew Fertal  
City Manager

# COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> C.1.	<b>SITE LOCATION:</b> West side of Hope Street, south of Westminster Avenue at 14051 and 14061 Hope Street
<b>HEARING DATE:</b> November 15, 2012	<b>GENERAL PLAN:</b> Medium Density Residential
<b>CASE NOS.:</b> Site Plan No. SP-472-12, Lot Line Adjustment No. LLA-10-12, and Development Agreement No. DA-188-12	<b>ZONE:</b> R-3 (Multiple-Family Residential)
<b>APPLICANT:</b> Garden Grove 14051 Hope, LLC (Brandywine Homes)	<b>CEQA DETERMINATION:</b> Exempt – CEQA Guidelines § 15332 and 15305
<b>PROPERTY OWNER:</b> Hung The Quach	<b>APN NO.:</b> 099-162-21 and 26

## **REQUEST:**

The applicant is requesting Site Plan approval to construct a 34-unit, three-story apartment complex with a 30% affordable housing density bonus for low to moderate income families, along with a request for a Lot Line Adjustment to consolidate two properties into one parcel within the R-3 (Multiple-Family Residential) zone. Pursuant to State Density Bonus Law, the applicant is requesting one waiver from the R-3 zone development standards in order to allow residential units to be closer than the required minimum ten feet separation from a driving aisle. 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	47,590 sq. ft.	15,000 sq. ft.	X	
DENSITY by Site Area	47,590 sq. ft. with Density Bonus 34-units	26-units max. With Density bonus an, addtl 30% is permitted for a total of 34-units	X	
SETBACKS				
East - Front	20'-0"*	20'-0"		
North - Side	10'-2"	10'-0"	X	
South - Side	0'-0"	0'-0" (for 50% of length of property line)	X	
West - Rear	0'-0"	0'-0" (for 50% of length of property line)	X	
PARKING	67 spaces	1 space for each 1 bedroom unit and 2 spaces for each 2-3 bedroom unit/State Density Bonus Law Total = 56	X	

<u>PROJECT CRITERIA</u>	<u>ACTUAL</u>	<u>CODE REQUIREMENT</u>	<u>MEETS CODE</u>	<u>REQUIRES A CONCESSION OR INCENTIVE</u>
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 consists of two lots, with a combined land area of 47,590 square feet that are located on the west side of Hope Street, south of Westminster Boulevard. 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 property to the north is a vacant lot that is zoned C-1 (Neighborhood Commercial). The properties to the south and west are zoned R-3 and are developed with single-family and multi-family residential units. The properties to the east 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 34 new apartment units with two interior central courtyards. 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 17% 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 34 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 base density for this site, under the Zoning Code, is 26-dwelling units. However, the proposed design is for 34 units. The proposal for the 34-units is a 30% 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 17% of the base density units as low-income to increase the density by 30%. The applicant is also applying for one (1) concession or incentive 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. The units will range from one (1) to three (3) bedrooms in size. Due to the applicant proposing one concession and requesting a 30% density bonus, 17% of the base density units (5-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 building has been designed to surround two interior courtyards. A total of 10,572 square feet of both common useable and private recreation space has been provided. Common open space area is proposed to be 7,190 square feet with the private patio areas totaling 3,382 square feet. City Code requires a total of 10,200 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 Hope Street that is located toward the southerly side of the apartment building, and provides access to the parking spaces and walkways to the units. The project provides both covered and open parking spaces. A portion of the carport spaces are tucked under the residential units with the remainder of the covered and open parking located along the southerly and westerly property line. Parking for the project is determined by the State Density Bonus Law at one (1) space for each unit with one (1) bedroom and two (2) spaces for each unit with two (2) to three (3) bedrooms. The applicant has proposed 12 one-bedroom, 16 two-bedroom and 6 three-bedroom units, which according to the State Density Bonus Law states that a total of 56 parking spaces are required. The applicant has provided 67 spaces, which is 11 spaces over the State's parking requirements. 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 Hope Street, and tile roofing. The second and third story units facing the southerly property line will cantilever over the drive aisle 6-feet.

The carports will be simple modern structures with slightly sloped roofs with supports located approximately 20-feet apart. The side of the carport that is

located closer to Hope 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; a 10-foot 2-inch side yard setback along the northerly property line; a 40-foot setback from the rear and southerly side yard property lines. The carports will maintain a 56-foot setback from the front property line, and a zero setback long the southerly, northerly, and westerly property lines.

#### Unit Design

The proposed units range in size from 771 square feet to 1,226 square feet. There are a total of 12 one-bedroom units, 16 two-bedroom units and 6 three-bedroom units. The unit count includes 17 single-story flats (12 one-bedroom, two-bath, 3 two-bedroom, two-bath and 2 three-bedroom, two-bath units) and 17 two-story townhouse style units (13 two-bedroom, two and half-bath and 4 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 108 square feet.

#### Concessions/Incentives

The applicant is proposing one concession/incentive in the project, which is a waiver of the City Code requirement for the separation of the habitable space of 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 6-feet. The 6-feet provides for living space and a recessed patio deck for each unit. The projecting living space and recessed patios are setback 40-feet from the side and rear yard property lines, which exceeds the Code's required setback of 10-feet.

#### Lot Line Adjustment

In order for the project to move forward and in accordance with the State Subdivision Map Act, the applicant is requesting approval of a Lot Line Adjustment to consolidate the two properties into one. The consolidation of the lots is consistent with the City's General Plan, Zoning Ordinance, Subdivision Ordinance, and the State Subdivision Map act. After consolidation the site will maintain a lot area of 47,590 square feet.

#### Development Agreement

The applicant is entering into a Development Agreement with the City. The applicant will be guaranteed four years in which to construct the project and the City will receive from the developer a Development Agreement fee not to exceed \$65,144.00. 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) and Class 5 Minor Alterations to Land Use Limitations (CEQA Guidelines §15305 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-472-12 and Lot Line Adjustment No. LLA-10-12 subject to the conditions of approval



Karl Hill  
Planning Services Manager

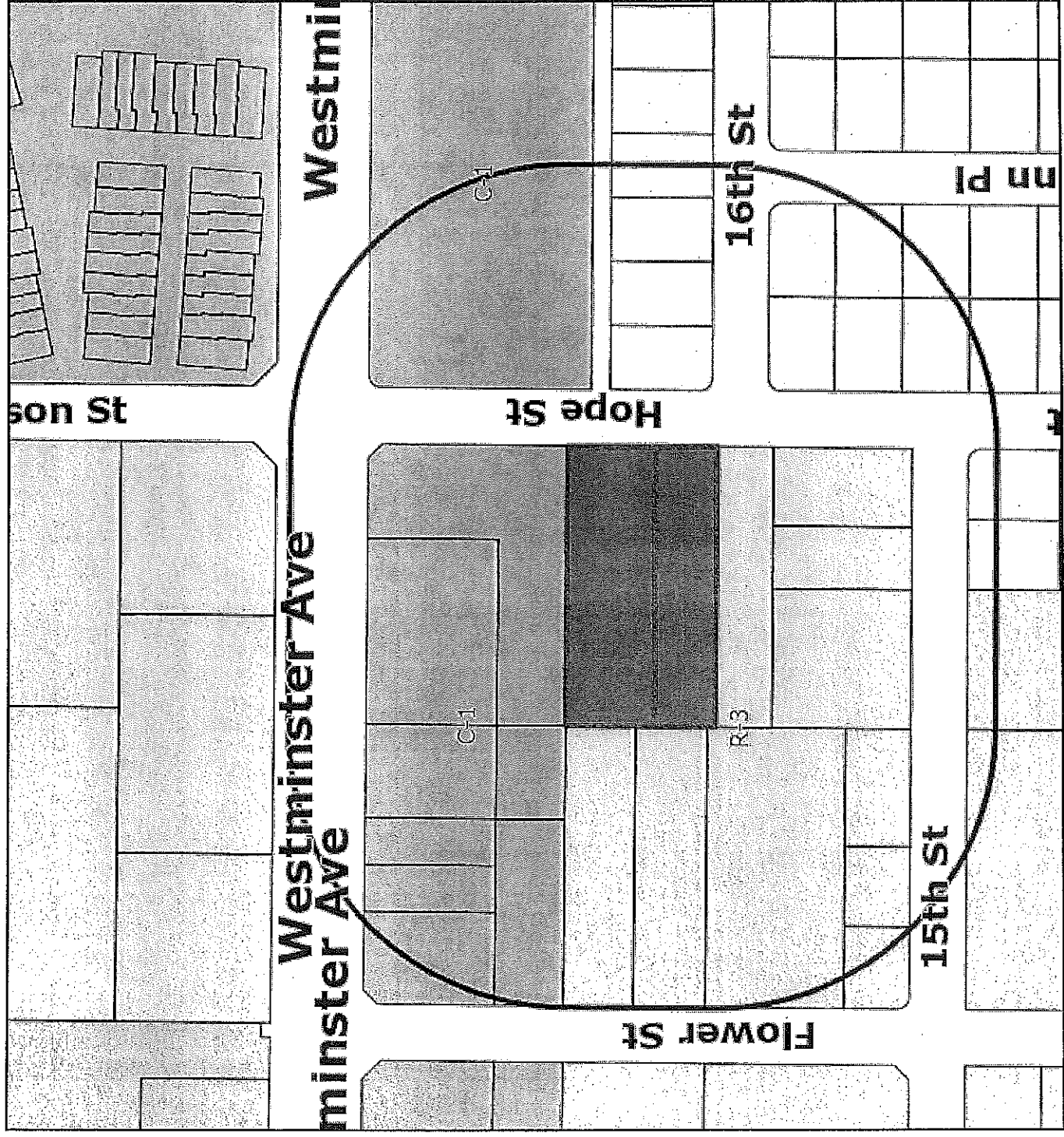


By: Lee Marino  
Senior Planner

SP-472-12/LLA-10-12/DA-188-12  
 Vicinity Map  
 CITY OF GARDEN GROVE, CA

**Legend**

- Parcel ID
- Parcel Layers
- Parcels
- Parcel Layers
- City Lines
- General Encumbrance
- Other Cities
- Parcel Interest
- Zone
- Zone Labels
- Zone
- RCSPBCC
- C-1
- C-1(T)
- C-2
- C-3
- CCSPNDR
- CCSPROT
- CCSPROD
- CCSPCPF
- CCSPCR
- CCSPBG
- CCSPCP
- CCSPRR







LSA  
architecture  
1000 Walnut Street  
Philadelphia, PA 19106  
Tel: 215.561.1100  
Fax: 215.561.1101  
www.lsa-arch.com

DATE: 10/11/11  
DRAWN: [blank]  
CHECKED: [blank]  
SCALE: [blank]

INDEX

- C.1 BOUNDARY MAP/ EXISTING FACILITY PLAN
- C.2 CONCEPT GRADING PLAN / SITE PLAN
- A.1 UNIT FLOOR PLANS 1, 2 AND 3
- A.2 UNIT FLOOR PLANS 4 AND 5
- 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 COURT EXT. ELEVATIONS
- A.9 BUILDING 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 HOPE STREET APARTMENTS

**SITE DATA**

NET SIZE OF PARCEL 47,500 S.F.  
 DENSITY 1,400 S.F.  
 UNITS PER ACRE 31.10  
 TOTAL SQ. FT. OF PARKING AREAS  
 including areas for ingress or egress,  
 drives, allees, stairs and maneuvering, 23,084 S.F.  
 LANDSCAPE AREA 381 S.F.  
 with parking area  
 with driving area 1.56%

**PARKING**

OPEN PARKING includes 3-accessible spaces 18 PROVIDED  
 CARPORT PARKING 49 PROVIDED  
 TOTAL PARKING 67 PROVIDED

**OPEN AREA**

COURT OPEN AREA COURT 1 5,026 S.F.  
 COURT 2 2,154 S.F.  
 PRIVATE PATIO AREAS 740 S.F.  
 FIRST FLOOR 2,114 S.F.  
 SECOND FLOOR 328 S.F.  
 THIRD FLOOR  
 TOTAL 10,572 S.F.

**SITE COVERAGE**

BUILDING UNIT AREA 6,471 S.F.  
 exl. unit storage 80 S.F.  
 BLDG. OFFICE 223 S.F.  
 COVERED PARKING 4,764 S.F.  
 EXTERIOR STAIRS 577 S.F.  
 TOTAL BLDG. COVERAGE 12,135 S.F.  
 CARPORTS CARPORT A 942 S.F.  
 CARPORT B 1,448 S.F.  
 CARPORT C 1,824 S.F.  
 TOTAL CARPORT COV. 4,214 S.F.  
 TOTAL BLDG. SITE COV. 16,349 S.F.  
 PERCENT OF SITE AREA 35.35 %

**BUILDING DATA**

BUILDING HEIGHT MAX. 35'  
 BUILDING AREA FIRST FLOOR 6,471 S.F.  
 exl. unit storage 80 S.F.  
 BLDG. OFFICE 223 S.F.  
 COVERED PARKING 4,764 S.F.  
 TOTAL FIRST FLOOR 11,558 S.F.  
 SECOND FLOOR UNIT AREA 11,446 S.F.  
 exl. unit storage 75 S.F.  
 UNIT PATIOS 2,114 S.F.  
 WALKWAYS excluding stairs 3,315 S.F.  
 TOTAL SECOND FLOOR 16,850 S.F.  
 THIRD FLOOR UNIT AREA 14,926 S.F.  
 exl. unit storage 20 S.F.  
 UNIT PATIOS 528 S.F.  
 WALKWAYS excluding stairs 1,400 S.F.  
 TOTAL THIRD FLOOR 16,959 S.F.  
 TOTAL BUILDING AREA 44,467 S.F.

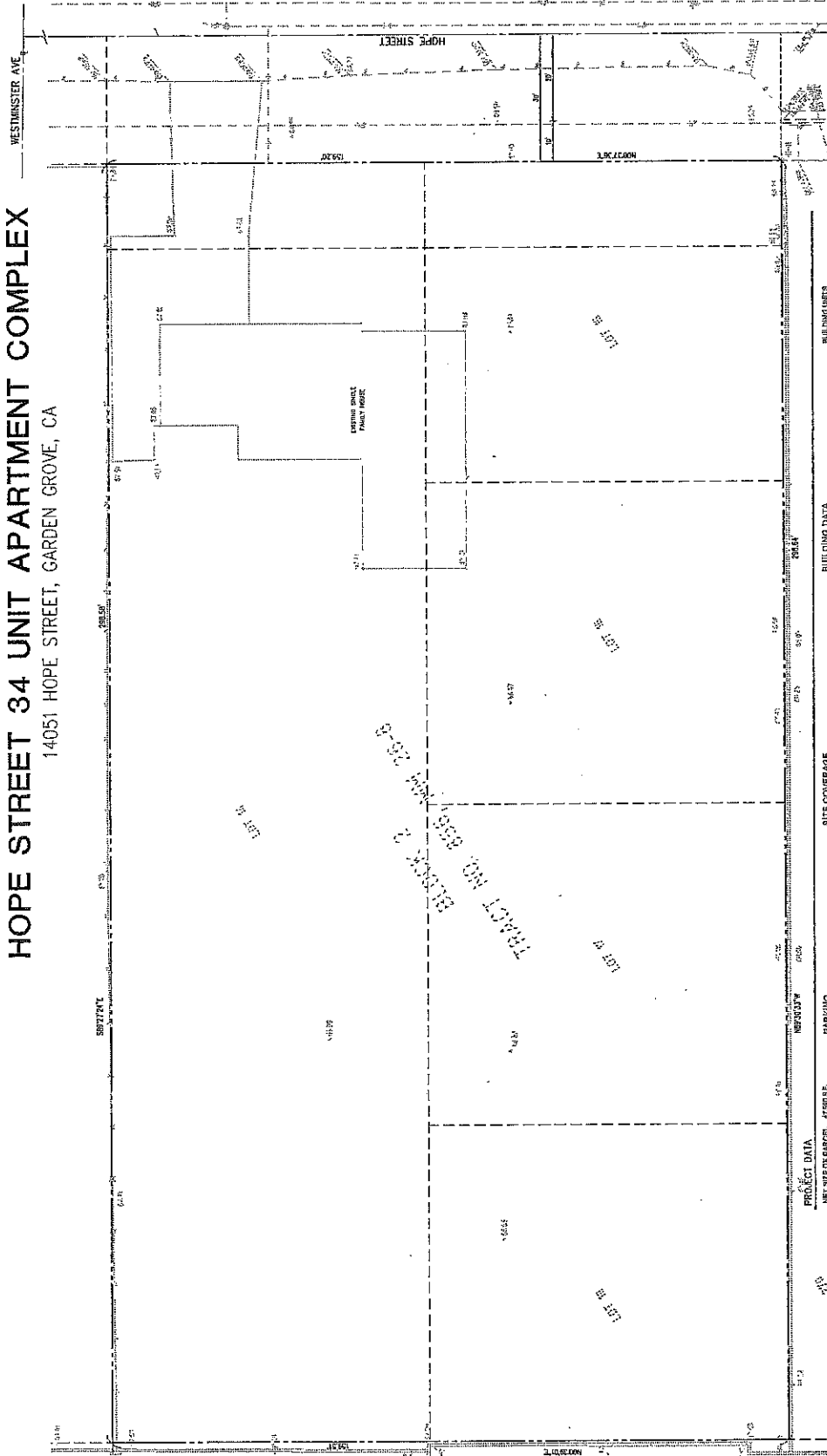
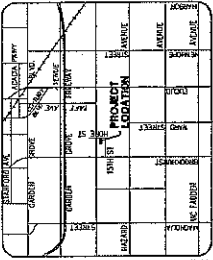
**BUILDING UNITS**  
(SEE UNIT DATA CHART BELOW)

PLAN 1 SINGLE STORY FLAT 12  
 PLAN 2 SINGLE STORY FLAT 3  
 PLAN 3 SINGLE STORY FLAT 2  
 PLAN 4 TWO STORY TOWN 12  
 PLAN 4 EXTENDED TWO STORY TOWN 1  
 PLAN 5 OP TWO STORY TOWN 2  
 PLAN 5 RP TWO STORY TOWN 2  
 TOTAL UNITS 34

**UNIT DATA**

PLAN	NO. ON SITE	SQ. FTG.	BED	BA	PATIO SQ. FTG.
1 FF	4	771	1	1	105
1 SF&T	8	771	1	1	105
2	3	1,018	2	2	108
3	2	1,174	3	2	108
4	12	968	2	2.5	90
4 EXT.	1	976	2	2.5	90
5 OP	2	1,228	3	2.5	102
5 RP	2	1,225	3	2.5	108
TOTAL UNITS	34				

# BOUNDARY MAP/EXISTING FACILITIES PLAN HOPE STREET 34 UNIT APARTMENT COMPLEX 14051 HOPE STREET, GARDEN GROVE, CA



**PROJECT DATA**

NET SIZE OF PARCEL: 17,909 S.F.  
 DENSITY: 1 UNIT PER 1,400 S.F.  
 UNIT PER ACRE: 2.18  
 TOTAL G.S. S.F. OF PARCEL: 17,909 S.F.  
 (including areas for access or egress, driveways, utility easements, and other areas not shown on the site plan.)

**PARKING**

OPEN PARKING: 21 PROVIDED  
 GARAGE PARKING: 61 PROVIDED  
 TOTAL PARKING: 82 PROVIDED

**LANDSCAPE AREA**

LANDSCAPE AREA: 2,160 S.F.  
 (including areas for access or egress, driveways, utility easements, and other areas not shown on the site plan.)

**COMMON REC. AREA**

COMMON REC. AREA: 6,807 S.F.  
 PRIVATE PATIOS AREAS: 730 S.F.  
 TOTAL COMMON AREAS: 7,537 S.F.

**BUILDING DATA**

BUILDING HEIGHT: MAX. 37'  
 BUILDING AREA: 11,400 S.F.  
 FLOOR AREA: 4,716 S.F.  
 UNIT AREA: 4,716 S.F.  
 BLDG. OFFICE: 220 S.F.  
 COVERED PATIOS: 4,496 S.F.  
 TOTAL FIRST FLOOR: 11,962 S.F.

**SECOND FLOOR**

UNIT AREA: 11,400 S.F.  
 UNIT PATIOS: 2,160 S.F.  
 BALCONIES: 3,316 S.F.  
 TOTAL SECOND FLOOR: 16,876 S.F.

**THIRD FLOOR**

UNIT AREA: 11,400 S.F.  
 UNIT PATIOS: 2,160 S.F.  
 BALCONIES: 3,316 S.F.  
 TOTAL THIRD FLOOR: 16,876 S.F.

**TOTAL BUILDING AREA: 44,614 S.F.**

**LEGAL DESCRIPTION:**  
 PARCELS 1, 10K, 09A-12A-20  
 LOTS 14, 15, 17 AND 18 OF BLOCK 2, MAP 100, 100-1, AT THE CITY OF GARDEN GROVE, COUNTY OF ORANGE, STATE OF CALIFORNIA, BEING THE SAME AS SHOWN ON THE PLAT MAP OF THE HOPE STREET 34 UNIT APARTMENT COMPLEX, MAP 100, 100-1, OF THE COUNTY OF GARDEN GROVE, CALIFORNIA.

**PARCEL 2:** 10K, 09A-12A-20  
 LOTS 14, 15, 17 AND 18 OF BLOCK 2, MAP 100, 100-1, AT THE CITY OF GARDEN GROVE, COUNTY OF ORANGE, STATE OF CALIFORNIA, BEING THE SAME AS SHOWN ON THE PLAT MAP OF THE HOPE STREET 34 UNIT APARTMENT COMPLEX, MAP 100, 100-1, OF THE COUNTY OF GARDEN GROVE, CALIFORNIA.

**PARCELS 1, 10K, 09A-12A-20**  
 LOTS 14, 15, 17 AND 18 OF BLOCK 2, MAP 100, 100-1, AT THE CITY OF GARDEN GROVE, COUNTY OF ORANGE, STATE OF CALIFORNIA, BEING THE SAME AS SHOWN ON THE PLAT MAP OF THE HOPE STREET 34 UNIT APARTMENT COMPLEX, MAP 100, 100-1, OF THE COUNTY OF GARDEN GROVE, CALIFORNIA.

**BASE OF BEARING:**  
 THE BEARING AND DISTANCE OF THE CORNERS OF THE PARCELS ARE AS SHOWN ON THE PLAT MAP OF THE HOPE STREET 34 UNIT APARTMENT COMPLEX, MAP 100, 100-1, OF THE COUNTY OF GARDEN GROVE, CALIFORNIA.

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

**UNIT DATA**

PLAN	NO.	COL.	BED	BA	PATIO	SQ. FT.
1ST FLOOR	4	771	1	1	108	1,058
2ND FLOOR	8	771	1	1	108	2,116
3RD FLOOR	8	771	1	1	108	2,116
TOTAL	20	2,313	3	3	324	5,290

**TOTAL UNITS: 20**

**PLANS PREPARED FOR:**  
 BRANDY WINE  
 14051 HOPE STREET, GARDEN GROVE, CA  
 TEL: (949) 261-1111 FAX: (949) 261-1112

**ARCHITECT:**  
 LSA ARCHITECTURE, INC.  
 14051 HOPE STREET, GARDEN GROVE, CA  
 TEL: (949) 261-1111 FAX: (949) 261-1112

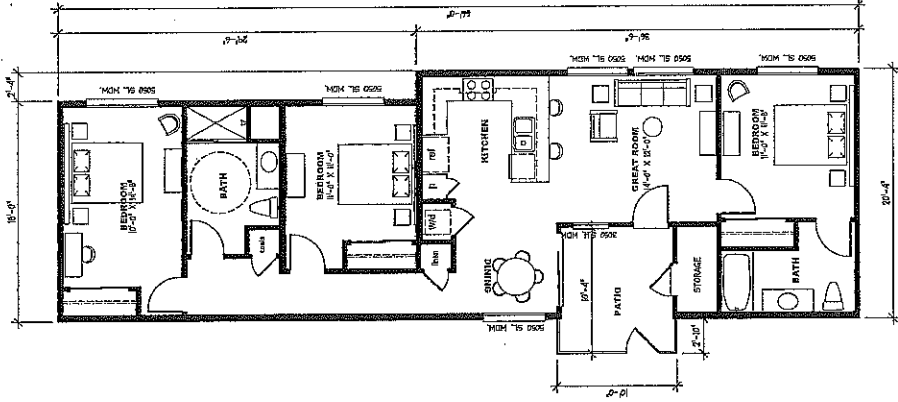
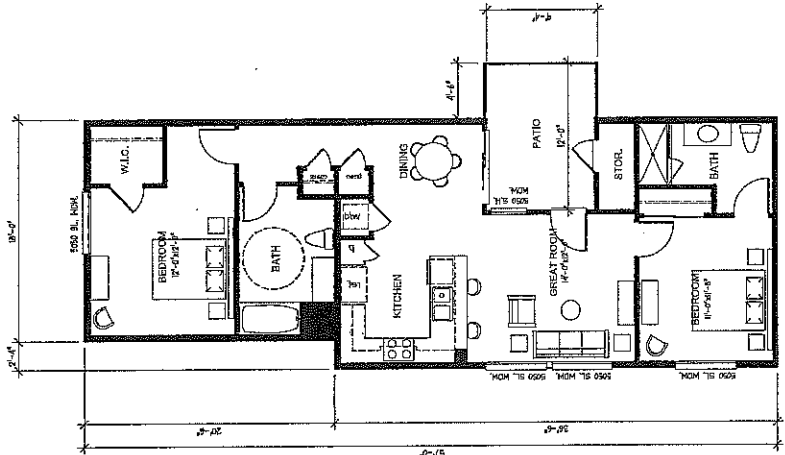
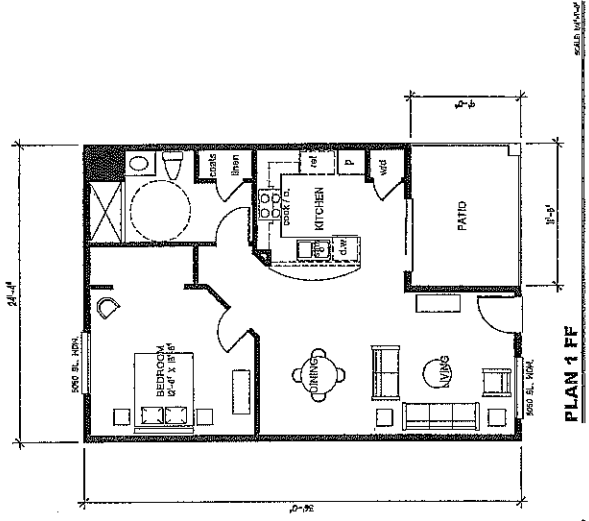
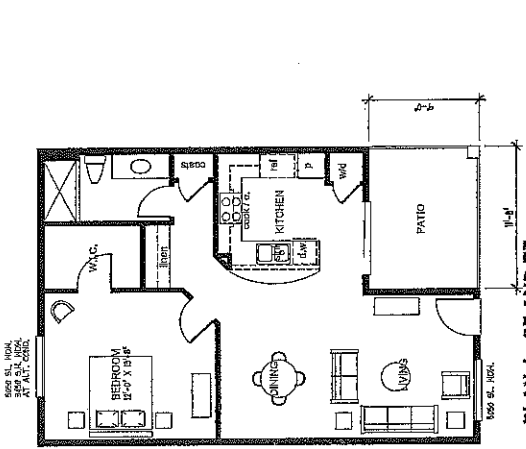
**ENGINEER:**  
 HUNG THE QUACH AND  
 TAM MINH PHU NGUYEN  
 14051 HOPE STREET, GARDEN GROVE, CA  
 TEL: (949) 261-1111 FAX: (949) 261-1112





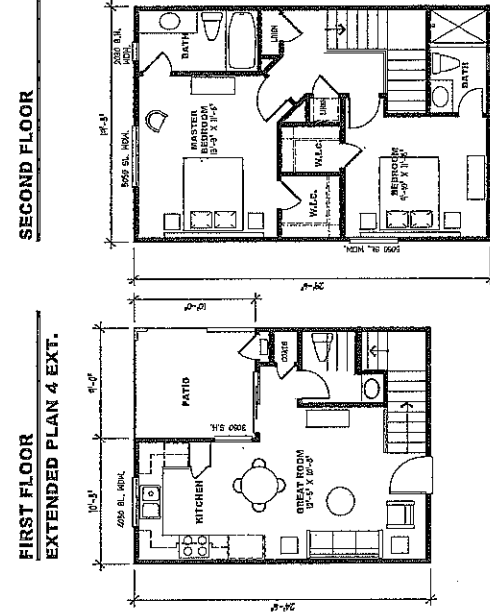
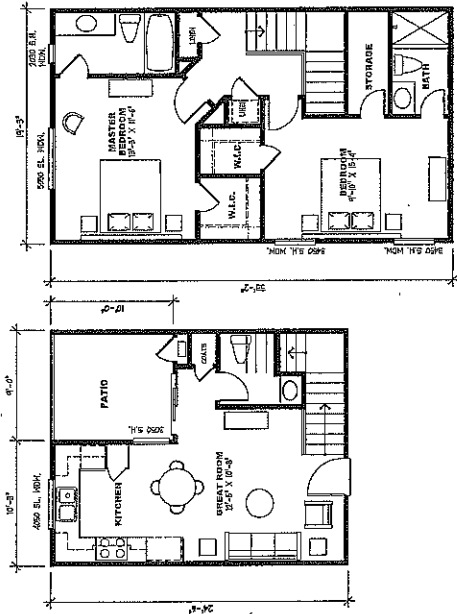
Architect  
Brandwine Homes  
1000 S. Main Street  
P.O. Box 1000  
Plymouth, MI 48170

DATE	DESCRIPTION





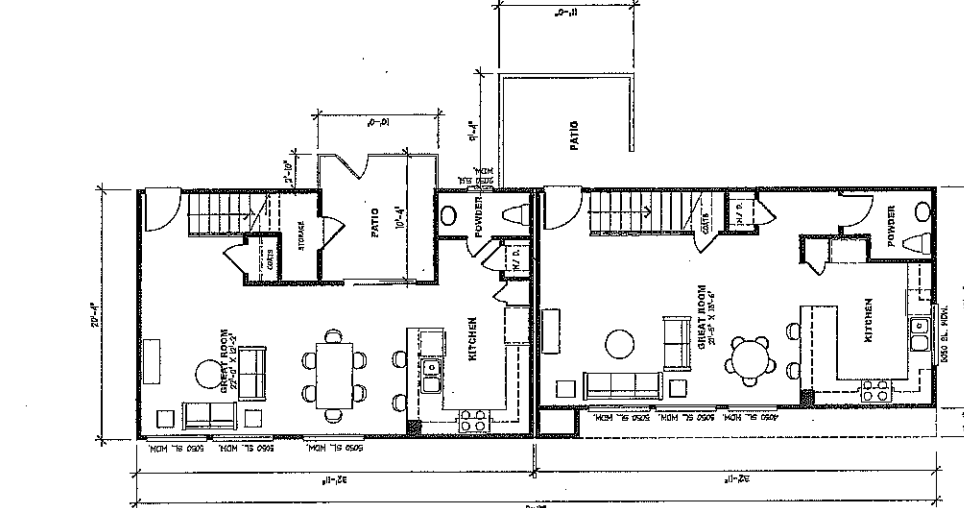
LSA Architecture  
11112 2nd Avenue, Suite 200  
Seattle, WA 98144  
(206) 465-3377  
Date: 10/10/10  
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Sheets: 2 of



**PLAN 4**  
FIRST FLOOR  
END UNIT - INTERIOR UNIT SIM.

**SQUARE FOOTAGE**

PLAN 4	PLAN 4 EXT.
FIRST FLOOR	381 SQ. FT.
SECOND FLOOR	375 SQ. FT.
TOTAL	756 SQ. FT.

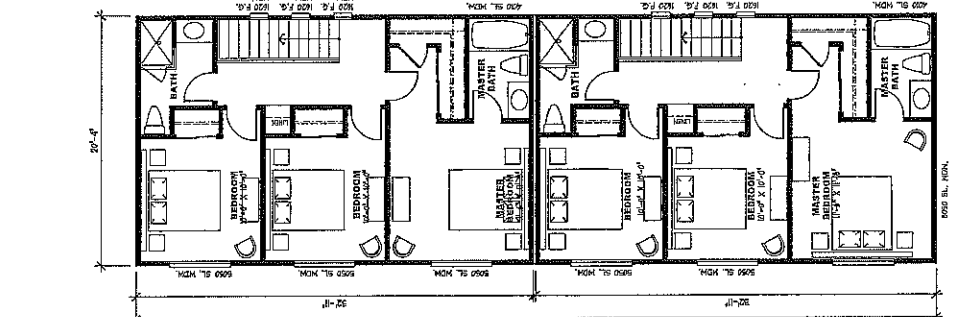


**PLAN 5**  
FIRST FLOOR

**SQUARE FOOTAGE**

PLAN 3 - RP	PLAN 3 - OP
FIRST FLOOR	340 SQ. FT.
SECOND FLOOR	341 SQ. FT.
TOTAL	681 SQ. FT.

STORAGE: 28 SQ. FT.



**PLAN 5**  
SECOND FLOOR

**SQUARE FOOTAGE**

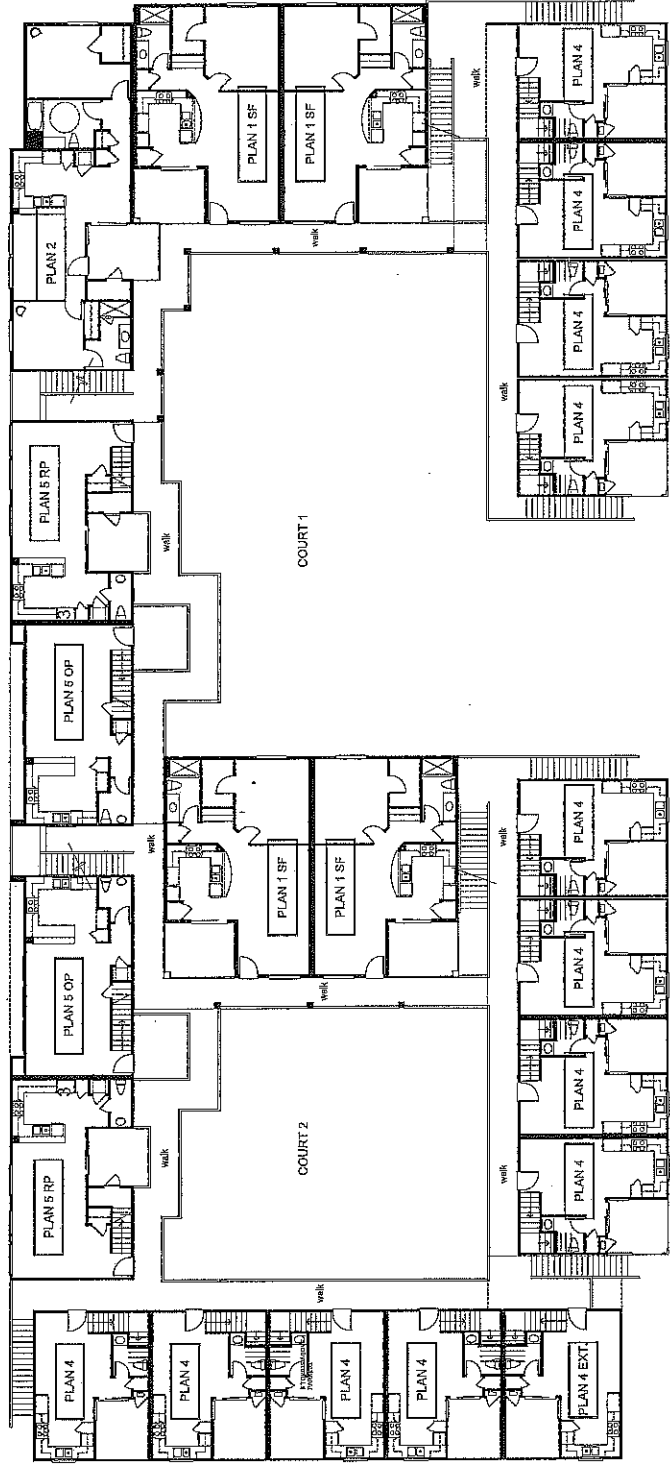
PLAN 3 - RP	PLAN 3 - OP
FIRST FLOOR	340 SQ. FT.
SECOND FLOOR	341 SQ. FT.
TOTAL	681 SQ. FT.

STORAGE: 28 SQ. FT.

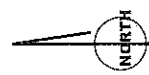




Architect:	
DATE: September 2004	
PROJECT: HOPE STREET APARTMENTS	
JOB No.: 2004-0001	
Revisions:	
Drawn:	
Checked:	
Sheet:	

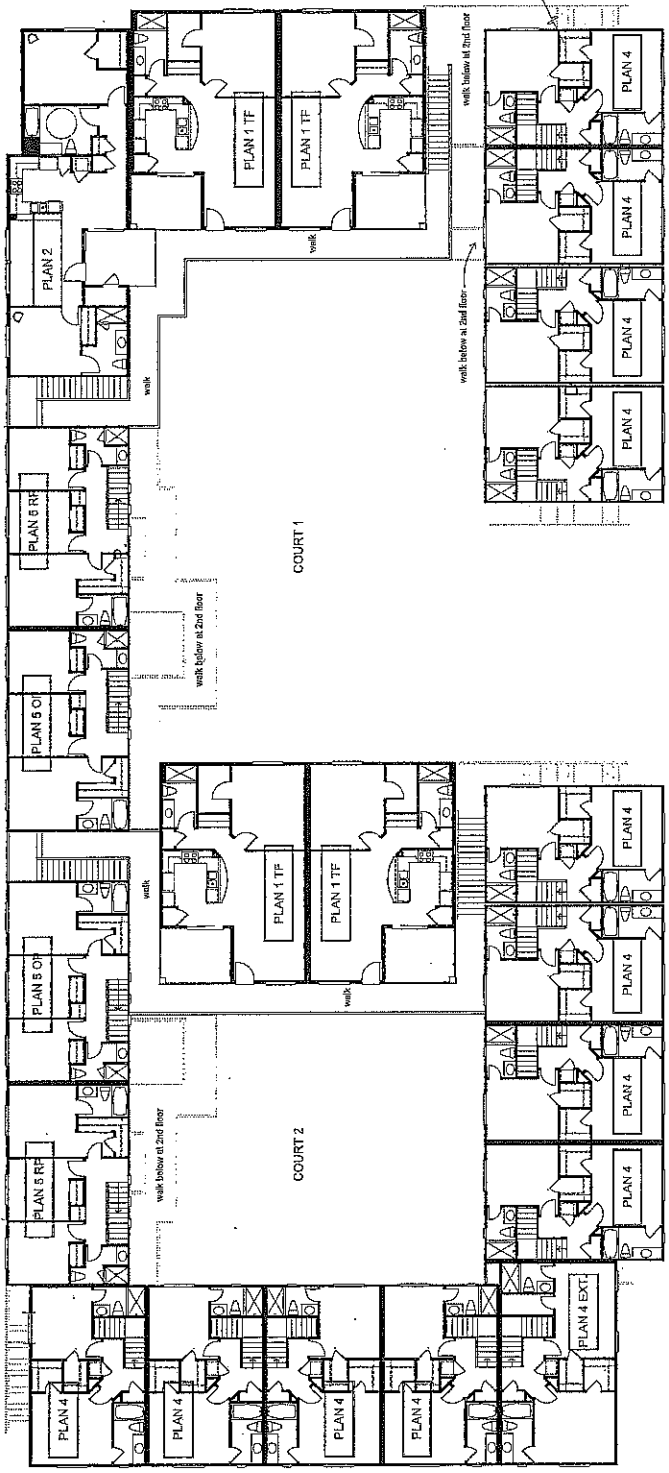


SECOND FLOOR

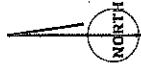




Architect	Architecture
Project Name	Brandywine Homes Hope Street Apartments
Address	1000 North Main Street, Brandywine, PA 19302
City	Brandywine, PA
State	PA
Year	2011
Scale	1/8" = 1'-0"
Sheet	5 of 5



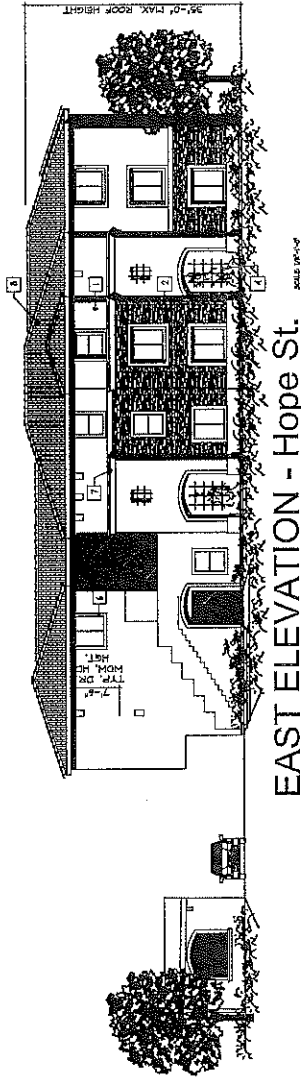
THIRD FLOOR





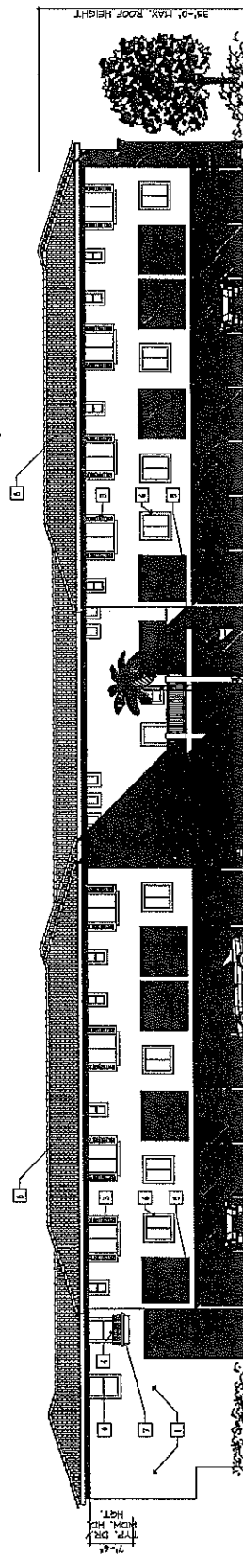


440011010000
BRANDYWINE HOMES HOPE STREET APARTMENTS
PROJECT NO. 2023
DATE: 01/10/2023
DESIGNED BY: [Name]
DRAWN BY: [Name]
CHECKED BY: [Name]
DATE: 01/10/2023
SCALE: AS SHOWN
SHEET NO. 9



EAST ELEVATION - Hope St.

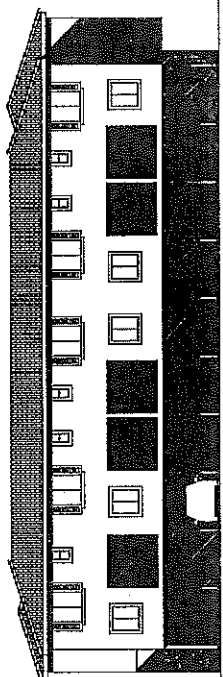
- NOTES**
- 1 TYPICAL ELEVATOR NOTES, SEE MEMBERS BELOW
  - 2 TYPICAL STUCCO
  - 3 SYNTHETIC STONE VENEER
  - 4 PAINT FINISHED BRICK
  - 5 BRICK WITH STUCCO
  - 6 BRICK WITH STUCCO / HANDRAILS
  - 7 2X FRONT TIER
  - 8 2X FRONT TIER
  - 9 STUCCO RECESS



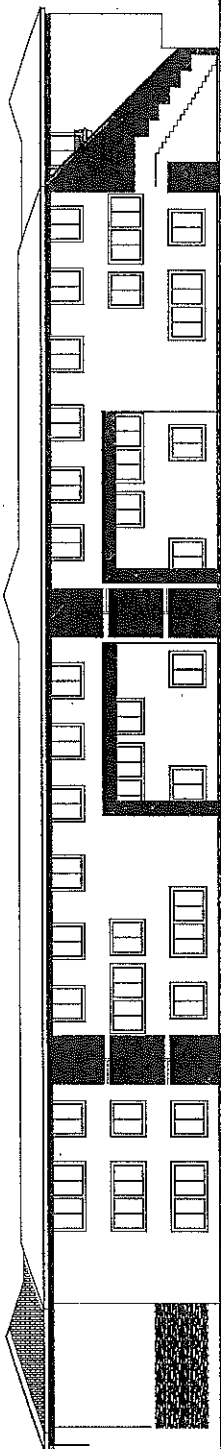
SOUTH ELEVATION



Architecture  
and Design  
INCORPORATED  
1000 N. 10th St.  
P.O. Box 1000  
Cincinnati, OH 45202  
Phone: (513) 261-1000  
Fax: (513) 261-1001  
E-mail: info@adinc.com



WEST ELEVATION

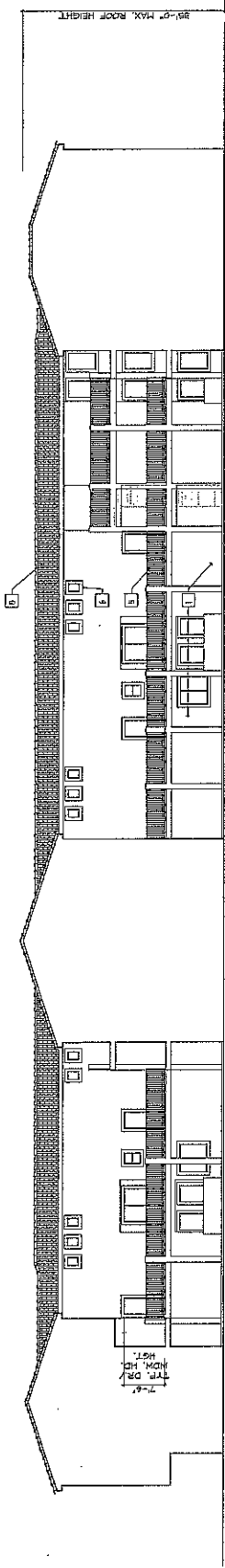


NORTH ELEVATION



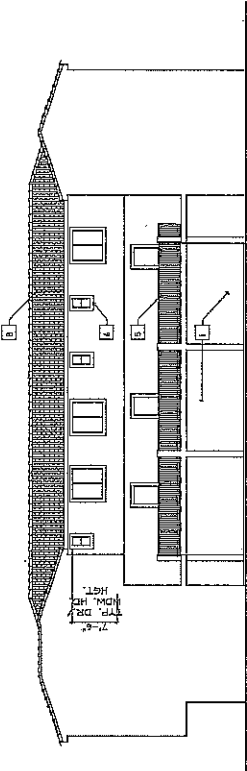
Missouri State Architect  
 State License No. 12345  
 Exp. Date: 12/31/2024  
 Seal No. 1234  
 Exp. Date: 12/31/2024

Drawn: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 Sheet

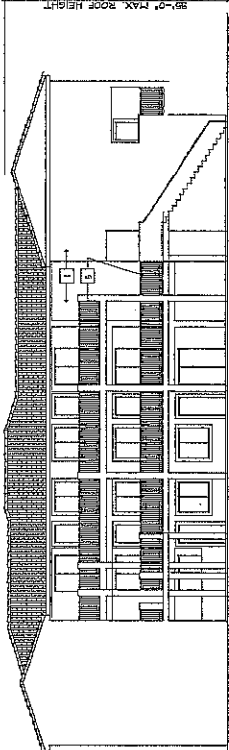


COURT 1 AND 2 NORTH ELEVATION

- NOTES**
- TYPICAL ELEVATION NOTES, SEE NUMBERS BELOW
  - 1 TYPICAL STUCCO
  - 2 SYNTHETIC STONE VENEER
  - 3 ALUMINUM WINDOW AND DOOR CASINGS
  - 4 DECORATIVE PRODUCT RAILING
  - 5 PRECAST CONCRETE GUARD / HANDRAILS
  - 6 ALUMINUM HANDRAILS
  - 7 SHAVED CORK TRIM
  - 8 15" TILE ROOFING
  - 9 STUCCO RECESS

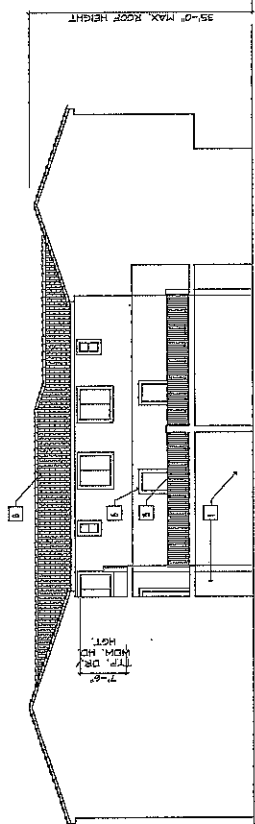


COURT 2 WEST ELEVATION



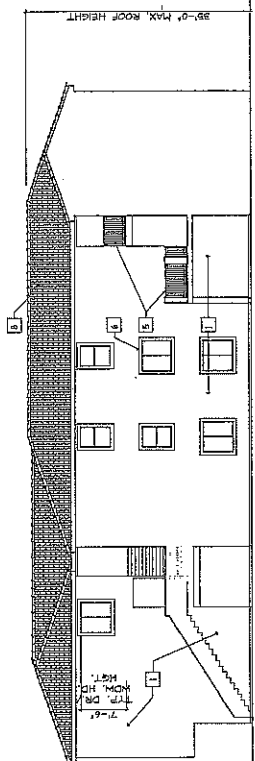
COURT 1 EAST ELEVATION

COURT 2 EAST ELEVATION SIMILAR



COURT 1 AND 2 SOUTH ELEVATION  
SCALE: 1/8\"/>

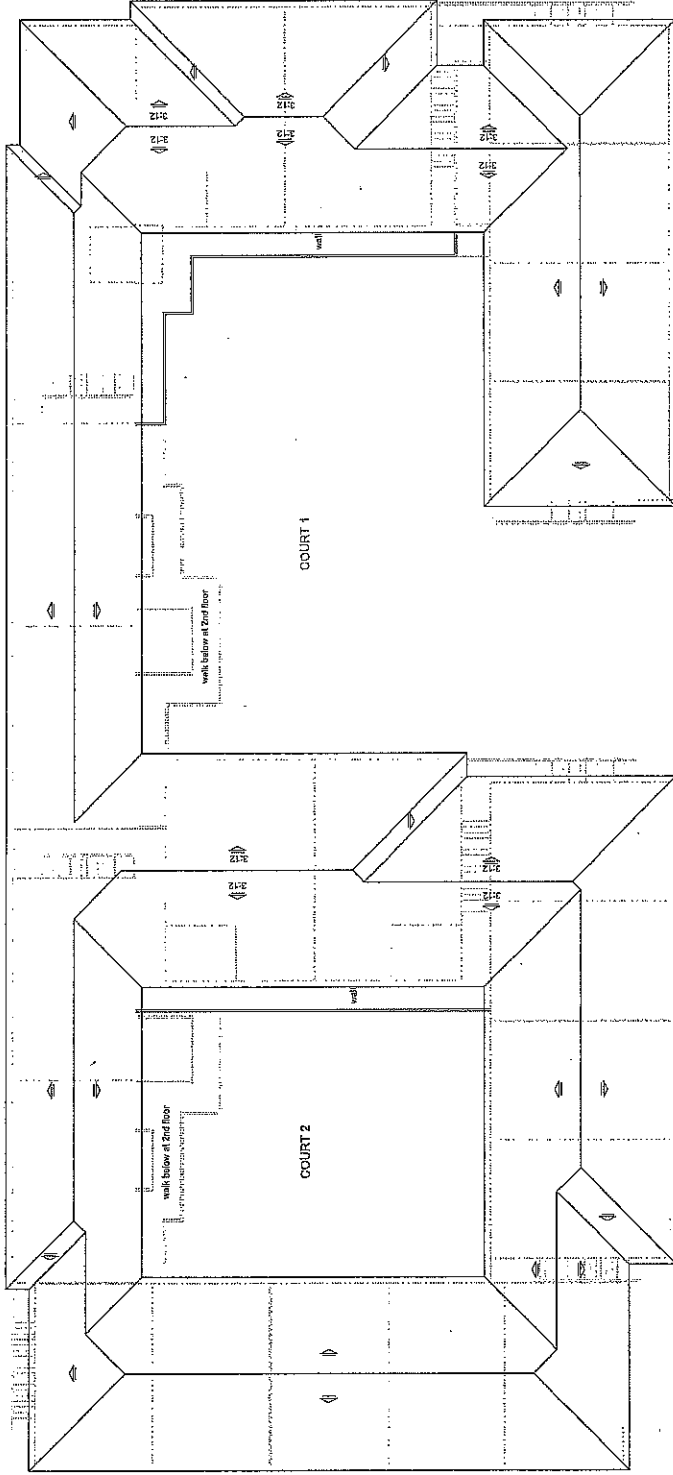
- NOTES**
- 1 TYPICAL STUCCO
  - 2 SYNTHETIC STONE VENER
  - 3 PAINT PRE-FABRICATED BUTTERS
  - 4 BRICK
  - 5 HORIZONTAL SCOT GUARD / HANDRAILS
  - 6 2X JOIST TRIM
  - 7 1/2\"/>



COURT 1 WEST ELEVATION  
SCALE: 1/8\"/>

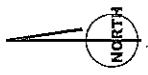


Architect	JSA Architects
Project Name	BRANDYWINE HOMES HOPE STREET APARTMENTS
Project No.	2015-001
Scale	AS SHOWN
Date	08/11/15
Drawn	
Checked	
Sheet	10



SCALE: 1/8" = 1'-0"

**ROOF PLAN**  
FAUX 'S' TILE ROOF  
3.5:12 PITCH - U.O.N. TYP.  
35' MAX. ROOF HEIGHT





Architect  
1000 New Drive East  
Atlanta, GA 30316  
(404) 525-1000

Job No. 2021  
Contractor

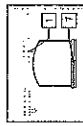
Drawn

Date

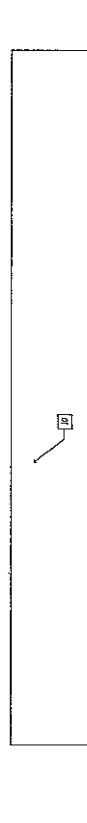
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CARPORT -  
NORTH ELEVATION  
SCALE: 3/8"=1'-0"



CARPORT -  
WEST ELEVATION (EAST SIM.)  
SCALE: 3/8"=1'-0"



CARPORT -  
SOUTH ELEVATION  
SCALE: 3/8"=1'-0"

NOTES  
□ TYPICAL ELEVATION NOTES, SEE NUMBERS BELOW

- 1 TYPICAL STUCCO
- 2 FINISH
- 3 PAINT PRE-FABRICATED BRACKETS
- 4 DECORATIVE, POLISHED IRON RAILING
- 5 2" X 2" SQUARE BRACKET / HANDRAILS
- 6 2X TYPICAL TRIM
- 7 SHAPED FOAM TRIM
- 8 TILE ROOFING
- 9 PAINTED BLOCK WALL

**BRANDYWINE HOMES  
HOPE STREET APARTMENTS**

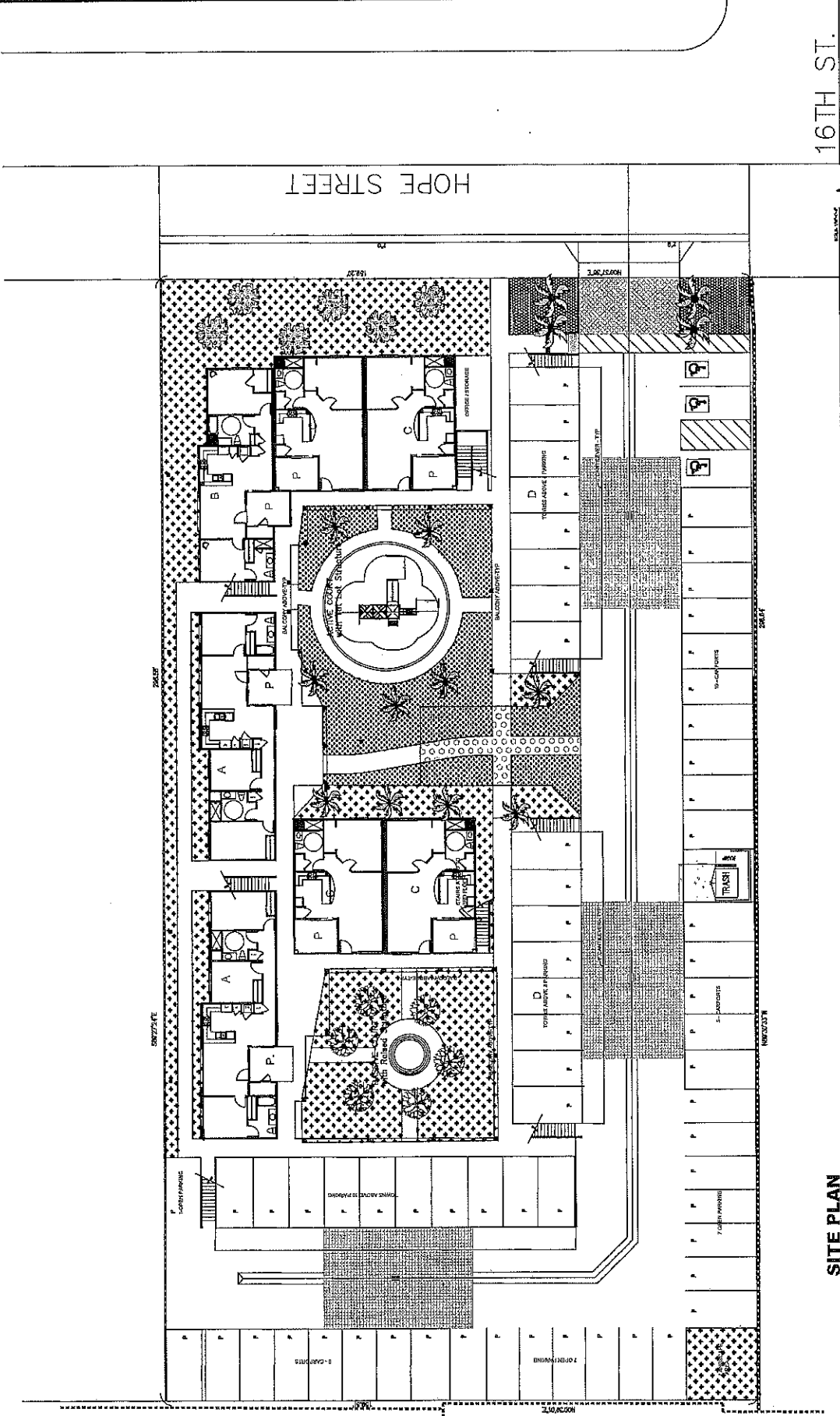
**SITE PLAN**



Architect  
 6112 Brandywine Corporate Blvd  
 Brandywine, PA 19308  
 Phone: 302.338.1111  
 Fax: 302.338.1112

Project No.: 232K  
 Date: 08/20/07  
 Drawn: [Blank]  
 Checked: [Blank]  
 Street: [Blank]

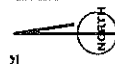
5  
 of



HOPE STREET

16TH ST.

**SITE PLAN**





Maley's Land Planning & Landscape Architecture  
 300 Old Newport Blvd., Suite 4  
 Fremont, CA 94538  
 (925) 875-5225 FAX (925) 875-2524  
 maley@maleys.com

No.	Date	Revisions
1		
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MALEYS LAND PLANNING & LANDSCAPE ARCHITECTURE  
 I HAVE COMPLETED THE DESIGN AND PREPARED THESE DRAWINGS AS AN INDICATOR OF THE INTENT OF THE DESIGN. I AM NOT PROVIDING A GUARANTEE OF ACCURACY OR A WARRANTY OF ANY KIND. THE USER OF THESE DRAWINGS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING ALL INFORMATION PROVIDED BY OTHERS. MALEYS LAND PLANNING & LANDSCAPE ARCHITECTURE SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THESE DRAWINGS OR FOR ANY DAMAGE TO PERSONS OR PROPERTY CAUSED BY THE USE OF THESE DRAWINGS.



Landscaping Construction Documents  
 Hope Apartments  
 14051 Hope Street  
 Garden Grove, CA

Brandynne Homes  
 16380 Atcor  
 Irvine, CA 92606  
 949-256-2400

IRRIGATION PLAN

Sheet No.



of 6 Sheets



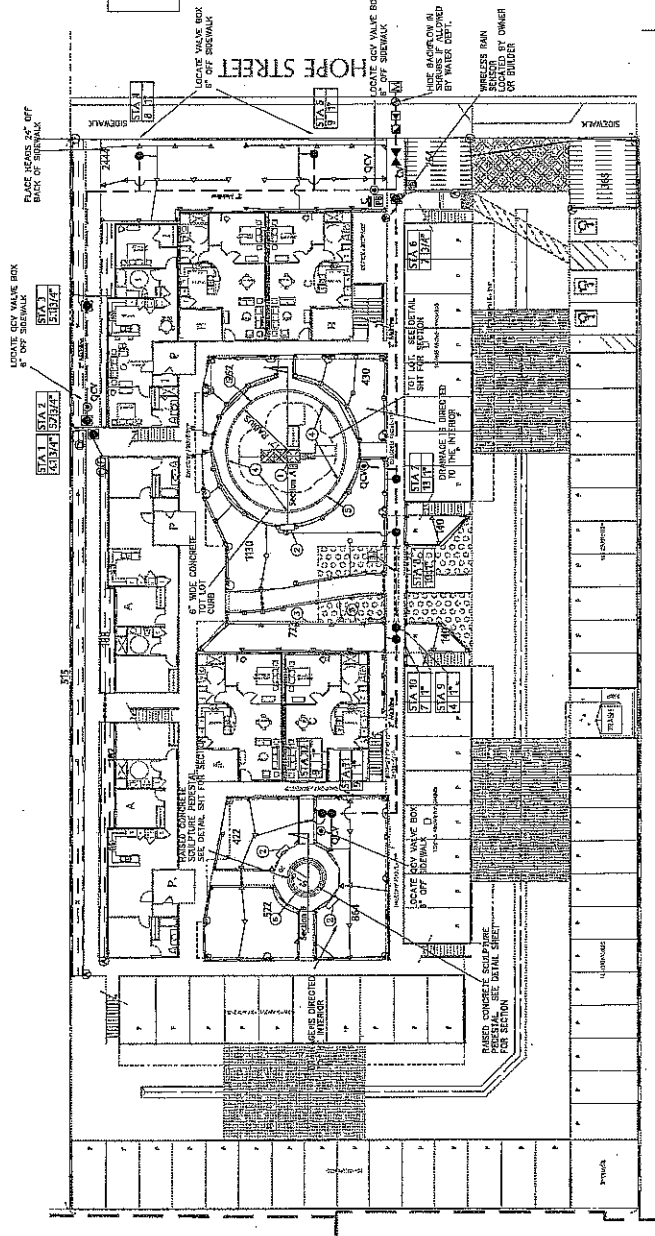
I HAVE COMPLETED THE DESIGN AND PREPARED THESE DRAWINGS AS AN INDICATOR OF THE INTENT OF THE DESIGN. I AM NOT PROVIDING A GUARANTEE OF ACCURACY OR A WARRANTY OF ANY KIND. THE USER OF THESE DRAWINGS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR VERIFYING ALL INFORMATION PROVIDED BY OTHERS. MALEYS LAND PLANNING & LANDSCAPE ARCHITECTURE SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THESE DRAWINGS OR FOR ANY DAMAGE TO PERSONS OR PROPERTY CAUSED BY THE USE OF THESE DRAWINGS.

VICINITY MAP  
 Drawing Index

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

GENERAL NOTES

1. SCHEDULE 40 PVC MANHOLE IN A SCHEDULE 40 PVC SLEEVES-2" COVER BACKFILL OVER SLEEVES TO BE APPROVED BACKFILL.
2. SCHEDULE 40 PVC SLEEVES FOR IRRIGATION CONTROL VALVE.
3. 6" SAND BED WITH THE REST OF THE PILE TO BE APPROVED BACKFILL.
4. SYSTEM SHALL BE INSTALLED PER MAINTENANCE MANUAL.
5. 1/2" VALVE SIZE.
6. 1/2" VALVE SIZE.
7. 1/2" VALVE SIZE.
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15. 1/2" VALVE SIZE.
16. 1/2" VALVE SIZE.



Water Calculations

MAXIMUM APPLIED WATER USE (AMU)  
 (48.2)(7)(0.85)(1.62) = 127,288 GALLONS PER YEAR  
 ESTIMATED APPLIED WATER USE (EAWU)  
 SHRUB AREAS (1455 SQ. FT.)  
 LAWN AREAS (840 SQ. FT.)  
 EAWU - SHRUBS (1455)(0.04) = 58.2 GALLONS/YR  
 EAWU - TURF (840)(0.02) = 16.8 GALLONS/YR  
 EAWU - TOTAL (58.2 + 16.8) = 75 GALLONS/YR  
 TOTAL GAWU

New Construction

1. TO FOLLOW ALL REQUIREMENTS FROM LAND CONSTRUCTION PLAN WHICH DESIGN IS COLOR AND EXACT
2. MANHOLE VALVE 4" BENCH WITH BACK. BENCHING SLANT. LOCATE BY DIMENSION (3 REQUIRED)
3. PROVIDE 1/2" OF 4" CONCRETE FINISH EXTENDING ON ALL THREE SIDES AND UNDER BENCH
4. SHOVEL CUT TURF SOO EDGE
5. 1/2" MINIMUM DEPTH OF MANUFACTURED WOOD FIBER-REAR-FIBER BRIS ON SEAL.
6. 6" WIDE CONCRETE TOP OF TALL. SEE SECTION
7. 1/2" MINIMUM DEPTH OF MANUFACTURED WOOD FIBER-REAR-FIBER BRIS ON SEAL.
8. 1/2" WIDE CONCRETE TOP OF TALL. SEE SECTION

DRIP LEGEND

- 1. 1/2" WIDE CONCRETE TOP OF TALL. SEE SECTION
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- 99. 1/2" WIDE CONCRETE TOP OF TALL. SEE SECTION
- 100. 1/2" WIDE CONCRETE TOP OF TALL. SEE SECTION

16TH STREET

Irrigation Legend

SYMBOL	ITEM AND DIMENSIONS	DATE	BY	REVISION
0	1" FIBER GLASS SENSING TUBES	10/21/17	JD	10" RADIUS
1	2" WIRELESS RAIN SENSORS	10/21/17	JD	10" RADIUS
2	4" WIRELESS RAIN SENSORS	10/21/17	JD	10" RADIUS
3	6" WIRELESS RAIN SENSORS	10/21/17	JD	10" RADIUS
4	8" WIRELESS RAIN SENSORS	10/21/17	JD	10" RADIUS
5	10" WIRELESS RAIN SENSORS	10/21/17	JD	10" RADIUS
6	12" WIRELESS RAIN SENSORS	10/21/17	JD	10" RADIUS
7	14" WIRELESS RAIN SENSORS	10/21/17	JD	10" RADIUS
8	16" WIRELESS RAIN SENSORS	10/21/17	JD	10" RADIUS
9	18" WIRELESS RAIN SENSORS	10/21/17	JD	10" RADIUS
10	20" WIRELESS RAIN SENSORS	10/21/17	JD	10" RADIUS
11	22" WIRELESS RAIN SENSORS	10/21/17	JD	10" RADIUS
12	24" WIRELESS RAIN SENSORS	10/21/17	JD	10" RADIUS
13	26" WIRELESS RAIN SENSORS	10/21/17	JD	10" RADIUS
14	28" WIRELESS RAIN SENSORS	10/21/17	JD	10" RADIUS
15	30" WIRELESS RAIN SENSORS	10/21/17	JD	10" RADIUS
16	32" WIRELESS RAIN SENSORS	10/21/17	JD	10" RADIUS
17	34" WIRELESS RAIN SENSORS	10/21/17	JD	10" RADIUS
18	36" WIRELESS RAIN SENSORS	10/21/17	JD	10" RADIUS
19	38" WIRELESS RAIN SENSORS	10/21/17	JD	10" RADIUS
20	40" WIRELESS RAIN SENSORS	10/21/17	JD	10" RADIUS
21	42" WIRELESS RAIN SENSORS	10/21/17	JD	10" RADIUS
22	44" WIRELESS RAIN SENSORS	10/21/17	JD	10" RADIUS
23	46" WIRELESS RAIN SENSORS	10/21/17	JD	10" RADIUS
24	48" WIRELESS RAIN SENSORS	10/21/17	JD	10" RADIUS
25	50" WIRELESS RAIN SENSORS	10/21/17	JD	10" RADIUS
26	52" WIRELESS RAIN SENSORS	10/21/17	JD	10" RADIUS
27	54" WIRELESS RAIN SENSORS	10/21/17	JD	10" RADIUS
28	56" WIRELESS RAIN SENSORS	10/21/17	JD	10" RADIUS
29	58" WIRELESS RAIN SENSORS	10/21/17	JD	10" RADIUS
30	60" WIRELESS RAIN SENSORS	10/21/17	JD	10" RADIUS
31	62" WIRELESS RAIN SENSORS	10/21/17	JD	10" RADIUS
32	64" WIRELESS RAIN SENSORS	10/21/17	JD	10" RADIUS
33	66" WIRELESS RAIN SENSORS	10/21/17	JD	10" RADIUS
34	68" WIRELESS RAIN SENSORS	10/21/17	JD	10" RADIUS
35	70" WIRELESS RAIN SENSORS	10/21/17	JD	10" RADIUS
36	72" WIRELESS RAIN SENSORS	10/21/17	JD	10" RADIUS
37	74" WIRELESS RAIN SENSORS	10/21/17	JD	10" RADIUS
38	76" WIRELESS RAIN SENSORS	10/21/17	JD	10" RADIUS
39	78" WIRELESS RAIN SENSORS	10/21/17	JD	10" RADIUS
40	80" WIRELESS RAIN SENSORS	10/21/17	JD	10" RADIUS
41	82" WIRELESS RAIN SENSORS	10/21/17	JD	10" RADIUS
42	84" WIRELESS RAIN SENSORS	10/21/17	JD	10" RADIUS
43	86" WIRELESS RAIN SENSORS	10/21/17	JD	10" RADIUS
44	88" WIRELESS RAIN SENSORS	10/21/17	JD	10" RADIUS
45	90" WIRELESS RAIN SENSORS	10/21/17	JD	10" RADIUS
46	92" WIRELESS RAIN SENSORS	10/21/17	JD	10" RADIUS
47	94" WIRELESS RAIN SENSORS	10/21/17	JD	10" RADIUS
48	96" WIRELESS RAIN SENSORS	10/21/17	JD	10" RADIUS
49	98" WIRELESS RAIN SENSORS	10/21/17	JD	10" RADIUS
50	100" WIRELESS RAIN SENSORS	10/21/17	JD	10" RADIUS

IMPORTANT NOTICE  
 SECTION 0244-427 OF THE GOVERNMENT CODE REQUIRES A DO  
 ALERT NOTIFICATION NUMBER BE PRINTED BEFORE A PERMIT TO  
 CALL UNDERGROUND SERVICE ALERT.  
 CALL TWO DAYS BEFORE YOU DIG.

1"=16'  
 22-Aug-17





**Malesky Land Planning, Inc.**  
 Landscape Architects  
 340 Old Newport Blvd., Suite 4  
 Newport Beach, California 92663  
 (949) 853-8888 Fax: (949) 344-2554  
 malesky@mlp.com

No.	Date	Revisions
1		
2		
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Malesky Land Planning, Inc. is a registered professional corporation under the laws of the State of California. We are not to be held responsible for any errors or omissions in this drawing unless it can be shown that we were negligent in the preparation of this drawing.



**Hope Apartments**  
 Landscape Construction Documents  
 14051 Hope Street  
 Garden Grove, CA

Brandevia Homes  
 14500 Arroyo  
 Irvine, CA 92606  
 949-255-2400

**PLANTING PLAN**

Sheet No. **12**

of 6 Sheets

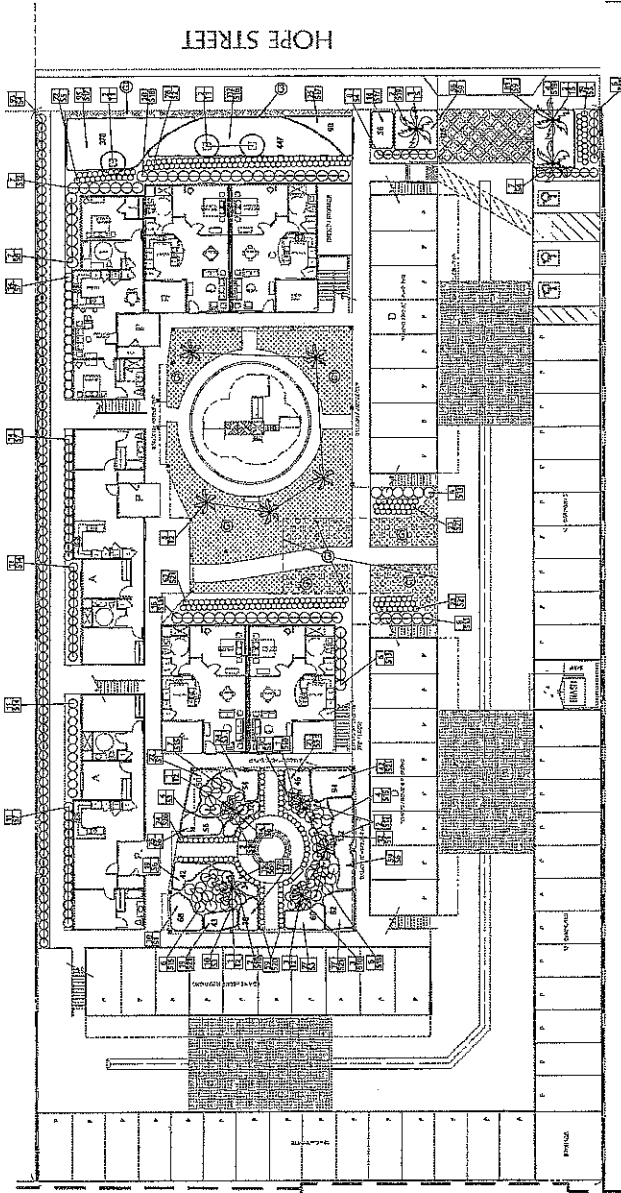


Worksheet	Sheet
1	1
2	2
3	3
4	4
5	5
6	6

VICINITY MAP

**Drawing Index**

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



**Planting Legend**

- M 11 1/2" x 1/2" x 1/2" BRICK
- M 12 1/2" x 1/2" x 1/2" BRICK
- M 13 1/2" x 1/2" x 1/2" BRICK
- M 14 1/2" x 1/2" x 1/2" BRICK
- M 15 1/2" x 1/2" x 1/2" BRICK
- M 16 1/2" x 1/2" x 1/2" BRICK
- M 17 1/2" x 1/2" x 1/2" BRICK
- M 18 1/2" x 1/2" x 1/2" BRICK
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16TH STREET

**Symbols**

- RESIGNATED PLANTING AREA
- RESIGNATED PLANTING AREA - SQUARE FEET OF PLANTING PER AREA
- PLANT SPECIES AS PER LEGEND
- MULCH COVER 3" DEPTH INSTALLED PRIOR TO PLANTING
- AREAS TO RECEIVE ORGANIC MULCH AVAILABLE FROM BALE RESOURCES
- LANDSCAPE SUPPLIES 714-851-8466
- RECOMMENDED
- INSTALL TOP OF SIZ ONE INCH BELOW THE TOP OF ADJACENT HARDSCAPE. SEE SPECIFICATIONS.
- GRASSY & FOREST FAVORITE
- CALL 1-800-324-1210
- 24" WIDE X 1" DEPTH OF STRIP FROM ADJACENT HARDSCAPE OF CURB (THIS AREA IS UN-IRRIGATED. SEE IRRIGATION PLAN)

**IMPORTANT NOTICE**  
 ANY TREE WITHIN 10' OF ANY HARDSCAPE OR CURB SHALL HAVE A 1" LONG X 2" DEEP X 3/8" THICK PVC ROOT PROTECTIVE COLLAR INSTALLED AT THE POINT OF CONTACT WITH THE HARDSCAPE OR CURB. SEE DETAIL.  
 CALL UNDERGROUND SERVICE ALERT: 1-800-482-4133  
 CALL THE DAYS BEFORE YOU DIG.









**Malesyt Land Planning  
and Landscape Architecture**  
310 Old Newport Blvd., Suite 106, #10653  
Irvine, CA 92614 FAX (949) 274-2394  
(949) 672-2181  
msh@malesyt.com

No.	Date	Revisions

Multiple Land Permits: Approval is contingent on all applicable permits being obtained. All work shall be performed in accordance with the terms and conditions of the applicable permits. The contractor shall be responsible for obtaining all applicable permits.

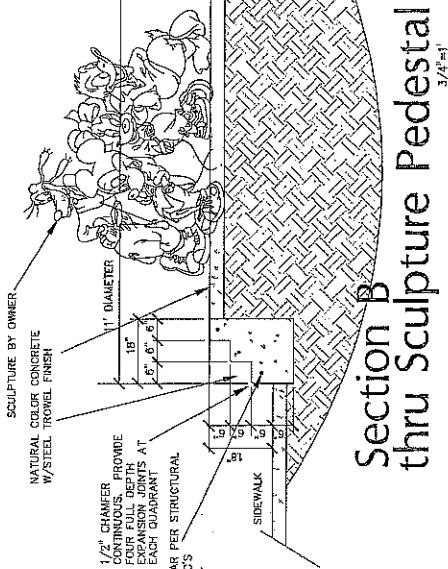


Landscaping Construction Documents  
**Hope Apartments**  
14051 Hope Street  
Garden Grove, CA

Brandyn White-Hammas  
16580 Astoria  
Irvine, CA 92606  
949-296-2400

DETAILS  
Sheet No.

**L6**  
of 6 Sheets  
06-Aug-12



**Section B  
thru Sculpture Pedestal**  
3/4\"/>

SCULPTURE BY OWNER  
NATURAL COLOR CONCRETE  
1/4\"/>

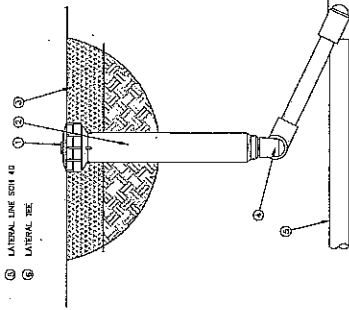
1/2\"/>

RESBAR PER STRUCTURAL  
CALC'S

SIDEWALK

**LEGEND**

1. SPRINKLER HEAD - SEE IRRIGATION LEGEND
2. TUBO SPRINKLER 2022-PP-PP-CON
3. FINISH GRADE - 3\"/>

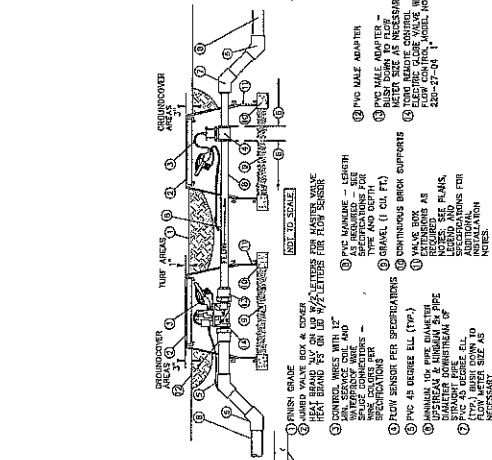


**SECTION/ELEVATION**

NOT TO SCALE

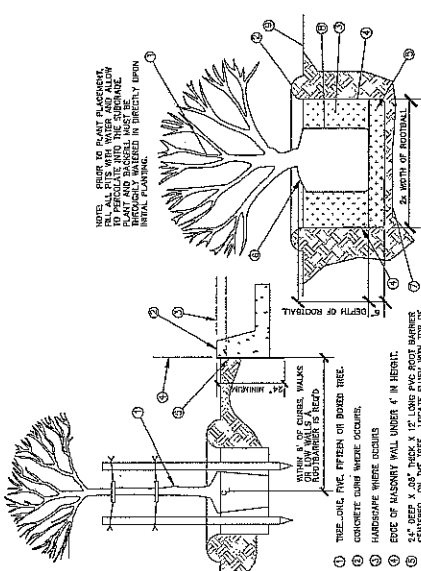
1. 6\"/>

**Quick Coupler Valve**  
NOTES



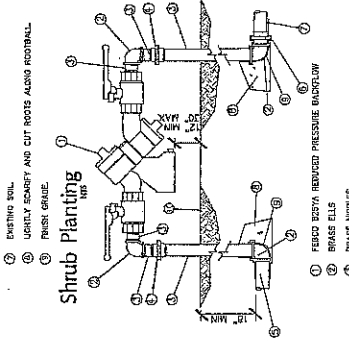
**Flow Sensor-Master Valve**  
NOTES

1. FINISH GRADE
2. HEAT BEANS 1/4\"/>



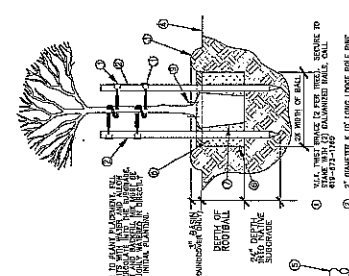
**Root Barrier within  
6' of Hardscape/Curb**  
NOTES

1. TREE, ONE PINE, PINE OR BORED TREE.
2. CONCRETE CURB, 6\"/>



**Shrub Planting**  
NOTES

1. 1.5\"/>



**Tree Planting/Staking**  
NOTES

1. 2\"/>

**Reduced Pressure Backflow Preventer**  
NOTES

1. PERIODICALLY REDUCED PRESSURE BACKFLOW
2. BRASS ELLS
3. BRASS NIPPLES
4. PRESSURE SUPPLY LINE BRASS TO FRONT OF CONNECTION
5. PVC SCHEDULE 40 BALL ADAPTER
6. PVC SCHEDULE 40 PRESSURE SUPPLY LINE BRASS
7. CONCRETE BURST TESTER BLOCK
8. FINISH GRADE
9. FINISH GRADE

**NOTICE OF CEQA EXEMPTION.**

HOPE STREET APARTMENTS  
14051 AND 14061 HOPE STREET  
GARDEN GROVE, CALIFORNIA



- To:**  Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814
- County Clerk County of County of Orange  
12 Civic Center Plaza, Room 101  
Santa Ana, CA 92701

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

**Project Title:** Hope Street Apartments.

**Project Location –** 14051 and 14061 Hope Street.

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

**Description of Nature, Purpose, and Beneficiaries of Project:** Lot consolidation and 34 unit apartment development.

**Name of Public Agency Approving Project:** City of Garden Grove Community Development Department, Planning Division.

**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); NA.
- Declared Emergency (Sec. 21080(b)(3); 15269(a)); NA.
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c)); NA.
- Categorical Exemption. State type and section number: Class 5 Minor Alternations to Land Use Limitations (CEQA Guidelines §15305); Class 32 Infill Development Projects (CEQA Guidelines §15332); Common Sense Exemption (CEQA Guidelines § 15061 (b) (3)).
- Statutory Exemptions. State code number: NA.

**Reasons why project is exempt:** See Attachment

**Lead Agency**

**Contact Person:** Lee Marino, Senior Planner

**Area Code/Telephone:** 714-741-5000

**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:



## **ATTACHMENT FOR THE NOTICE OF CEQA EXEMPTION HOPE STREET APARTMENTS (14051 & 14061 HOPE 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, 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>1</sup>

This NOE provides a description of the proposed Hope 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 on the west side of Hope Street approximately 220 feet south of Westminster Avenue, in the City of Garden Grove. The proposed project will involve the construction of 34 apartment (rental) units within the (approximately) 1.1-acre site. Access to the proposed project will be provided by a single driveway connection on the west side of Hope Street. An internal drive aisle will extend along the southerly portion of the site which will provide access to the covered parking spaces. The proposed project will also include a lot line adjustment that will consolidate two existing lots. The lot line adjustment will be done administratively.

### **3. APPLICABLE CEQA EXEMPTION(S)**

The City of Garden Grove has reviewed the proposed project and has determined that it is categorically exempt and qualifies for a Class 32 Infill Development Projects (CEQA Guidelines §15332) and qualifies for a Common Sense Exemption (CEQA Guidelines § 15061 (b) (3)). The lot line adjustment qualifies for a Class 5 Minor Alternations to Land Use Limitations (CEQA Guidelines §15305).

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<sup>1</sup> CEQA Guidelines California Code of Regulations, Title 14, Division 6, Chapter 3, Article 19. Categorical Exemptions. (Section 15300)

## NOTICE OF CEQA EXEMPTION

HOPE STREET APARTMENTS  
14051 AND 14061 HOPE STREET  
GARDEN GROVE, CALIFORNIA



### 3.1 CLASS 5 EXEMPTIONS (MINOR ALTERATIONS IN LAND USE LIMITATIONS)

Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to:

- Minor lot line adjustments, side yard, and set back variances not resulting in the creation of any new parcel;
- Issuance of minor encroachment permits; and,
- Reversion to acreage in accordance with the Subdivision Map Act.

### 3.2 CLASS 32 EXEMPTIONS (URBAN INFILL)

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>2</sup>

### 3.3 CEQA 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 of CEQA which states the following:

“The activity is covered by a general rule that CEQA applies only to projects which have a 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.”<sup>3</sup>

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<sup>2</sup> CEQA Guidelines California Code of Regulations, Title 14, Division 6, Chapter 3, Article 19. Categorical Exemptions. (Section 153332).

<sup>3</sup> Ibid. (Subsection (b)(3)).



## NOTICE OF CEQA EXEMPTION

HOPE STREET APARTMENTS  
14051 AND 14061 HOPE STREET  
GARDEN GROVE, CALIFORNIA



### **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 5 EXEMPTIONS (MINOR ALTERATIONS IN LAND USE LIMITATIONS)**

- The proposed project will include a minor lot line adjustment to consolidate two existing lots. No additional lot(s) will be created.
- The proposed project site is level and the lot line adjustment will not increase the development densities of the lot.
- The proposed lot consolidation Reversion to acreage in accordance with the Subdivision Map Act.

#### **4.2 CLASS 32 EXEMPTION (INFILL DEVELOPMENT PROJECTS)**

- The proposed project is consistent with both the General Plan and Zoning designations that are 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 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 1.1 acres in size and, as indicated in the exhibits, is bordered on all four sides by existing urban development. The lots to the south and west of the property are developed with multi-family uses. The lots to the east (on the east side of Hope Street) are developed as single-family residential. Finally, the parcel to the north of the project site is developed in commercial uses.
- 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.

## NOTICE OF CEQA EXEMPTION

HOPE STREET APARTMENTS  
14051 AND 14061 HOPE STREET  
GARDEN GROVE, CALIFORNIA



- The proposed project site can be adequately served by all required utilities and public services.

### 4.3 CEQA COMMON SENSE EXEMPTION

The “Common Sense Exemption” applies 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.<sup>4</sup> As indicated in the studies completed for this project, and based on the application of existing Federal, State, and local laws 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.
- The proposed project site does not contain any sensitive environmental resources. The surrounding areas have been disturbed as part of previous development.
- The proposed project site is located within an urbanized area of the City of Garden Grove. No scenic resources or scenic corridor will be affected by the proposed project.
- The proposed project site is not located within an area, nor does it include a site, the Department of Toxic Substances Control (DTSC) and the Secretary for Environmental Protection has identified as being affected by hazardous wastes.
- The proposed project will not result in any adverse impacts on historic resources.
- The proposed project will not require any review by a State trustee or responsible agency.

## 5. DISCUSSION OF LEAD AGENCY’S FINDINGS

The City of Garden Grove may make the following findings with regard to the proposed project’s exemption from the environmental review requirements outlined in CEQA:

- The proposed project will be confined to the project site and no dislocation of off-site uses will occur.
- The proposed project does not have a possibility of creating any significant environmental effect. The basis for this determination was discussed in the preceding section.
- The proposed project will not result in any impacts to sensitive resources.

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<sup>4</sup> Ibid. (Subsection (b)(3).

## NOTICE OF CEQA EXEMPTION

HOPE STREET APARTMENTS  
14051 AND 14061 HOPE STREET  
GARDEN GROVE, CALIFORNIA



- The proposed project will not result in any impacts on sensitive resources; result in any cumulative impacts; have the potential for damaging scenic resources; involve the placement of a project over a site the Department of Toxic Substances Control (DTSC) and the Secretary for Environmental Protection has identified as being affected by hazardous waste; or result in any impacts on historic resources.
- The lead agency, based on a rule of common sense, “has determined that there is no possibility” that the proposed project will result in significant effects.<sup>5</sup>

## 6. PREPARERS AND REFERENCES

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

### **City of Garden Grove**

Community Development Department, Planning Division  
Lee Marino, Senior Planner

### **Project CEQA Consultant**

Blodgett/Baylosis Associates  
Marc Blodgett, Project Manager

The following documents are incorporated herein by reference.

RK Engineering Group, Inc. *Hope Street Apartments Traffic Impact Study and Parking Review. City of Garden Grove, California.* Revised August 14, 2012.

RK Engineering Group, Inc. *Dale Street Apartments Final Acoustics Study (Revised 8/14/2012). City of Garden Grove, California.* August 1, 2012.

RK Engineering Group, Inc. *Hope Street Apartments Air Quality and GHG Study (Revised 8/14/2012) City of Garden Grove, California.* August 1, 2012.

DMS Consultants, Inc. *Hydrology Study for the Hope [Street] Apartments, 14051 Hope Street. Garden Grove, California.* July 5, 2011.

DMS Consultants, Inc. *Preliminary Water Quality Management Plan (WQMP) for the Hope [Street] Apartments, 14051 Hope Street. Garden Grove, California.* August 16, 2012.

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<sup>5</sup> Guidelines for the Implementation of the California Environmental Quality Act, Article 5. § 15061(b)(3)

**NOTICE OF CEQA EXEMPTION**  
HOPE STREET APARTMENTS  
14051 AND 14061 HOPE STREET  
GARDEN GROVE, CALIFORNIA

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## **ENVIRONMENTAL CHECKLIST**

**NOTICE OF CEQA EXEMPTION**

HOPE STREET APARTMENTS  
 14051 AND 14061 HOPE STREET  
 GARDEN GROVE, CALIFORNIA



**Table 1  
 Environmental Checklist)**

Environmental Issues Area Examined	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>Section 3.1 Aesthetic Impacts. Would the project:</b>				
a) Have a substantial adverse affect on a scenic vista?				X
b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?				X

**Discussion of Findings**

The proposed Hope Street Apartment project will not result in any significant adverse aesthetic impacts. The proposed project site is not located next to any designated scenic highway. The proposed project will involve new residential construction that will reflect current building code requirements. Finally, the proposed project will not result in any adverse light and glare impacts on light sensitive land uses with adherence to the city's zoning requirements.

**Section 3.2 Agriculture and Forestry Resources Impacts. Would the project:**

a) Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Would the project conflict with existing zoning for or cause rezoning of, forest land (as defined in Public Resources Code §4526), or zoned timberland production (as defined by Government Code §51104(g))?				X
d) Would the project result in the loss of forest land or the conversion of forest land to a non-forest use?				X
e) Involve other changes in the existing environment that, due to their location or nature, may result in conversion of farmland to non-agricultural use?				X

**Discussion of Findings**

The proposed Hope Street Apartment project will not result in the loss or conversion of agricultural or forestry resources. The project site is located in an urbanized area. No active agricultural activities are located within the project site nor are any such uses found in the adjacent parcels. The city's applicable general plan and zoning designations do not contemplate agricultural land uses on-site or in the surrounding area. In addition, the project site is not subject to a Williamson Act contract. The site was previously developed in urban uses and is currently occupied by a single-family residence.



**Table 1  
 Environmental Checklist)**

Environmental Issues Area Examined	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>Section 3.3 Air Quality Impacts. Would the project:</b>				
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?			X	
d) Expose sensitive receptors to substantial pollutant concentrations?				X
e) Create objectionable odors affecting a substantial number of people?				X

**Discussion of Findings**

The proposed Hope Street Apartment project will not result in any significant adverse air quality impacts. An air quality analysis was prepared for the proposed 34 unit project. No significant additional new long term emissions will result from the proposed project's implementation. The mobile emissions will also be well below the SCAQMD's daily thresholds.

**Section 3.4 Biological Resources Impacts. Would the project have a substantial adverse effect:**

a) Either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service?				X
b) On any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
c) On federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) In interfering substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory life corridors, or impede the use of native wildlife nursery sites?				X

**NOTICE OF CEQA EXEMPTION**

HOPE STREET APARTMENTS  
 14051 AND 14061 HOPE STREET  
 GARDEN GROVE, CALIFORNIA



**Table 1  
 Environmental Checklist)**

Environmental Issues Area Examined	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
e) In conflicting with any local policies or ordinances, protecting biological resources, such as a tree preservation policy or ordinance?				X
f) By conflicting with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

**Discussion of Findings**

The proposed Hope Street Apartment project will not result in any significant adverse impacts on biological resources. The site does not contain, nor is it located adjacent to, any suitable habitat for any sensitive species. The proposed project will not impact any *Waters of the U.S.* and no wetland resources will be affected. The animal species common to the site and the surrounding area are typical of those found in an urbanized setting. No areas of the city function as a wildlife movement corridor and no locally designated species are located within the city. In addition, no significant mature trees (Heritage Trees) will be impacted by the proposed project. The project site is not located within an area governed by a habitat conservation or community conservation plan. As a result, no adverse impacts on local, regional, or state habitat conservation plans will result from the proposed project's implementation.

**Section 3.5 Cultural Resources Impacts. Would the project:**

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5 of the CEQA Guidelines?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the CEQA Guidelines?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?				X

**Discussion of Findings**

There are no historic structures or objects within the project site or in the adjacent area. The proposed project will not have an adverse impact on any historic site or other historic structures in the city. No archaeological or historical resources are expected to be found because past grading, excavation activities, and development have disturbed the entire project site. The potential for paleontological resources in the area is considered low given the alluvial character of the soils (no resources have been uncovered in the vicinity). There are no cemeteries located in the immediate area that would be affected by the proposed project. In addition, the project site does not contain any religious or sacred structure.

**NOTICE OF CEQA EXEMPTION**

HOPE STREET APARTMENTS  
 14051 AND 14061 HOPE STREET  
 GARDEN GROVE, CALIFORNIA



**Table 1  
 Environmental Checklist)**

Environmental Issues Area Examined	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>Section 3.6 Geology Impacts.</b> <i>Would the project result in or expose people to potential impacts involving:</i>				
a) The exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault (as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault), ground-shaking, liquefaction, or landslides?			X	
b) Substantial soil erosion or the loss of topsoil?				X
c) Location on a geologic unit or a soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Location on expansive soil, as defined in California Building Code (2001), creating substantial risks to life or property?				X
e) Soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X

**Discussion of Findings**

Recent studies completed by the Geological Survey (CGS) Seismic Hazard Zones Mapping Program indicate the project area is not located within an area subject to potential slope failure. The project site is located within an area that may be subject to potential liquefaction risk though standard building code requirements will reduce the risk to levels that are less than significant. Given the developed character of the surrounding parcels, no significant adverse constraints related to expansive soils are anticipated. The soils that underlie the project site do not represent a constraint to development according to the United States Department of Agriculture (USDA). The existing improvements within the surrounding properties also support this conclusion. No septic tanks will be used as part of proposed project. As a result, no impacts associated with the use of septic tanks will occur as part of the proposed project's implementation.

**Section 3.7 Greenhouse Gas Emissions Impacts.** *Would the project*

a) Result in the generation of greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Increase the potential for conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gasses?				X





**Table 1  
 Environmental Checklist)**

Environmental Issues Area Examined	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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**Discussion of Findings**

The proposed project is an infill project that will not result in the generation of any significant daily CO<sub>2</sub> emissions. As a result, the impacts related to additional greenhouse gas emissions resulting from the proposed project's implementation are considered to be less than significant. The proposed project will not involve or require any variance from an adopted plan, policy, or regulation governing GHP emissions. As a result, no significant adverse impacts related to a potential conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gasses are anticipated.

**Section 3.8 Hazards and Hazardous Materials Impacts. *Would the project:***

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X
b) Create a significant hazard to the public or the environment or result in reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site, which is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5, and as a result, would it create a significant hazard to the public or the environment?				X
e) Be located within an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
f) Within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury, or death involving wild lands fire, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands?				X



**Table 1  
 Environmental Checklist)**

Environmental Issues Area Examined	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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**Discussion of Findings**

The Environmental Protection Agency's (EPA's) *Environfacts* Database was consulted to identify EPA-regulated facilities within the project area. The site is not included on this list. The project site is not included on a list of hazardous material sites (Cortese) compiled pursuant to Government Code Section 65962.5, are anticipated. All demolition debris will be handled and disposed of in accordance with existing regulations. The project site is not located within 2 miles of an operational public airport. No areas of native vegetation are found in the surrounding parcels and, as a result, there is no wildfire risk from off-site locations. Finally, the proposed 34 unit apartment development will not involve the storage and use of any hazardous products other than those commonly used in a household setting.

**Section 3.9 Hydrology and Water Quality Impacts. Would the project:**

a) Violate any water quality standards or waste discharge requirements?				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge in such a way that would cause a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on or off-site?				X
d) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner that would result in flooding on-or off-site?				X
e) Create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?				X
f) Substantially degrade water quality?				X
g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area, structures that would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of flooding because of dam or levee failure?				X
j) Result in inundation by seiche, tsunami, or mudflow?				X



**Table 1  
 Environmental Checklist)**

Environmental Issues Area Examined	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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**Discussion of Findings**

The proposed project will not generate excessive runoff to the storm water system. Runoff will continue to occur from building roofs, parking areas, and other impervious surfaces. The project site is within a completely urbanized area and is not located near the shoreline or other water body. Water supply in the city is derived from local groundwater wells maintained and operated by local water purveyors as well as imported water from the Metropolitan Water District (MWD). There are no lakes or streams within the area that would be affected by the proposed project. No natural stream channels remain within the immediate area. The proposed project will not impede or redirect the flows of potential floodwater. Furthermore, the project site is not located within a designated flood hazard area, as defined by FEMA's Flood Insurance Mapping Program (FIRM).

**Section 3.10 Land Use and Planning Impacts. Would the project:**

a) Physically divide an established community, or otherwise result in an incompatible land use?				X
b) Conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation or natural community conservation plan?				X

**Discussion of Findings**

Access to the nearest residential neighborhoods will be unaffected by the proposed project. As a result, the proposed project will not result in any significant adverse environmental impacts related to the division of a residential community. The proposed project site is designated as *Medium Density Residential* in the City of Garden Grove General Plan. The project site is currently zoned as *Multiple Family Residential (R-3)*. Both the general plan and zoning designations for the surrounding properties generally correspond to the location and extent of surrounding land uses and development. No change in the general plan or zoning designations will be required to implement the proposed project. Finally, the proposed project would not result in any impact on a habitat conservation plan or community conservation plan.

**Section 3.11 Mineral Resources Impacts. Would the project:**

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				X

**Discussion of Findings**

The resources and materials used as part of the proposed project's operation will not include any materials that are considered rare or unique. The proposed project is also relatively small in terms of the affected land area. Thus, the proposed project will not result in any significant adverse effects on mineral resources in the region.

**NOTICE OF CEQA EXEMPTION**

HOPE STREET APARTMENTS  
 14051 AND 14061 HOPE STREET  
 GARDEN GROVE, CALIFORNIA



**Table 1  
 Environmental Checklist)**

Environmental Issues Area Examined	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>Section 3.12 Noise Impacts.</b> <i>Would the project result in:</i>				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X
b) Exposure of people to or generation of excessive ground-borne noise levels?				X
c) Substantial permanent increase in ambient noise levels in the project vicinity above noise levels existing without the project?				X
d) Substantial temporary or periodic increases in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located with an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

**Discussion of Findings**

The noise and acoustics study prepared for the proposed Hope Street Apartment project indicated it would not result in any significant adverse noise impacts. The City of Garden Grove has adopted an ordinance that limits the hours of construction activities to normal weekday working hours. Compliance with this standard condition will help minimize any potential noise impacts to levels considered to be less than significant. The proposed project will not expose persons to noise from a public or private use airport.

**Section 3.13 Population and Housing Impacts.** *Would the project:*

a) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X



**Table 1  
 Environmental Checklist)**

Environmental Issues Area Examined	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
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**Discussion of Findings**

The existing single-family home that occupies the site will be removed to accommodate the new development. The net increase in housing overall will be 33 rental units. Assuming an average household size of 3.64 persons per unit, which was derived from the 2010 Census, a potential 124 residents would occupy the property. This figure would not exceed the population or housing projections for the city.

**Section 3.14 Public Services Impacts.** *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which would cause significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives in any of the following areas:*

a) Fire protection services?			X	
b) Police protection services?			X	
c) School services?			X	
d) Other governmental services?				X

**Discussion of Findings**

The proposed Hope Street Apartment project will not result in any significant adverse impacts on public services. The proposed use will be subject to review and approval by the Garden Grove Fire Department to ensure that fire safety and fire prevention measures are incorporated into the project. The City of Garden Police Department will provide law enforcement services to the project. The proposed 34 unit apartment will result in an incremental increase in the demand for services though this increase will not be significant. The project site is also served by the Garden Grove Unified School District. The impacts of the potential student generation associated by the additional 34 residential units will be less than significant.

**Section 3.15 Recreation Impacts.** *Would the project:*

a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Affect existing recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?				X

**Discussion of Findings**

The proposed Hope Street Apartment project will not result in any significant impacts on parks or recreational services. The project site is privately owned and is not being used for publicly sanctioned recreational activities. The proposed project site is not located immediately adjacent to any existing park, nor is it utilized for any recreational use.

**NOTICE OF CEQA EXEMPTION**

HOPE STREET APARTMENTS  
 14051 AND 14061 HOPE STREET  
 GARDEN GROVE, CALIFORNIA



**Table 1  
 Environmental Checklist)**

Environmental Issues Area Examined	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>Section 3.16 Transportation Impacts. Would the project:</b>				
a) Cause a conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to, intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit)?				X
b) Exceed, either individually or cumulatively, a level of service standard established by the County congestion management agency for designated roads or highways?				X
c) A change in air traffic patterns, including either an increase in traffic levels or a change in the location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)				X
e) Result in inadequate emergency access?				X
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				X

**Discussion of Findings**

The traffic study prepared for the proposed Hope Street Apartment indicated the project would not result in any significant adverse traffic impacts. The Los Angeles County *Congestion Management Program* (CMP) indicates that a traffic analysis is required at designated CMP intersections if it is anticipated that a proposed project would contribute 50 or more vehicle trips to the intersection during either the morning or afternoon peak hours. The proposed project would not result in any changes in air traffic patterns. As a result, no significant adverse impacts will occur. The overall local circulation system will remain unchanged. Finally, the proposed project will not impact any existing bus stops.

**Section 3.17 Utilities Impacts. Would the project:**

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental impacts?				X

**NOTICE OF CEQA EXEMPTION**

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**Table 1  
 Environmental Checklist)**

Environmental Issues Area Examined	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
e) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				X
e) Result in a determination by the provider that serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state, and local statutes and regulations related to solid waste?				X
h) Result in a need for new systems, or substantial alterations in power or natural gas facilities?				X
i) Result in a need for new systems, or substantial alterations in communication systems?				X

**Discussion of Findings**

The wastewater that will be generated as part of the proposed project's implementation will be minimal. The actual quantity will not exceed the wastewater treatment requirements of the applicable Regional Water Quality Control Board. As a result, the potential waste water impacts will be less than significant. No new off-site water or wastewater infrastructure will be required to serve the project, and no impacts are expected. No additional off-site flood control infrastructure will be required to accommodate the proposed use. No additional treatment capacity will be required as part of the proposed project's operation. The proposed use, like all other development in Garden Grove, will be required to adhere to city and county ordinances related to waste reduction and recycling.

**Section 3.18 Mandatory Findings of Significance.** *The approval and subsequent implementation of the proposed project:*

a) Will not have the potential to degrade the quality of the environment, with the implementation of the recommended standard conditions and mitigation measures included herein.				X
b) Will not have the potential to achieve short-term goals to the disadvantage of long-term environmental goals, with the implementation of the recommended standard conditions and mitigation measures referenced herein.				X



**Table 1  
 Environmental Checklist)**

Environmental Issues Area Examined	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
c) Will not have impacts that are individually limited, but cumulatively considerable, when considering planned or proposed development in the immediate vicinity, with the implementation of the recommended standard conditions and mitigation measures contained herein.				X
d) Will not have environmental effects that will adversely affect humans, either directly or indirectly, with the implementation of the recommended standard conditions and mitigation measures contained herein.				X



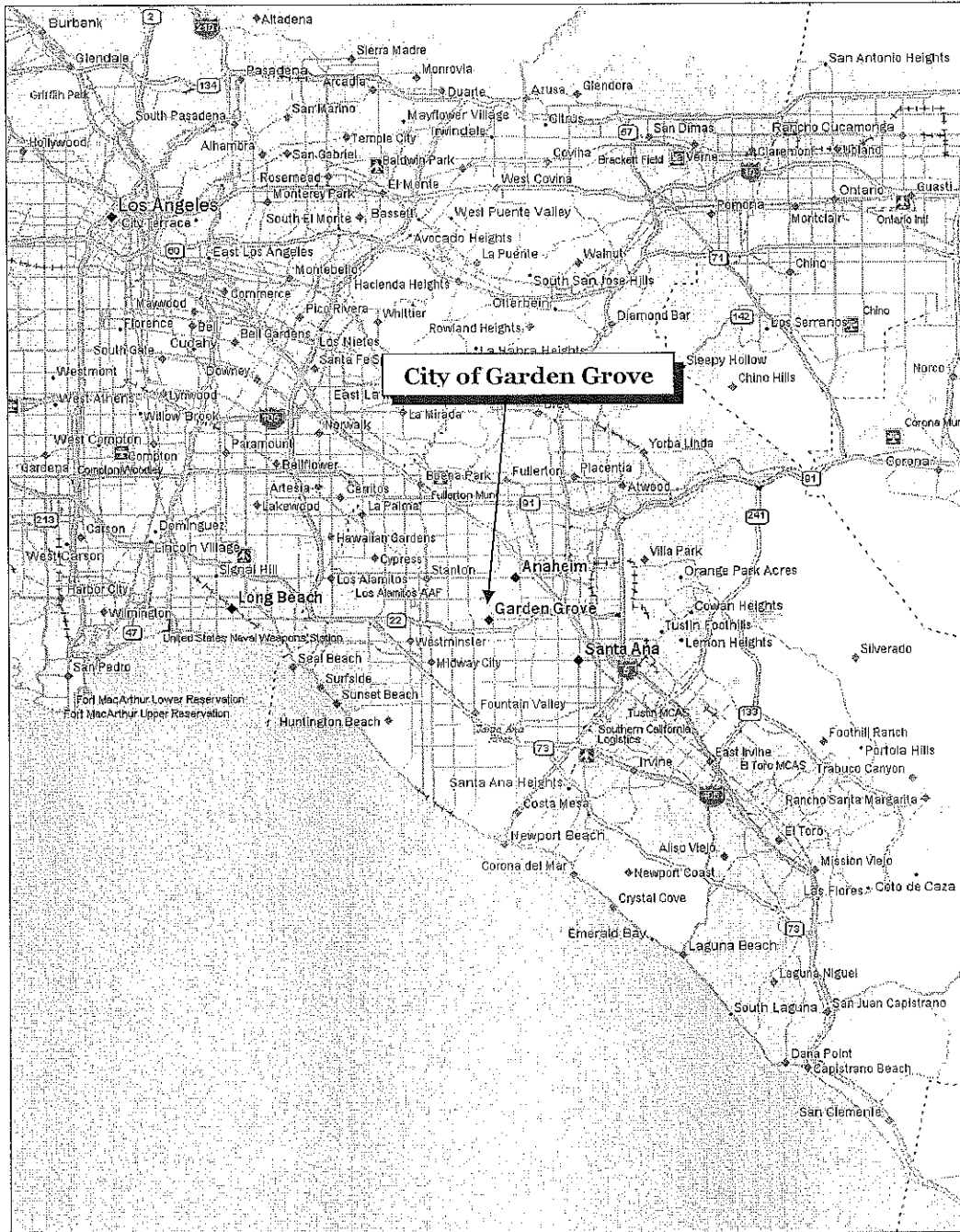
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## **EXHIBITS AND MAPS**

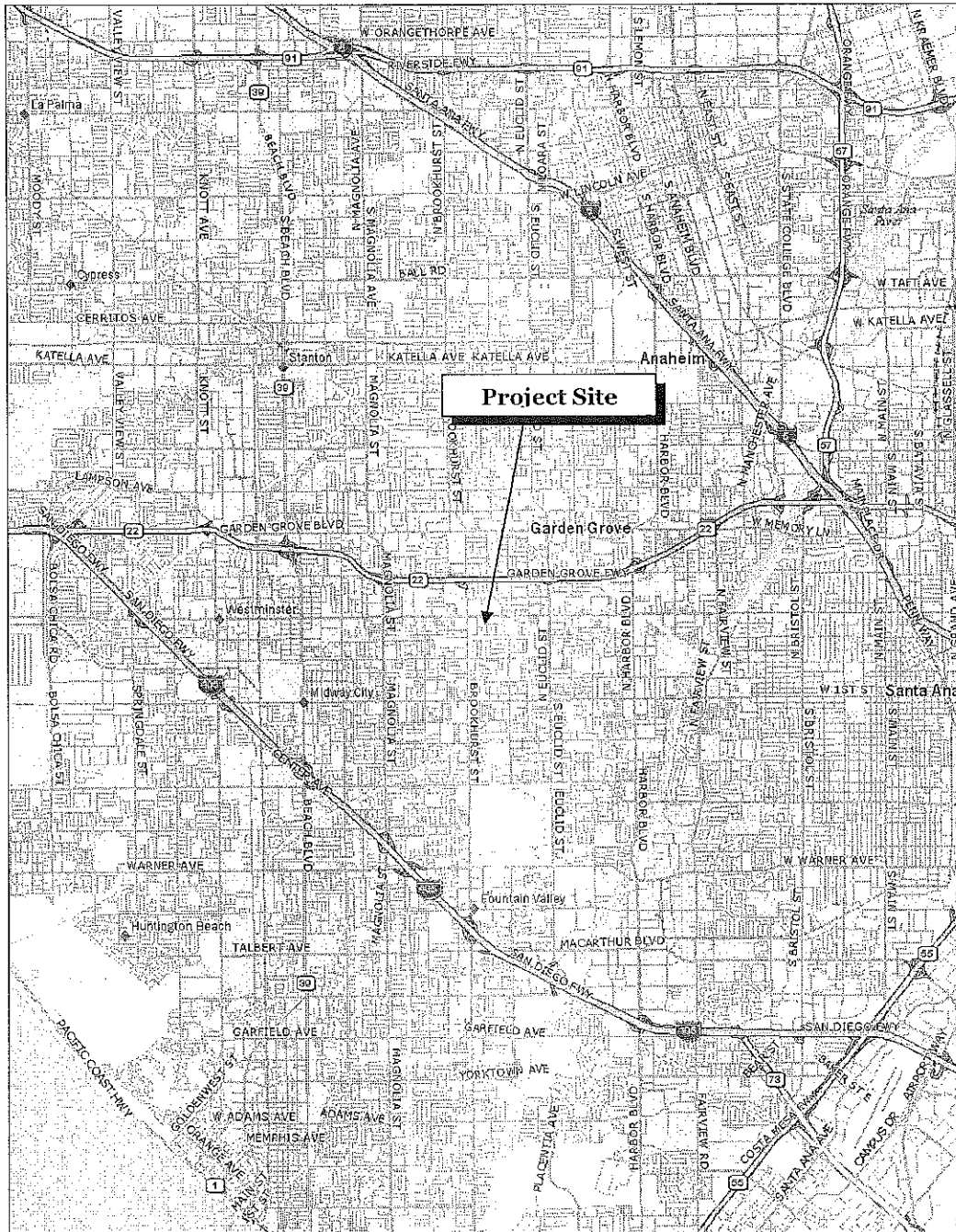
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**EXHIBIT 1 REGIONAL LOCATION**

SOURCE: DELORME 2009

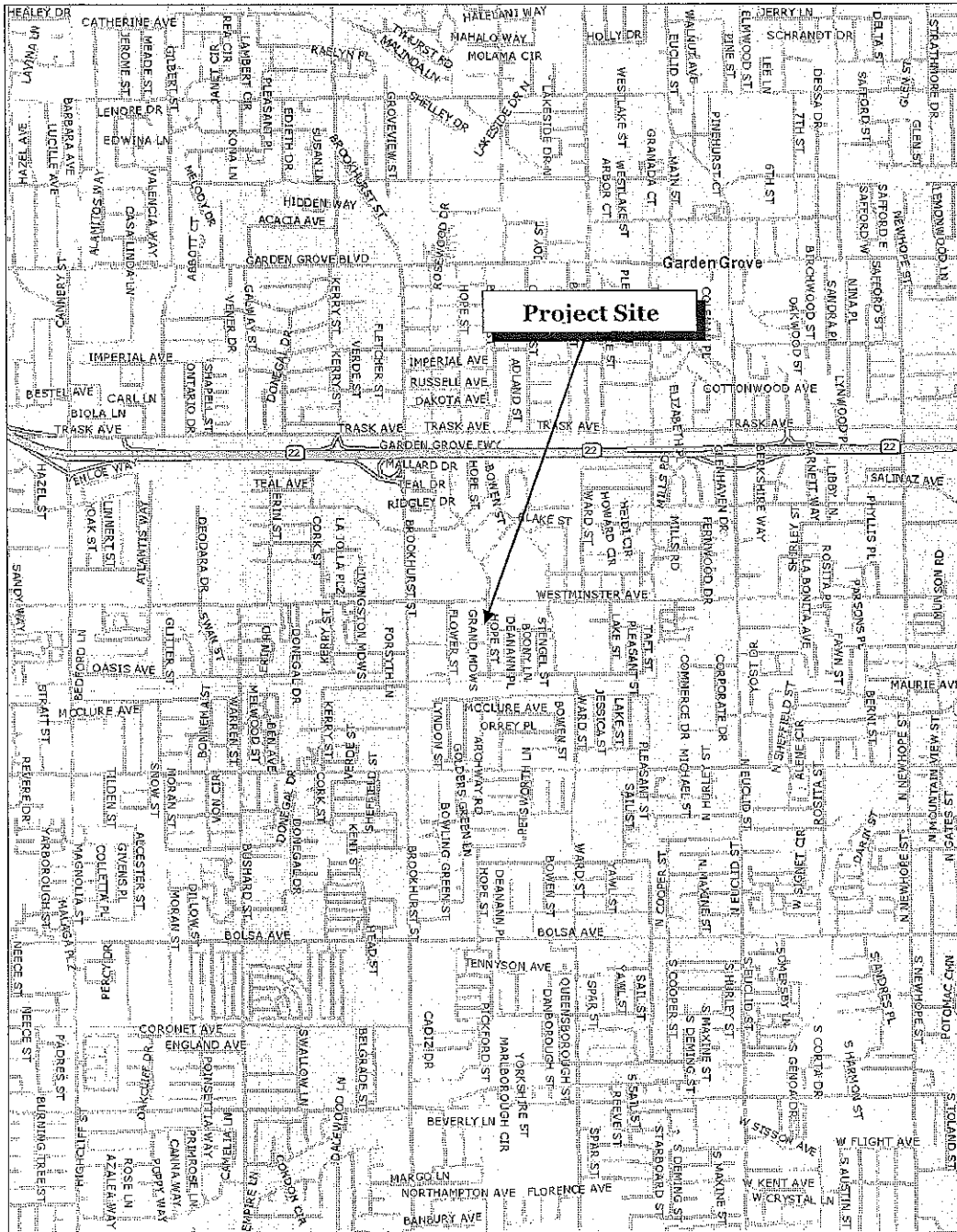
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**EXHIBIT 2 AREA MAP**  
 SOURCE: DELORME 2009

**NOTICE OF CEQA EXEMPTION**

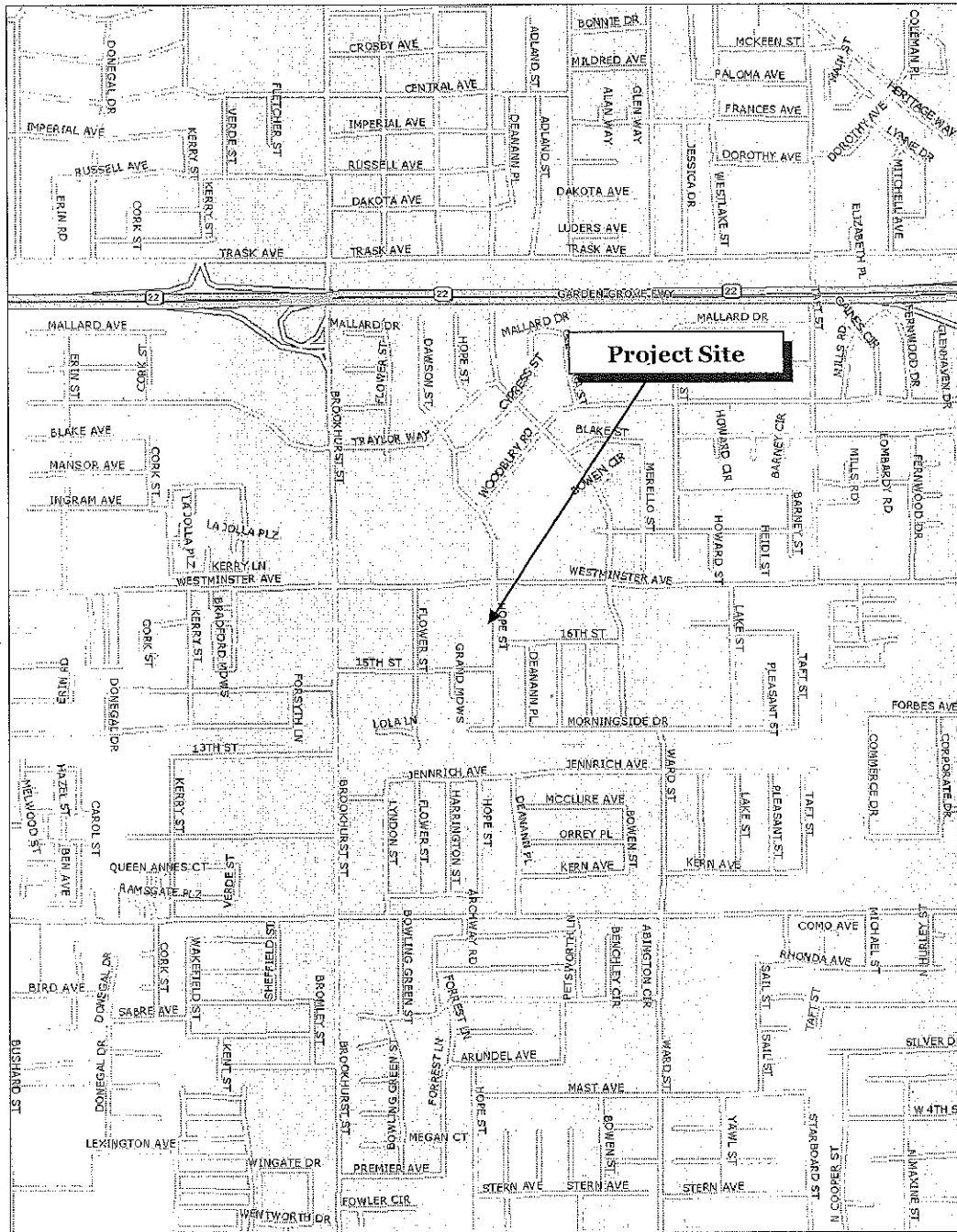
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**EXHIBIT 3 VICINITY MAP**

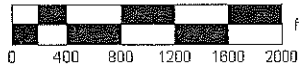
SOURCE: DELORME 2009

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**EXHIBIT 4 LOCAL MAP**

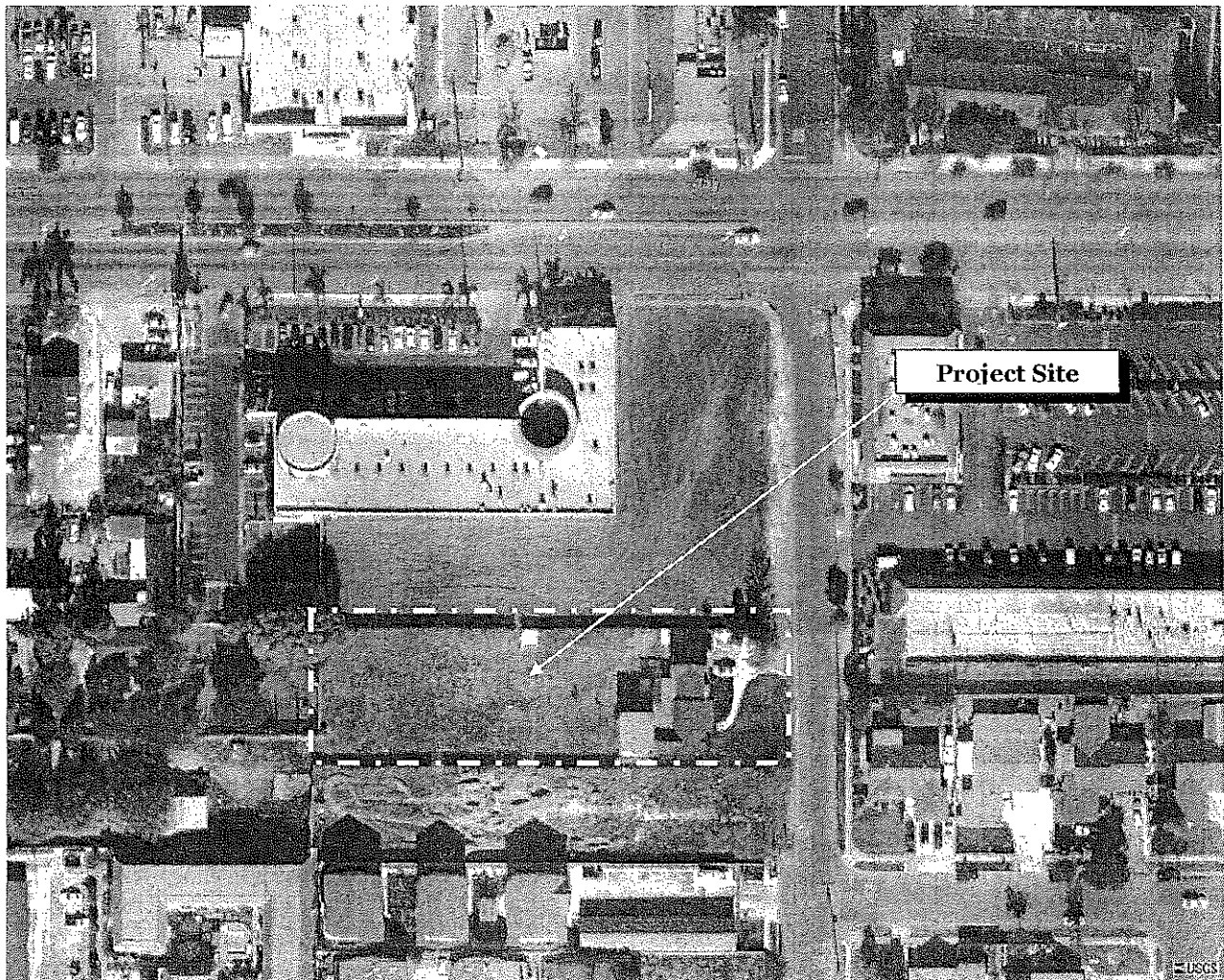
SOURCE: DELORME 2009





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

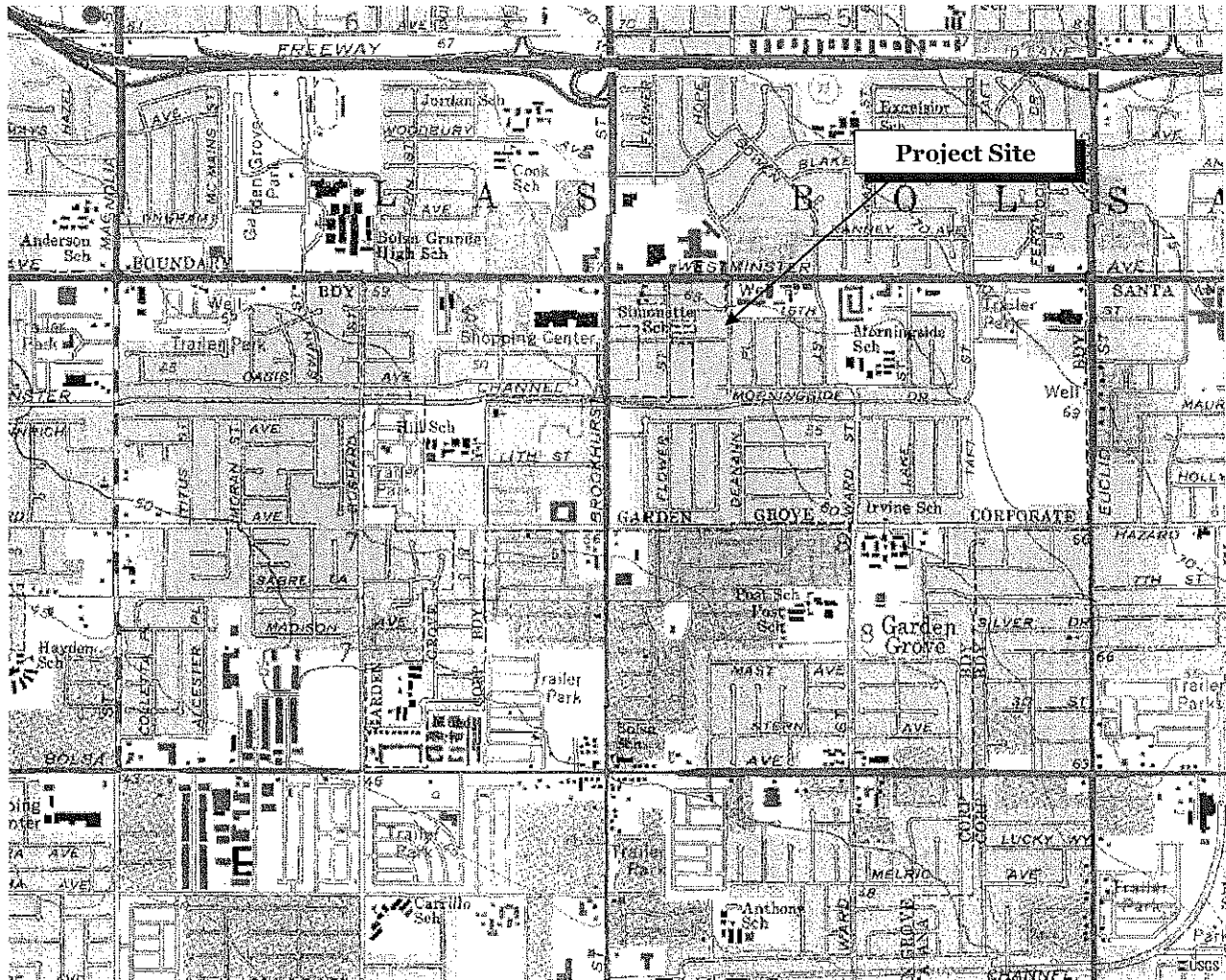
SOURCE: UNITED STATES GEOLOGICAL SURVEY



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

**NOTICE OF CEQA EXEMPTION**

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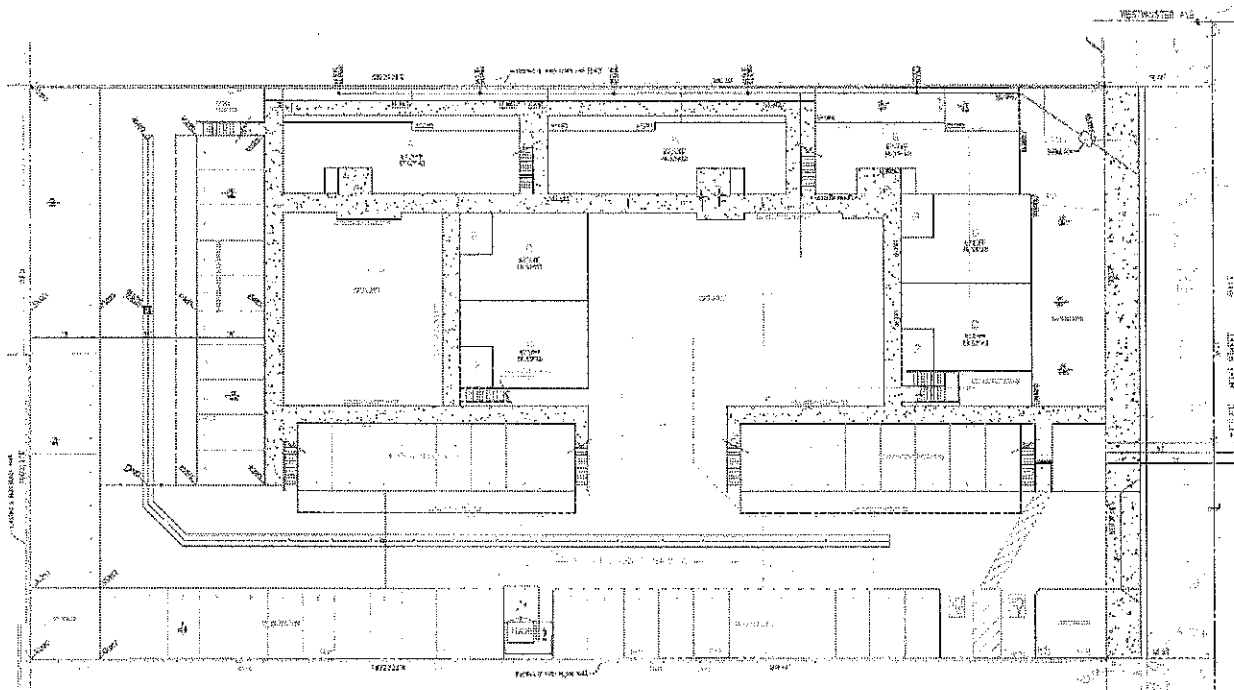


**EXHIBIT 7 TOPOGRAPHIC MAP**

SOURCE: UNITED STATES GEOLOGICAL SURVEY



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

RESOLUTION NO. 5783-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-472-12 AND LOT LINE ADJUSTMENT NO. LIA-10-12 AND RECOMMENDING APPROVAL OF DEVELOPMENT AGREEMENT NO. DA-188-12 FOR PROPERTY LOCATED ON THE WEST SIDE OF HOPE STREET, SOUTH OF WESTMINSTER BOULEVARD, AT 14051 AND 14061 HOPE STREET, ASSESSOR PARCEL NUMBERS 099-162-21 AND 099-162-26.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on November 15, 2012, does hereby approve Site Plan No. SP-472-12 and Lot Line Adjustment LLA-10-12, and hereby recommends City Council approval of Development Agreement No. DA-188-12, for land located on the west side of Hope Street, south of Westminster Boulevard, at 14051 and 14061 Hope Street, Assessor's Parcel Nos. 099-162-21 and 26.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-472-12, Lot Line Adjustment No. LLA-10-12, and Development Agreement No. DA-188-12, 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 14051 Hope, LLC).
2. The applicant requests approval of (i) a Site Plan (SP-472-12) in order to construct a 34-unit, three-story apartment complex with a 30% affordable housing density bonus for low to moderate income families, and (ii) a Lot Line Adjustment to consolidate two properties into one parcel. Pursuant to State Density Bonus Law, the applicant is requesting the following waiver/modification 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 6 feet. In addition, the applicant is requesting the Planning Commission recommend approval to City Council of a Development Agreement (DA-188-12).
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) and Section 15305 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines (14 Cal. Code Regs., Section 15332 and Section 15305). The proposed project consists of an in-fill development and a lot line adjustment not resulting in the creation of a new parcel on a site of less than five acres, with an average slope of less than twenty percent (20%), 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 47,590 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 November 15, 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 November 15, 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 and Government Code Section 66412, are as follows:

FACTS:

The site is 47,590 square feet 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, consolidate the two existing properties into one, and construct 34 residential units, reserving 17% (5 dwelling units) of the units for low-income renters. The proposed units range in size from 771 square feet to 1,226 square feet.

The application for Site Plan No. SP-472-12 and Lot Line Adjustment No. LLA-10-12 is being processed in conjunction with Development Agreement No. DA-188-12.

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 waiver/modification of development standards is 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 along Hope Street. The street improvements include constructing curb and gutter, constructing a sidewalk, paving additional area on the street, 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 10,572 square feet of both common useable and private recreation space has been provided. Common open space area is proposed to be 7,190 square feet with the private patio areas totaling 3,382 square feet. City Code requires a total of 10,200 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 771 square feet to 1,226 square feet. There are a total of 12 one-bedroom units, 16 two-bedroom units, and 6 three-bedroom units. The unit count includes 17 single-story flats (12 one-bedroom, two bath, 3 two-bedroom, two bath and 2 three-bedroom, two bath units) and 17 two-story townhouse style units (13 two-bedroom, two and half bath and 4 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 108 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 Hope Street, and tile roofing. The second and third story units facing the southerly property line will cantilever over the drive aisle 6 feet. The carports will be simple modern structures with a slightly sloped roof with supports located approximately 20-feet apart.

#### Lot Line Adjustment:

1. The parcels, as the result of the Lot Line Adjustment, will conform to the City's General Plan, Zoning Ordinance, Subdivision Ordinance, and State Subdivision Map Act.

The subject parcels have a General Plan Land Use Designation of Medium Density Residential and are zoned R-3 (Multiple-Family Residential). The Property located 14051 Hope Street is approximately 28,180.35 square feet in size and the property located at 14061 Hope Street is approximately 19,409.65 square feet in size. Combined the properties will maintain a lot area of approximately 47,590 square feet, which exceeds the 15,000 square foot minimum lot size of the R-3 zone. Furthermore, the consolidation of the two properties into one will facilitate the development of the 34-unit residential

development proposed for the property. All subsequent site improvements will conform to the City's General Plan and Zoning Ordinance.

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) and 9.40.190 (Lot Line Adjustments)
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-472-12 and Lot Line Adjustment No. LLA-10-12.
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 15th day of November, 2012

/s/ PHAT BUI  
CHAIR

I HEREBY CERTIFY that the foregoing resolution was duly adopted at the regular meeting of the Planning Commission of the City of Garden Grove, State of California, held on November 15, 2012, by the following votes:

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

/s/ ROSEMARIE JACOT  
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 December 6, 2012.

## **EXHIBIT "A"**

### **Site Plan No. SP-472-12 and Lot Line Adjustment No. LLA-10-12**

14051 and 14061 Hope Street

#### **CONDITIONS OF APPROVAL**

##### **General Conditions**

1. The applicant and each owner of the property shall execute, and 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 set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to each of the following: the project applicant, Brandywine Homes / Garden Grove 14051 Hope, LLC, the developer of the project, the owner(s) and tenants(s) of the property, and each of their respective successors and assigns. 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. All Conditions of Approval herein shall apply to Site Plan No. SP-472-12. The Conditions of Approval applying to Lot Line Adjustment No. LLA-10-12 shall only be those that so expressly state and/or those necessary to conform to the General Plan, any applicable specific plan, and zoning and building ordinances, to require the prepayment of real property taxes prior to the approval of the lot line adjustment, or to facilitate the relocation of existing utilities, infrastructure, or easements.
2. Approval of this Site Plan and Lot Line Adjustment 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. Utilities shall be under-grounded, as described on the preliminary grading plan and in a manner meeting the approval of the City Engineer.
9. Prior to the issuance of certificates of use and occupancy, the applicant shall design and construct street frontage improvements as identified below:

- Remove the existing substandard driveway approach and existing landscaping on Hope Street and construct new curb, gutter, and sidewalk;
  - The new driveway approach to the site shall be constructed in accordance with City of Garden Grove Standard Plan B-121, at a minimum width of 27-feet. Standard Plan B-121 calls for a minimum width of 30-feet with any deviation from the standard to be approved by the City Engineer;
  - 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 4-foot sidewalk and 6-foot parkway adjacent to the new curb per City Standard Plan B-105. Improvements are to meet and match existing public improvements to the immediate south of Hope Street;
  - Pave the street from centerline to the new curb meeting City Standard Plan B-104. All new improvements are to meet and match existing public improvements to the immediate south of Hope 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.
10. 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.
11. 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.
12. 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 Preliminary Water Quality Management Plan (WQMP) and a Final 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.

13. 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 compliance with the WQMP in a manner meeting the satisfaction of the City Engineer, including:

- Demonstrate that all structural best management practices (BMPs) described in the Project WQMP have been implemented, constructed and installed in conformance with approved plans and specifications;
- Demonstrate that applicant has complied with and/or 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 post-construction BMPs; and
- Demonstrate that the applicant has agreed to and recorded an agreement or another legal instrument approved by the City Attorney that shall require the property owner, successors, tenants (if applicable), and assigns to fund, operate and maintain in perpetuity the post-construction BMPs described in the Project WQMP and O&M Plan.

14. 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.

15. 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.

16. 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.

17. Parkway culverts will be designed according to County of Orange Standard Plan 1309 and to the satisfaction of the City Engineer.

18. 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).

19. The Lot Line Adjustment shall comply with all provisions of the City of Garden Grove Public Work's Engineering Service Division and shall be reflected in a deed or record of survey that shall be recorded, with copies filed with the City.

### **Garden Grove Fire Department**

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

20. Fire sprinkler system is required throughout the apartment building per the California Fire Code and adopted City standards (NFPA). NFPA 13R 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).
21. 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.
22. 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.
23. All Fire related aspects of the proposed project shall comply with California Fire Codes and the California Building Codes 2010 Edition.
24. 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.
25. If applicable, elevator dimensions shall be approved by the Fire Department prior to issuance of building permits.

### **Building Services Division**

26. The homes shall be designed to comply with the California Building Codes.
27. Structures over 6,000 square feet in size shall be fully sprinklered.

**Public Work's Water Services Division**

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

28. This subject development shall have a master water meter and service. Installation of water service and meter shall be by the developer/owner's contractor with a Class A or C-34 license per City Standards. Water meter and service shall be located within the Hope Street right-of-way.
29. It shall be the responsibility of the applicant 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. A composite utility site plan shall be part of the water plan approval.
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. The property owner(s) shall dedicate all rights to underground water without the right to surface entry.
33. Any new or existing water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.
34. 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.
35. 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.

36. Location and number of fire hydrants shall be as required by the City's Water Services Division and the City's Fire Department.
37. Developer/owner shall install new private sewer 8-inch main system with laterals with clean outs for each unit.
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 applicant 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 applicant/property owner(s) shall enter into a Density Bonus Housing Agreement acceptable to the City pursuant to Ordinance 2668 and Section 9.12.030.070 (Density bonuses and other incentives for affordable housing) (Subsection I –“Density Bonus Housing Agreement”) of Title 9. The Housing Agreement shall be prepared at the cost of the applicant/property owner and 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 approval and effectiveness of Site Plan No. SP-472-12 and Lot Line Adjustment No. LLA-10-12 shall be expressly contingent upon the adoption and effectiveness of a binding Development Agreement between the applicant and 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, west, 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.

## MINUTE EXCERPT

## GARDEN GROVE PLANNING COMMISSION

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PUBLIC HEARING: SITE PLAN NO. SP-472-12  
LOT LINE ADJUSTMENT NO. LLA-10-12  
DEVELOPMENT AGREEMENT NO. DA-188-12

APPLICANT: BRANDYWINE HOMES

LOCATION: WEST SIDE OF HOPE STREET, SOUTH OF WESTMINSTER AVENUE AT 14051 AND  
14061 HOPE STREET

DATE: NOVEMBER 15, 2012

REQUEST: Site Plan approval to construct a 34-unit, three-story apartment complex with a 30 percent affordable housing density bonus for low to moderate income families, along with a request for a Lot Line Adjustment to consolidate two properties into one parcel within the R-3 (Multiple-Family Residential) zone at 14051 and 14061 Hope Street. The project will include one, two, and three bedroom units that range in size from 771 square feet to 1,225 square feet. Pursuant to State Law regarding affordable housing projects, the applicant is also requesting one waiver from the R-3 zone development standards in order to allow residential units within ten feet of a driving aisle. A Development Agreement is also included. The site is in the R-3 (Multiple-Family Residential) zone.

Staff report was read and recommended approval. One letter of opposition was written by Jerry and Laurel Waite regarding the three-story building height, parking, low-income status lowering their property value, increased traffic, curbs and sidewalks; and, that they would rather see houses or condominiums in lieu of apartments.

Commissioner Lazenby asked if there were outstanding environmental issues. Staff replied no.

Commissioner Brietigam asked if privacy concerns had been addressed. Staff replied that the project was set back from the residential area approximately forty-feet; that certain windows could be opaque to shield visibility, however, clerestory windows could not be too small as they were needed for exiting; and, that carports along the property line would also help to shield visibility.

Commissioner Silva asked if there was a higher density bonus percentage than 30 percent. Staff replied 35 percent was the maximum per state law.

Commissioner Pak recalled the previous development for the property that was approved and not built; that this development was smaller and previously, there was a sewer capacity issue with the main sewer line. Staff replied that the sewer would be upgraded prior to the construction of the project.

Commissioner Brietigam asked if the applicant could begin construction immediately if approved. Staff explained that the sewer would need to be completed prior to a grading permit and that construction would begin within the next year.

Chair Bui asked if on-street parking would be available as approximately 90 parking spaces would be required. Staff responded that density bonus laws for affordable

housing were specific with regard to parking; that the developer needs only to provide two spaces for two and three-bedroom units, and one space for a one-bedroom unit; that the economics indicate households typically could not afford additional cars and were closer to major streets that have buses; and, that this project provided eleven more spaces than state law allows.

Chair Bui asked if the eleven extra spaces could be a problem for surrounding residents. Staff recalled that a recently approved 25-unit project on Dale Street had no complaints.

Chair Bui also mentioned a woman complained about having to park on the street. Staff explained that the woman was from a gated community that had parking problems; that the overflow was not from an adjacent development; and that if this project was approved and had parking problems, there was an on-site manager. Also, that anyone could park in the street as long as parked legally, and the project was conditioned to limit the number of people in each unit.

Vice Chair Cabral asked if the Development Agreement funds the City receives benefit the project area, as the letter of opposition mentions uncompleted curb and sidewalks on Hope Street. Staff responded that the funds go into the general fund, and that staff would look into the matter.

Commissioner Pak questioned if on a vacant lot on Hope Street, an 18-wheel truck was still parking illegally. Staff was unaware of any complaints.

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

Mr. Mark Whitehead of Brandywine Homes approached the Commission and stated that he had received a utility services email stating that the sewer upgrade would begin the end of January and be completed by summer.

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

Commissioner Pak asked the applicant that if the City did not improve the sewer, would he fund the sewer improvement for the 34-unit apartment.

The applicant explained that they met with utility services, who committed, though had no schedule at the time; and, that Brandywine was in escrow to purchase the property from the current owner.

Commissioner Lazenby asked if the curb and gutter improvement was in Brandywine's plans. The applicant responded that the developer would make those improvements on the front streets from property line to property line; and, that there would be a mix of carports and open parking space.

Commissioner Lazenby then asked for an explanation of affordable housing. Staff responded that state statutes, with formulas based on area median income, determine whether individuals or families make a percentage of that area median income to be considered low-income; that density bonus units, subject to affordable housing agreement, must be rented to those that make less than a certain amount of money determined by state statute.

Chair Bui asked what happens to the low-income units if there was no one to rent them. Staff stated that the five density bonus units would be subject to a 30-year agreement that they be rented to low-income individuals only.

Commissioner Pak mentioned that the landlord would still get the market rate for the rental, and that the landlord apartment needs to be visible and accessible for better control.

The applicant added that the landlord would be to the front, and that as a family business, the apartments would be managed by the family.

Mr. Hung The Quach, the owner, approached the Commission and stated that he had a concern with the escrow being extended because if anything happened, like injuries, on the property, he would be liable as he still owns the property.

Commissioner Dovinh asked Mr. Quach if the buyer indicated that the Commission approval was contingent on the buyer closing escrow. Mr. Quach replied no.

Chair Bui asked staff if the proposed project could be approved prior to the buyer owning the land. Staff explained that typically, the escrow closing was contingent upon approval by the City of the entitlements otherwise the developer would not purchase the property, and this would be written in the agreement between the owner and the buyer. Also, the property owner was required to support the application for the Commission to consider the proposal and a document would have been signed giving permission for the entitlements to be asked for.

Mr. Quach reiterated that by still being the owner, he was responsible for the property and wondered that if the project were approved and construction began before escrow closed, would he still be legally responsible if anything happened.

Staff explained that any details would be contained in the purchase and sale agreement between Mr. Quach and the buyers; and, that typically if the escrow had not closed, the developer could not build.

Commissioner Pak asked for the timeframe for the escrow closure. Mr. Quach stated there were extensions with more possible extensions.

Commissioner Pak noted that the developer was at the meeting because he was given the permission to proceed.

Commissioner Lazenby explained that the developer was aware that before construction begins, the escrow must close, and that during this time, the applicant was suspended of his liability.

Chair Bui added that Mr. Quach could cancel the escrow if the concerns were not met; that the owner had the control; and, that the Commissioners could not comment on the issue.

The applicant approached the Commission and reassured Mr. Quach that construction could not proceed until escrow was closed on the property.

Commissioner Pak asked the applicant if he had received a written authorization from the owner to proceed. The applicant replied yes, about five or six months ago; that

the delay was due to state law requiring that a preliminary WQMP for the site needed to be approved through Engineering prior to a file pre-file with the City.

Commissioner Dovich asked the applicant if Brandywine was committed to purchasing the property and what was the construction timeframe.

The applicant emphasized that Brandywine was committed, and if approved, the Development Agreement would go to City Council so construction could begin immediately for a duration of approximately 12 to 14 months.

Commissioner Dovich added that residents would like the developers to recruit Garden Grove contractors and subcontractors. The applicant agreed and mentioned that the civil engineer, the demolition and grading contractors, and the Homeowners Association were all in Garden Grove.

Mr. Khalil Eldah approached the Commission and stated that his property was adjacent to the project with the same R-3 zoning and wondered how he would be affected if he applied for a similar project in the future.

Staff explained that the projects were on a case-by-case basis; that codes would be reviewed for compliance; and that WQMP would need to be in place.

Mr. Josh McIntosh approached the Commission and asked for the maximum number of people allowed per unit, as this would affect parking. Staff responded that the five units were subject to the affordable housing agreement which runs by the rule of 'two plus one', which means two people per bedroom plus one, so that a two bedroom unit would allow five people; and, that the remainder of the units were subject to the building code limitations.

Chair Pak then mentioned that a resident stated that the on-street parking was already overcrowded. Staff responded that the development meets state code; that there could be overflow parking, which is public parking; that the state believes that providing affordable housing was important; that cities sometimes impose parking standards that frustrate the provision of affordable housing; that on-site parking could not be greater than stated in the statute; that the Housing Accountability Act stated that to deny housing development or a density bonus project there needed to be specific written findings, for this project 'the development project would have a specific adverse impact on the public health and safety and there is no feasible method to mitigate or void that impact and define the specific adverse impact as a quantifiable direct and unavoidable impact based on an objective, identified written public health standard.'

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

Commissioner Brietigam stated that the parking was a concern; that Brandywine was responsible for some of the best and worst projects in Garden Grove, with this project being in the latter category; and, that the Housing Accountability Act would force him to support the project.

Commissioner Lazenby noted that the parking spaces exceeded the code, which would not impact the street, and that he would support the project.



Commissioner Pak agreed and noted that OCTA buses ran more frequently on Westminster Avenue than Garden Grove Boulevard, and that these addresses were close to a bus line.

Vice Chair Cabral expressed her support and suggested staff look into the curb and sidewalk on Hope Street, and follow-up with an update.

Commissioner Dovinh also agreed this was a project that could be supported; that he hoped the owner and applicant closed escrow soon; that the City needs more good affordable housing; and, that the real estate market was improving.

Chair Pak agreed the parking would be an issue, however, the developer exceeded the parking and he would support the project.

Commissioner Lazenby moved to recommend adoption of Development Agreement No. DA-188-12 to City Council and to approve Site Plan No. SP-472-12 and Lot Line Adjustment No. LLA-10-12, seconded by Commissioner Pak, pursuant to the facts and reasons contained in Resolution No. 5783-12. The motion received the following vote:

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



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-188-12**

**SP-472-12 and LLA-10-12**

(Garden Grove 14051 Hope, LLC)

**THIS AGREEMENT** is made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the CITY OF GARDEN GROVE, a municipal corporation ("CITY"), and Garden Grove 14051 Hope, 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 34-unit multiple-family residential development (with 17% reserved for low-income housing) on a 47,590 square foot lot with related improvements in conjunction with a Lot Line Adjustment to consolidate two existing lots into one parcel (the "PROJECT") on that certain real property located on the west side of Hope Street, south of Westminster Avenue, at 14051 and 14061 Hope Street, Assessor's Parcel No. 099-162-21 and 26.
- B. The Planning Commission approved Site Plan No. SP-472-12 and Lot Line Adjustment No. LLA-10-12, for the PROJECT, on November 15, 2012.
- C. The CITY, and DEVELOPER desire to enter into this DEVELOPMENT AGREEMENT for the construction of the PROJECT pursuant to Article 2.5 (commencing with Section 65864) of Chapter 4 of Division 1. of Title 7 of the California Government Code (the "Development Agreement Statute").

- D. The PROJECT is a development requiring certain discretionary approvals by the CITY before it may be constructed.
- E. The Development Agreement Statute provides the authority for CITY to enter into binding development agreements with a developer having a legal and equitable interest in real property.
- F. DEVELOPER has an equitable interest in the PROPERTY.

### **AGREEMENT**

#### **THE PARTIES MUTUALLY AGREE AS FOLLOWS:**

1. DURATION. This Agreement and Land Use Entitlements described in Section 2 shall expire four (4) years from its effective date, unless any duty specified remains executory, in which case this Agreement may be renewed for a successive one year term at discretion of CITY, pursuant to law, until all duties are performed. This renewal shall not unreasonably be withheld. The effective date of this agreement shall begin on the date first identified above.
2. Permitted Uses/Land Use Entitlements. The following uses are permitted on the PROPERTY: A 34-unit multiple-family residential project with five (5) units (20%) reserved for low-income renters. The units range in size from 771 square feet to 1,226 square feet. The PROJECT has been granted one waiver from the R-3 zone development standards - residential units within 10-feet of a driving aisle. The following land use entitlement has been granted: Site Plan No. SP-472-12 and Lot Line Adjustment LLA-10-12. 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 34-units with related improvements on a 47,590 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 44,467 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-472-12 and Lot Line Adjustment LLA-10-12.
6. Improvements. The improvements described in Planning Commission Resolution No. 5783-12 shall be constructed prior to the occupancy of the proposed development or the issuance of any certificate of occupancy for any

unit of the development, all in accordance with the terms and conditions of Site Plan No. SP-472-12 and Lot Line Adjustment No. LLA-10-12.

7. Scope of PROJECT. The PROJECT shall consist of a multiple-family residential project consisting of 34-units that range in size from 771 square feet to 1,226 square feet, with related improvements.
8. Resolution/Material Terms. All Conditions of Approval as per Resolution No. 5783-12 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 the 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 \$65,144.00.
10. City Agreement. CITY agrees that the sums to be paid to the City, pursuant to Paragraph 9, will provide benefits to the City and public.
11. Payment Due Date. The payment amount of \$65,144.00 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. 5783-12 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 14051 Hope, 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. 5783-12, 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 14051 Hope, LLC,  
A California Limited Liability Company

*Brandyswive Community Holdings, LLC*  
By: *WB*  
*Tom Borzic*  
Its: *Member*  
Date: *January 3, 2013*  
(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 11/3/2013 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)



ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE  
ADOPTING DEVELOPMENT AGREEMENT NO. DA-188-12 BETWEEN THE CITY OF  
GARDEN GROVE AND GARDEN GROVE 14051 HOPE, LLC

*City Attorney Summary*

*This Ordinance approves a Development Agreement between the City of Garden Grove and Garden Grove 14051 Hope, LLC, the developer of a 34-unit multiple-family residential development (with 17% reserved for low-income housing) proposed to be located on the west side of Hope Street, south of Westminster Avenue, at 14051 and 14061 Hope Street, Garden Grove. The agreement provides that the developer will be entitled to build the project in accordance with the land use entitlement approved pursuant to Site Plan No. SP-472-12 and Lot Line Adjustment No. LLA-10-12 for a period of 4 years. The agreement further provides for a development agreement payment to the City of Garden Grove in an amount not to exceed \$65,144.00.*

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 14051 Hope, LLC for Development Agreement No. DA-188-12 for the construction of a 34-unit multiple-family residential development (with 17% reserved for low-income housing) on a 47,590 square foot site with related improvements on that certain real property located on the west side of Hope Street, south of Westminster Avenue, at 14051 and 14061 Hope Street, Garden Grove, Assessor's Parcel No. 099-162-21 and 26 (the "Project");

WHEREAS, pursuant to Resolution No. 5783-12, the Planning Commission, following a duly noticed Public Hearing held on November 15, 2012, recommended approval of Development Agreement No. DA-188-12;

WHEREAS, pursuant to a legal notice, a Public Hearing was held by the City Council on January 8, 2013, and all interested persons were given an opportunity to be heard;

WHEREAS, Development Agreement No. DA-188-12 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 Council has determined that an Environmental Review is exempt pursuant to Section 15332 (In-Fill Development Projects) and Section 15305 (Minor Alterations to Land Use Limitations) of the California Environmental Quality Act.

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) and Section 15305 (Minor Alterations to Land Use Limitations) of the California Environmental Quality Act.

Section 3. Approval. Development Agreement No. DA-188-12 is hereby adopted for property located on the west side of Hope Street, south of Westminster Avenue, at 14051 and 14061 Hope Street, Garden Grove, Assessor's Parcel No. 099-162-21 and 26. A copy of Development Agreement No. DA-188-12 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.