

AGENDA

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

MARCH 19, 2020

COMMUNITY MEETING CENTER 11300 STANFORD AVENUE

REGULAR SESSION - 7:00 P.M. - COUNCIL CHAMBER

ROLL CALL: CHAIR LEHMAN, VICE CHAIR PEREZ
COMMISSIONERS LE, LINDSAY, NGUYEN, RAMIREZ, SOEFFNER

Members of the public desiring to speak on any item of public interest, including any item on the agenda except public hearings, must do so during Oral Communications at the beginning of the meeting. Each speaker shall fill out a card stating name and address, to be presented to the Recording Secretary, and shall be limited to five (5) minutes. Members of the public wishing to address public hearing items shall do so at the time of the public hearing.

Any person requiring auxiliary aids and services due to a disability should contact the City Clerk's office at (714) 741-5035 to arrange for special accommodations. (Government Code §5494.3.2).

All revised or additional documents and writings related to any items on the agenda, which are distributed to all or a majority of the Planning Commissioners within 72 hours of a meeting, shall be available for public inspection (1) at the Planning Services Division during normal business hours; and (2) at the City Community Meeting Center Council Chamber at the time of the meeting.

Agenda item descriptions are intended to give a brief, general description of the item to advise the public of the item's general nature. The Planning Commission may take legislative action it deems appropriate with respect to the item and is not limited to the recommended action indicated in staff reports or the agenda.

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

- A. ORAL COMMUNICATIONS PUBLIC
- B. APPROVAL OF MINUTES: March 5, 2020
- C. <u>PUBLIC HEARING(S)</u> (Authorization for the Chair to execute Resolution shall be included in the motion.)
 - C.1. <u>SITE PLAN NO. SP-081-2020</u> TENTATIVE TRACT MAP NO. TT-18181

APPLICANT: NHAN VUONG

LOCATION: SOUTH SIDE OF LAMPSON AVENUE, BETWEEN 9TH

STREET AND WEST STREET AT 11712 LAMPSON

AVENUE

REQUEST:

Site Plan and Tentative Tract Map approval to subdivide an existing 47,286 square foot lot, improved with a single-family home, into four (4) residential lots that will be served by a private street designed as a cul-desac (Lot 5). Lot 1 will be 10,031 square feet, Lot 2 will be 8,312 square feet, Lot 3 will be 10,520 square feet, and Lot 4 will be 7,783 square feet. The existing singlefamily home will be reconfigured to fit within the developable area of Lot 1, and will include the construction of a new second-story addition. Lots 2, 3, and 4 will each be improved with a new two-story, single-family home. Also, a minor land deviation to allow the front yard fence for Lot 1, located along Lampson Avenue, to be constructed at a height of six feet. The site is in the R-1 (Single-Family Residential) zone. In conjunction with the request, the Planning Commission will consider a determination that the project is categorically exempt from the California Environmental Quality act (CEQA) pursuant to Section 15333 - Infill Development Projects.

STAFF RECOMMENDATION: Approval of Site Plan No. SP-081-2020 and Tentative Tract Map No. TT-18181, subject to the recommended Conditions of Approval.

- D. <u>MATTERS FROM COMMISSIONERS</u>
 - D.1. <u>DISCUSSION ON LIMITING THE NUMBER OF MASSAGE</u> ESTABLISHMENTS IN THE CITY
- E. MATTERS FROM STAFF
- F. ADJOURNMENT

GARDEN GROVE PLANNING COMMISSION Council Chamber, Community Meeting Center 11300 Stanford Avenue, Garden Grove, CA 92840

Meeting Minutes Thursday, March 5, 2020

CALL TO ORDER: 7:00 p.m.

ROLL CALL:

Chair Lehman
Vice Chair Perez
Commissioner Le
Commissioner Lindsay
Commissioner Nguyen
Commissioner Ramirez
Commissioner Soeffner

Absent: Lehman, Soeffner, Ramirez

<u>PLEDGE OF ALLEGIANCE:</u> Led by Commissioner Le.

ORAL COMMUNICATIONS – PUBLIC – Mr. Craig Durfey provided handouts on Active Transportation (Technical Report) and Safe Routes to School. He spoke on bike and pedestrian safety and benefits of safe routes such as physical wellness, improved social skills, better air quality, and reduced collisions. He added that an Active Transportation Workshop was slated for March 11, 2020 at the Orange County Transportation Authority in Orange, and, that any new housing required additional parking.

February 20, 2020 MINUTES:

Action: Received and filed.

Motion: Lindsay Second: Nguyen

Ayes: (4) Le, Lindsay, Perez, Nguyen

Noes: (0) None

Absent: (3) Lehman, Ramirez, Soeffner

PUBLIC HEARING - CONDITIONAL USE PERMIT NO. CUP-103-65 (REV. 2020) FOR PROPERTY LOCATED ON THE SOUTHWEST CORNER OF KATELLA AVENUE AND DINO CIRCLE AT 10802 KATELLA AVENUE.

Applicant: PDS WEST INC. Date: March 5, 2020

Request:

To modify the approved plans under Conditional Use Permit No. CUP-103-65, for an existing car wash, to allow building and site improvements, which include façade renovation, new landscaping, and a revision to the drive-thru and parking lot layout to improve vehicular access and circulation. The site is in the NMU (Neighborhood Mixed Use) zone. In conjunction with the request, the Planning Commission will consider a determination that the project is categorically exempt from the California Environmental Quality act (CEQA) pursuant to Section 15301 – Existing Facilities.

Action:

Resolution No. 5981-20 was approved with modifications

to Condition Nos. 6 and 55.

Motion:

Le

Second:

Lindsay

Ayes:

(4) Le, Lindsay, Nguyen, Perez

Noes:

(0) None

Absent:

(3) Lehman, Ramirez, Soeffner

MATTERS FROM COMMISSIONERS - DISCUSSION ON LIMITING THE NUMBER OF MASSAGE ESTABLISHMENTS IN THE CITY:

Action:

Motion to move the discussion on limiting the number of massage establishments in the City to the March 19th meeting for more Commissioners to be present.

Motion:

Perez

Second:

Lindsay

Ayes:

(4) Le, Lindsay, Nguyen, Perez

Noes:

(0) None

Absent:

(3) Lehman, Ramirez, Soeffner

Vice Chair Perez encouraged Commissioners to stop by the Art in the Park event taking place Saturday, March 7th in downtown Garden Grove.

<u>MATTERS FROM STAFF:</u> Staff provided an update on how to report graffiti found on private property. As an alternative to calling Code Enforcement, the City's app has an 'other code enforcement' option to input information. A letter would then be forwarded from the City to the homeowner as Public Works does not remove graffiti on private property. Staff then gave a brief description of upcoming items for the March 19th meeting.

<u>ADJOURNMENT:</u> At 7:24 p.m. to the next Meeting of the Garden Grove Planning Commission on Thursday, March 19, 2020, at 7:00 p.m. in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue, Garden Grove.

Judith Moore, Recording Secretary

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.1.	SITE LOCATION: South side of Lampson Avenue, between 9 th Street and West Street, at 11712 Lampson Avenue
HEARING DATE: March 19, 2020	GENERAL PLAN: Low Density Residential
CASE NO.: Site Plan No. SP-081-2020 and Tentative Tract Map No. TT-18181	ZONE: R-1 (Single-Family Residential)
	APN: 090-302-40
APPLICANT & PROPERTY OWNER: Nhan Vuong	CEQA DETERMINATION: Exempt- Section 15332 "In-Fill Development Projects"

REQUEST:

The applicant is requesting Site Plan and Tentative Tract Map approval to subdivide an existing 47,284 square foot lot, improved with a single-family home, into four (4) residential lots that will be served by a private street designed as cul-de-sac (Lot 5). Each lot will have a lot size of 10,031 square feet (Lot 1), 8,312 square feet (Lot 2), 10,520 square feet (Lot 3), and 7,783 square feet (Lot 4). The existing single-family home will be reconfigured to fit within the developable lot area of Lot 1, and will include the construction of a new second-story addition. Lots 2, 3 and 4 will each be improved with a new two-story, single-family home. Also, a request for a minor land deviation to allow the front yard fence for Lot 1, located along Lampson Avenue, to be constructed at a height of 6 feet.

BACKGROUND:

The project site is a 47,284 square foot lot located on the south side of Lampson Avenue, between 9th Street and West Street. The property has a General Plan Land Use Designation of Low Density Residential and is zoned R-1 (Single-Family Residential).

The project site is located in a residential area improved with single-family residences. The project site abuts R-1 zoned properties developed with single-family homes to the north, across Lampson Avenue, to the east, south, and to the west. The properties that directly abut the project site to the west are part of a single-family residential subdivision developed with seven (7) parcels located on Persimmons Circle. The minimum lot size of the surrounding residential zone is

7,200 square feet, with the exception of the subdivision on Persimmons Circle that has a minimum lot size requirement of 6,000 square feet.

The project site is currently improved with a 2,905 square foot single-family home with an attached, 655 square foot, carport constructed in 1957, and a detached 1,120 square foot guest house constructed in 1963.

In 1990, Site Plan No. SP-122-90 and Tentative Tract Map No. TT-14403 were approved to allow the construction of five (5), one-story, single-family homes on five (5) individuals parcels served by a private street designed as a cul-de-sac. The average lot size of the proposed subdivision was 7,436 square feet.

In 1993, a one-year time extension was approved for Site Plan SP-122-90 and Tentative Tract Map No. TT-14403. The project was never constructed, and the Site Plan and Tentative Tract Map expired.

The property has been in the applicant's family since 1995 with the applicant holding title to the property since 2001. The applicant proposes to subdivide the property into four (4) residential lots that will be served by a private street (Lot 5) in order to improve each lot with a single-family home. The existing single-family home will be reconfigured and remodeled to accommodate the proposed subdivision, and the existing guesthouse will be demolished and replaced on Lot 1 as an Accessory Dwelling Unit (ADU) as permitted by State Law. It should be noted that the applicant has included an ADU on each lot to illustrate how an ADU can be constructed on each lot in compliance with the applicable development standards. Per State Law, ADUs are permitted on R-1 zoned properties, and are reviewed and approved ministerially.

PROJECT STATISTICS:

NET PROJECT SITE	47,284 (1.08-acre)

	CODE	PROPOSED			
DENSITY	9 units per acre	3.68 units per acre			
		Lot 1	Lot 2	Lot 3	Lot 4
LOT SIZE	7,200 S.F.	10,031 S.F.	8,312 S.F.	10,520 S.F.	7,783 S.F.
LOT WIDTH ^{1,2}					77.00 0
Corner Lot	65'-0"	73.19′	-	-	_
Interior Lot	60'-0"	-	69.27'	60.00′	60.59'
SETBACKS				00.00	- 00.55
Front ¹	20'-0"	20'-0"	20'-0"	20'-0"	
Side Interior	5′-0″	5'-0"	5′-0″	5'-0"	
Side Street	10'-0"	10'-0"	N/A	N/A	
Rear ²	20% of the Lot Depth	25′-0″	25′-0″	22'-0"	19.3′
MAXIMUM LOT ³ COVERAGE	50%	26.3%	26.5%	26.1%	33%
PARKING ⁴		·			
Enclosed Garage	2	2	2	2	2
Open Parking	2	2	2	2	2
Total Parking	4	4	4	4	4
BUILDING HEIGHT	35′-0″	28'-4"	28'-9"	27′-8″	26'-10"

CASE NO. SP-081-2020 AND TT-18181

- 1. For lots located along the radius of a cul-de-sac, the Municipal Code establishes the lot width at the 20-foot front setback line. The lot width for Lots 2, 3, and 4 is measured from the 20-foot front setback line.
- 2. The Municipal Code requires corner lots to maintain a lot width of 65'-0", and interior lots to maintain a lot width of 60'-0".
- 3. The maximum lot coverage percentage for each lot excludes the Accessory Dwelling Unit as this use will be reviewed ministerially.
- 4. The Municipal Code requires single-family homes with up to four (4) bedrooms to provide parking at a rate of two (2) parking spaces in an enclosed garage, and two (2) open parking spaces.

Building Type Summary

Lot	Number of Bedrooms/Baths	Unit Size*
Lot 1	4 Bedrooms, 3.5 Baths	2,713 S.F.
Lot 2	4 Bedrooms, 4 Baths	3,240 S.F.
Lot 3	4 Bedrooms, 4 Baths	3,206 S.F.
Lot 4	4 Bedrooms, 3 Baths	2,952 S.F.

^{*}Total living area, garages are not included.

DISCUSSION:

SITE PLAN:

Site Design and Circulation

The project will consist of subdividing a 47,284 square foot lot into four (4) residential parcels in order to improve each lot with a two-story, single-family home. The project site will be accessed from a private street from Lampson Avenue that is designed as a cul-de-sac. The private street is designated as Lot 5 that encompasses the street and sidewalk areas. The private street will be located along the east side of the project site, and provides access to each parcel. The private street is designed per City standard to accommodate two-way traffic, on-street parallel parking spaces, and the required turn-around area for trash truck and emergency vehicle access. The appropriate red curbs and "No Parking" signs will be installed to allow for sufficient maneuvering of trash trucks and emergency vehicles. In addition, the project site will also be served by a sidewalk that originates from Lampson Avenue to provide pedestrian and handicap access to each parcel.

Each home is designed to comply with the single-family parking requirements of the Municipal Code. The required number of parking spaces for each single-family home is based on the proposed number of bedrooms. The Municipal Code requires a two-car enclosed garage and two (2) open parking spaces for a home with up to four (4) bedrooms. Each lot will provide a two (2) car enclosed garage, and two (2) open parking spaces to comply with the parking requirement for a four (4) bedroom home. In addition, three (3) parallel parking spaces will be provided along the east side of the private street to serve the project site.

Each lot has been designed to comply with the building setbacks, building height, lot coverage, and open space requirements of the Municipal Code.

Unit Design

Lot 1

Lot 1 will have a lot size of 10,031 square feet. The existing, 2,905 square foot, one-story, single-family home will be reconfigured to fit within the developable land area of Lot 1. This includes demolishing 1,225 square feet of the existing residential structure, which includes portions of the existing living area and the attached carport, to comply with the required setbacks, as measured from the new property lines. The residential structures will include the main house and an attached ADU, as permitted by State Law.

The main house will be remodeled to include a new two-story addition. The main house will have a total living area of 2,713 square feet, excluding the living area of the proposed ADU, and will consist of a family room, a dining room, a kitchen, a laundry room, four (4) bedrooms, three and one-half bathrooms (3.5), and a loft on the second floor.

The proposed ADU will be located within the northerly portion of the structure, and will have a living area of 789 square feet. One (1) open parking space for the ADU will be provided along the driveway.

A new, 441 square foot, detached, two-car garage will be constructed along the north property line, to serve the residential unit. The required two (2) open parking spaces will be provided along the driveway. The garage will maintain a 20'-0" setback from the Lampson Avenue front property line, and will be accessed from a new driveway approach from the proposed private street.

Lot 2

Lot 2 will have a lot size of 8,312 square feet. A new two-story, 3,240 square foot, single-family home will be constructed on Lot 2. The single-family home will consist of a great room, a kitchen with a nook, a game room, a laundry room, four (4) bedrooms (which includes a Master bedroom with a retreat area), four (4) bathrooms, and a loft on the second floor. An attached two-car garage will be provided for the unit with the required two (2) open parking spaces located along the driveway.

The applicant proposes to construct a detached, 744 square foot, ADU, as permitted by State Law, at the front of the property. One (1) open parking space for the ADU will be provided along the driveway.

Lot 3

Lot 3 will have a lot size of 10,520 square feet. A new two-story, 3,206 square foot, single-family home will be constructed on Lot 3. The single-family home will consist of a living room, a dining room, a great room, a kitchen, a game room, a laundry room, four (4) bedrooms, four (4) bathrooms, and a loft on the second floor. An attached two-car garage will be provided for the unit with the required open parking spaces located along the driveway.

The applicant proposes to construct a detached, 777 square foot, ADU, with an attached one-car garage, as permitted by State Law, at the rear of the property. In addition, one (1) open parking space for the ADU will be provided along the driveway.

Lot 4

Lot 4 will have a lot size of 7,783 square feet. A new two-story, 2,952 square foot, single-family home will be constructed on Lot 4. The single-family home will consist of a living room, a family room, kitchen, a game room, a laundry room, four (4) bedrooms, three (3) bathrooms, and a loft on the second floor. An attached two-car garage will be provided for the unit with the required two (2) open parking spaces located along the driveway.

The applicant proposes to construct an attached, 646 square foot, ADU, as permitted by State Law, at the rear of the property. One (1) open parking space for the ADU will be provided along the driveway.

As previously noted, pursuant to State law, the ADUs will be reviewed ministerially, and are depicted on the plans for representation purposes only.

Building Design

The architecture style of each residential home is contemporary in design that incorporates Mediterranean or Craftsman inspired architectural detailing to enhance the building elevations. Each home incorporates projecting and recessed building masses, along with varied rooflines, in order to articulate the building's facade. The building's architectural detailing includes the use of an entry porch, varied window shapes, multi-pane windows, and decorative trim around the windows and doors to enhance the building. The exterior building materials for each unit will consist of a stucco finish with concrete roof tile, along with architectural detailing that compliments the style of each home.

Each unit has been designed to comply with the second-story privacy provision requirements of the R-1 zone by providing windows that will minimize visual intrusion into the adjacent neighbor's private recreation areas. In particular, the rear elevation of Lot 2 and 3 include high clerestory windows. The rear and side (south) elevation of Lot 1 includes clerestory windows. Similarly, the side (north) elevation of Lot 4 includes clerestory windows, and the rear elevation includes a mix

of clerestory and frosted windows. The Planning Division will review and approve the final design and placement of all second-story windows to ensure privacy compliance.

Perimeter Walls and Landscaping

The project is required to maintain a six-foot high, decorative masonry block wall along the perimeter of the project site. In addition, six-foot high fencing is required along the interior property lines of each parcel to delineate the boundary of each lot.

The applicant is required to provide a landscape and irrigation plan to the City that complies with the landscaping requirements of Title 9 of the Municipal Code. Planning staff will review the type and location of all proposed plant materials. As part of the landscape plan, a variety of trees, shrubs, and flowers are required.

TENTATIVE TRACT MAP:

In accordance with the State Subdivision Map Act, the applicant is requesting approval of Tentative Tract Map No. TT-18181 to subdivide the existing property into four (4) lots that will be served by a private street (Lot 5) for the purpose of improving each lot with a single-family home. The proposed Tentative Tract Map is in conformance with the City's General Plan, the City's Subdivision Ordinance, the R-1 zone requirements, and the State's Subdivision Map Act.

Each lot has been designed to comply with the minimum lot size of 7,200 square feet and the minimum lot width of 60 feet for interior lots and 65 feet for corner lots per the development standards of the R-1 zone. Each lot will provide a lot size of 10,031 square feet (Lot 1), 8,312 square feet (Lot 2), 10,520 square feet (Lot 3), and 7,783 square feet (Lot 4), which complies with the minimum lot size of 7,200 square feet.

Lot 1 is a corner lot, and will provide a width of 73.19 feet, while the interior lots, Lots 2, 3 and 4, will each provide a lot width of 69.27 feet, 60 feet, and 60.59 feet respectively. It should be noted that for lots located along the radius of a cul-de-sac, the Municipal Code establishes the lot width at the 20 foot front setback line. Lots 2, 3 and 4 will each maintain the required minimum lot width of 60 feet at the 20-foot front setback line.

MINOR DEVIATION

The applicant requests a minor deviation to construct a new, 6-foot high, wrought iron fence within the required 20-foot front yard setback area of Lot 1, along Lampson Avenue, to secure the parcel. Title 9 of the Municipal Code requires fences and block walls located within the front yard setback to maintain a maximum height of 3 feet. However, Title 9 of the Municipal also allows fences located within the required front yard setback of residentially zoned properties to be constructed to a maximum height of six feet, provided the upper 36-inches of the fence is

wrought iron fencing with vertical railing no less than three inches apart, through approval of a minor deviation.

The project site currently has a combination of chain link fence and wrought iron fence with wood slat and four (4) pilasters, at a height of 6 feet, that secures the front of the property along Lampson Avenue. The applicant purposes to secure a portion of the front property with a new 6-foot high fence that will maintain a 15-foot setback from the Lampson Avenue front property line to secure Lot 1 due to the placement and orientation of the existing residential structure that will remain.

Lot 1 is designed as a corner lot. The front of the lot is designated along Lampson Avenue, and the side street of the lot is designated along the proposed private street. The existing and proposed building structures observe the required 20-foot front setbacks from Lampson Avenue, and the required 10-foot side street setback from the proposed private street. The design and placement of the existing house is such that the front entry is oriented toward the interior side of the property. With the proposed subdivision, the existing residential structure will continue to maintain the same building orientation with the front entry now being oriented toward the proposed private street. As such, the Lampson Avenue side of the property will function as the "side" of the property.

The placement of the proposed fence allows Lot 1 to be secured along Lampson Avenue, and it also allows the lot to maintain the required 16-foot wide driveway to access the site from the private street. In addition, the placement of the fence allows landscaping to be installed, and maintained, within the first 15 feet of the front setback area.

The proposed fence will be designed as a decorative fence with the bottom, 36-inch portion of the fence constructed of decorative block, and the upper, 36-inch portion of the fence constructed of wrought iron with pilasters evenly spaced. The appropriate conditions of approval have been included to ensure that the proposed fence complies with the code requirements.

CEQA

The proposed development has been determined to be exempt from the California Environmental Quality Act ("CEQA"), pursuant to Section 15332 (In-Fill Development Projects) of the CEQA Guidelines (14 Cal. Code Regs., Section 15303). As set forth in the Class 32 exemption, the proposed project is: (1) consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; (2) the proposed development occurs within City limits on a project site of no more than five acres substantially surrounded by urban uses; (3) the project site has no value as habitat for endangered, rare or threatened species; (4) approval of the project would not result in any significant effects relating to traffic, noise, air quality or water quality; and (5) the site can be adequately served by all required utilities and public services.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

1. Adopt Resolution No. 5978-20 approving Site Plan No. SP-081-2020 and Tentative Tract Map No. TT-18181, subject to the recommended Conditions of Approval.

LEE MARINO

Planning Services Manager

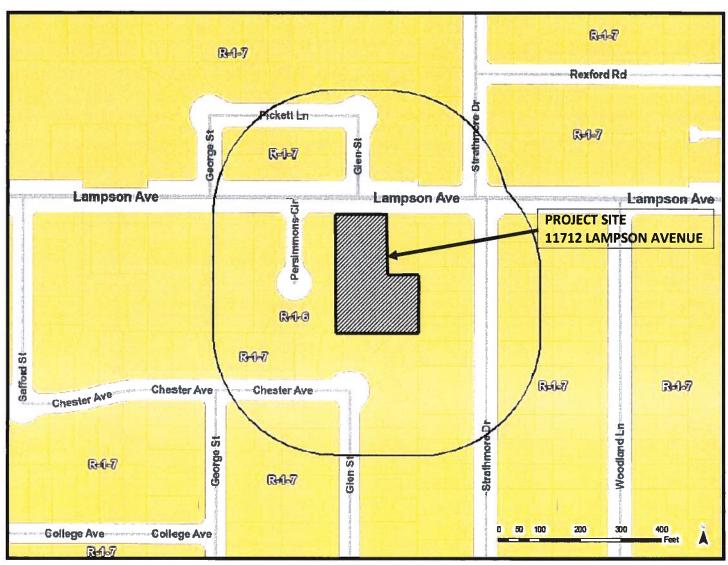
By:

Maria Parra Senior Planner

Marie Pare



SITE PLAN NO. SP-081-2020 TENTATIVE TRACT MAP NO. TT-18181

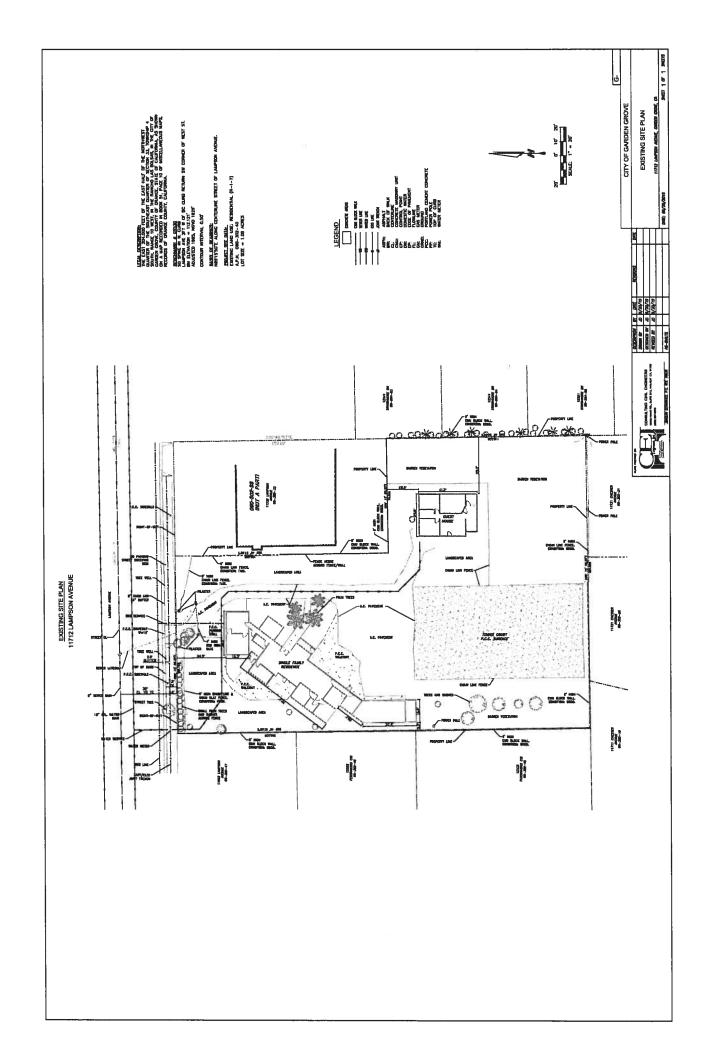


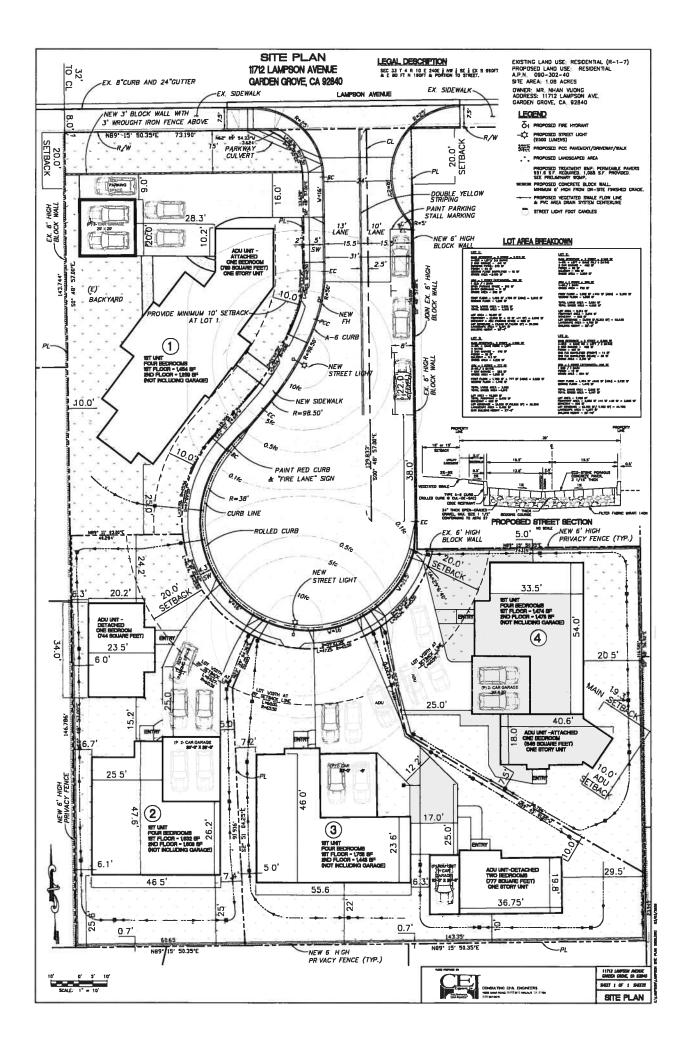
LEGEND

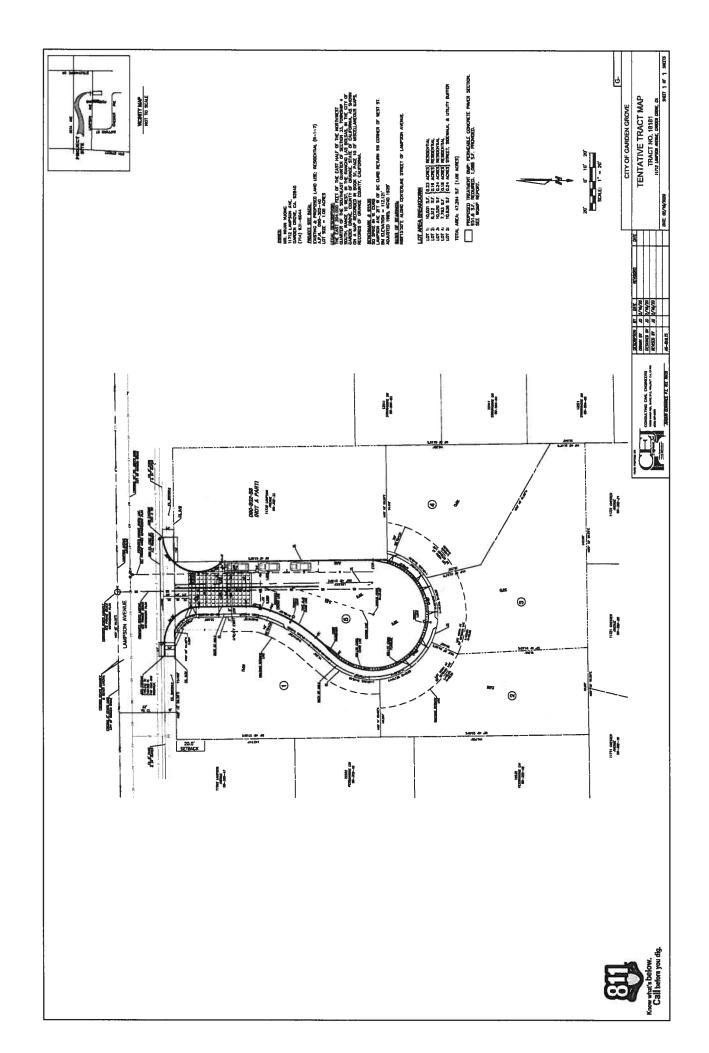
SUBJECT SITE(S) – 11712 LAMPSON AVENUE
300 FOOT RADIUS

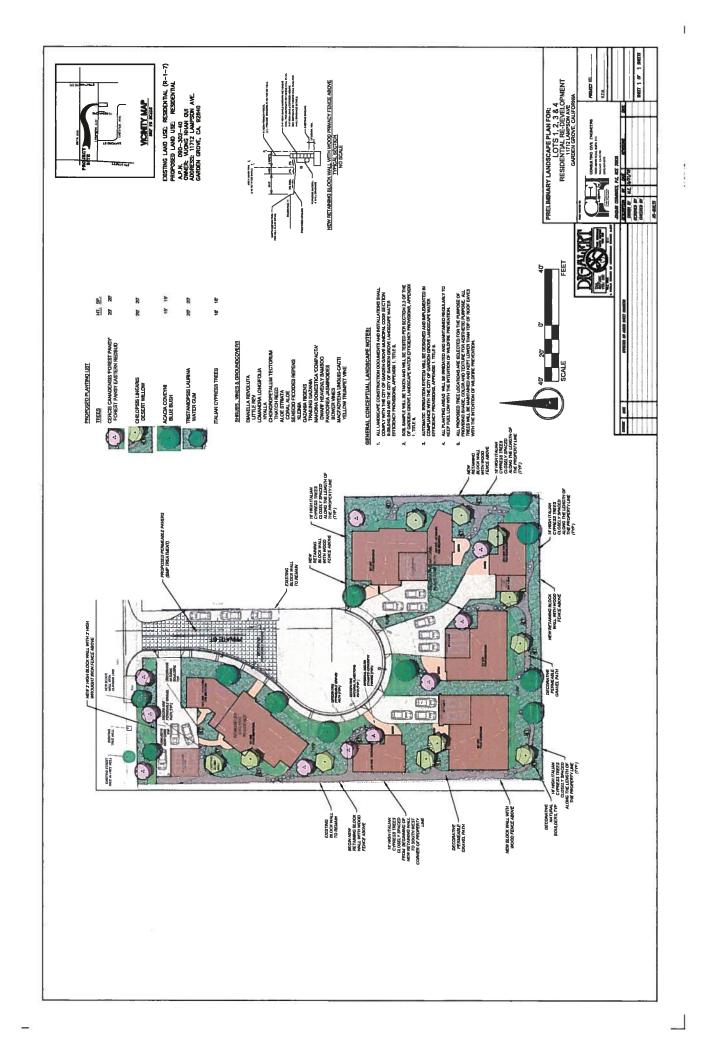
NOTES

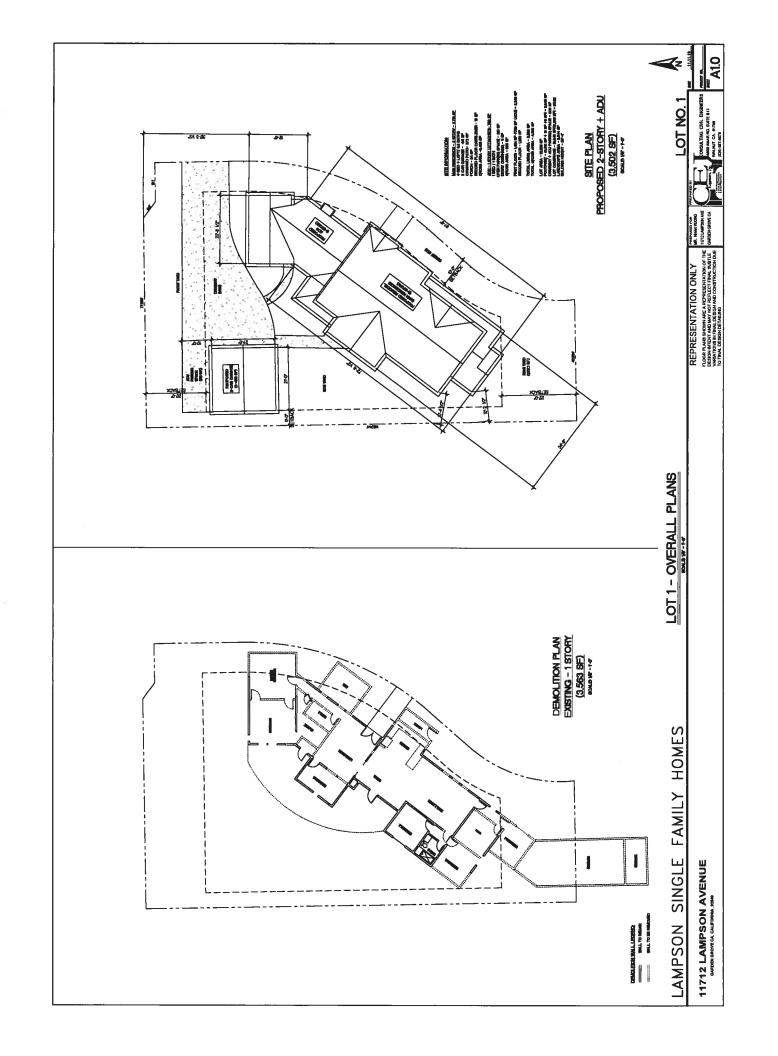
- 1. SITE ADDRESSES 11712 LAMPSON AVENUE
- 2. ZONING: R-1 (SINGLE-FAMILY RESIDENTIAL)
- 3. GENERAL PLAN: LOW DENSITY RESIDENTIAL

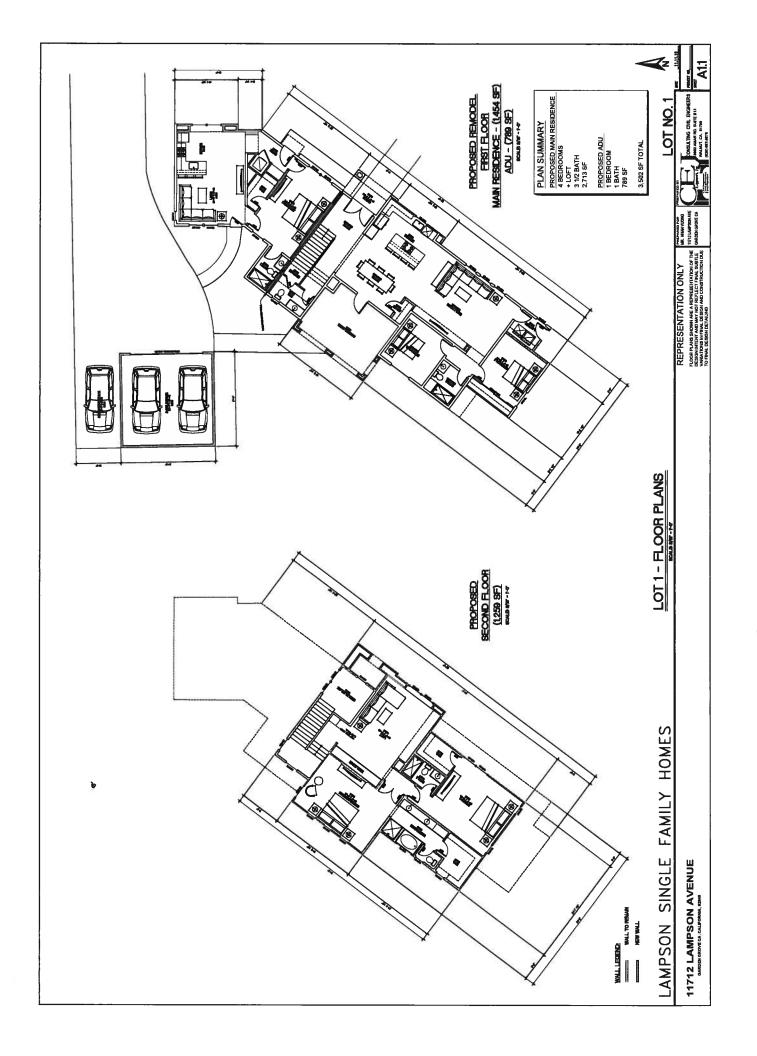


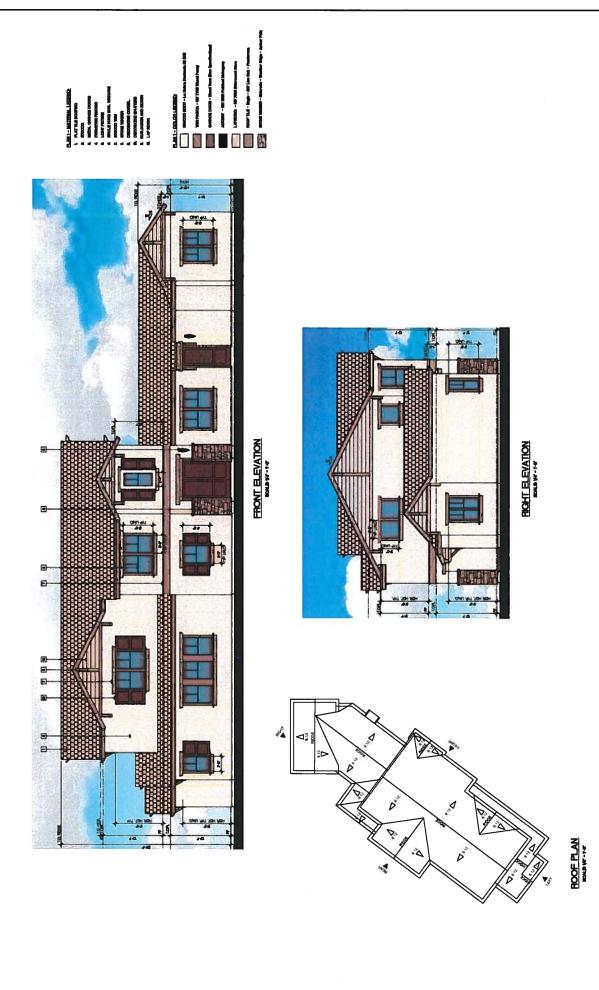








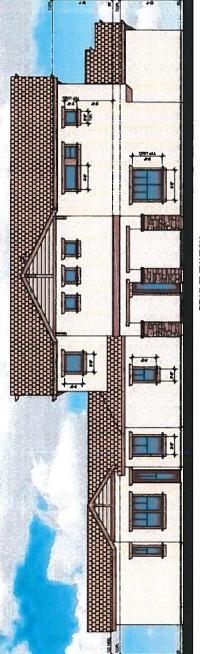




LOT 1 - ELEVATIONS

LOT NO. 1

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REAR ELEVATION



LEFT ELEVATION

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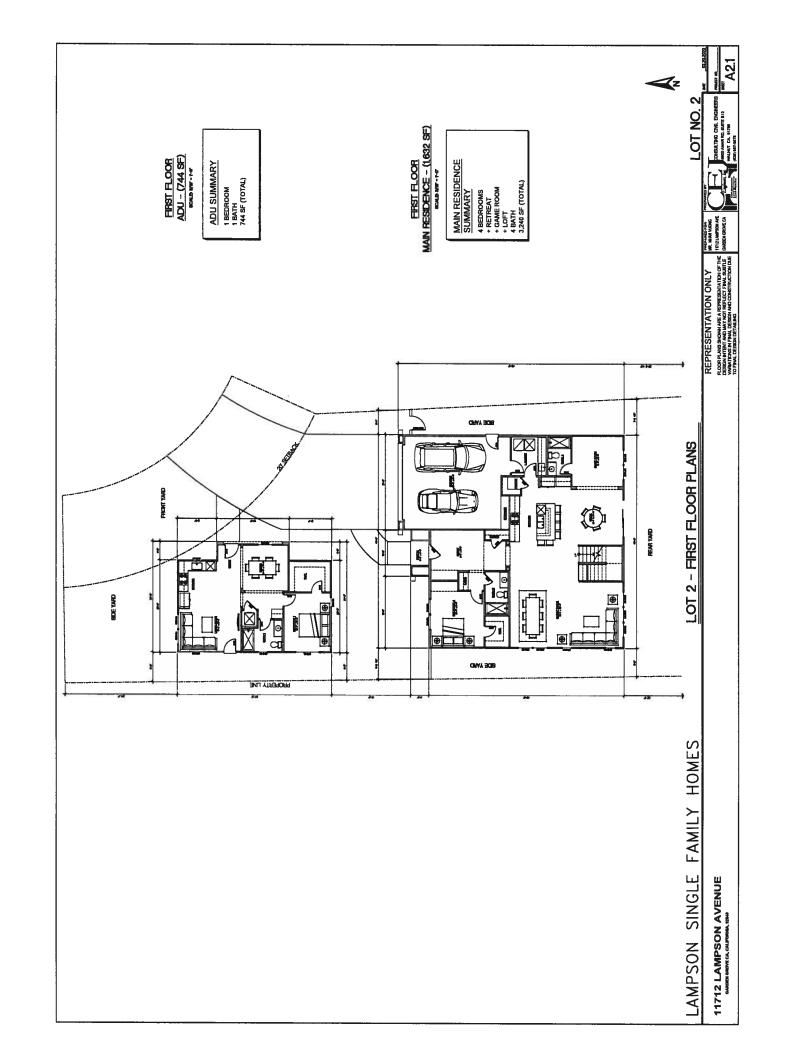
LOT 1 - ELEVATIONS

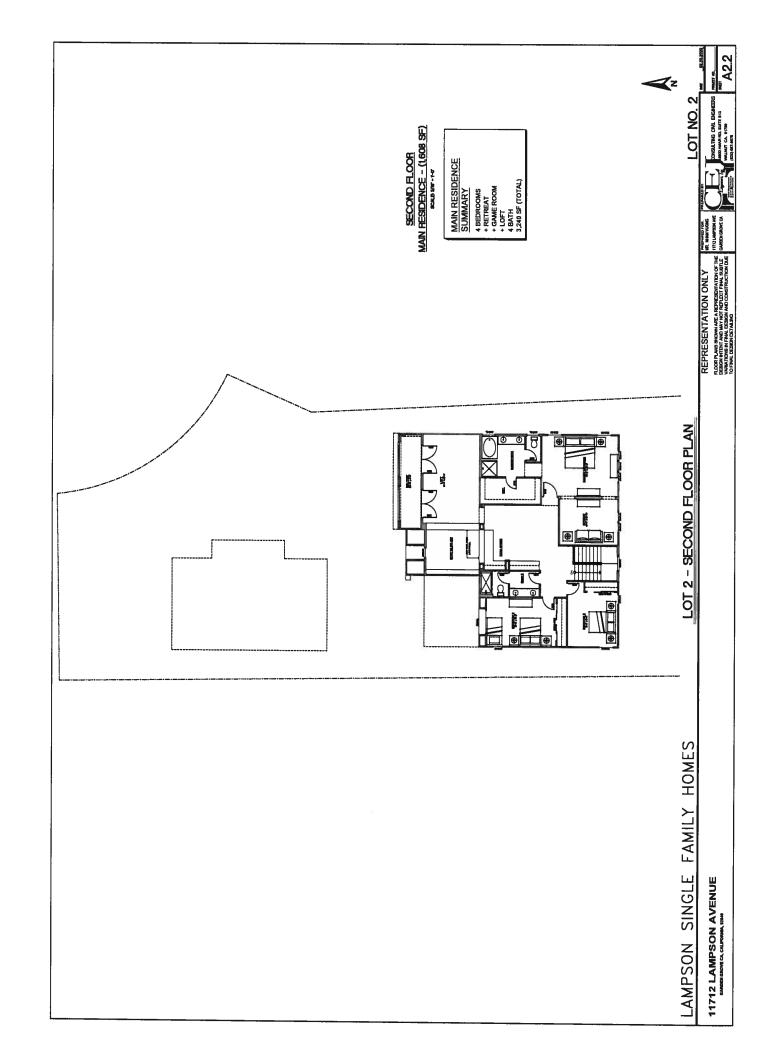
LOT NO.1

A13

LAMPSON SINGLE FAMILY HOMES

11712 LAMPSON AVENUE







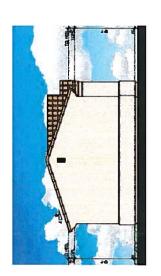
LAMPSON SINGLE FAMILY HOMES

LOT 2 - MAIN RESIDENCE - ELEVATIONS

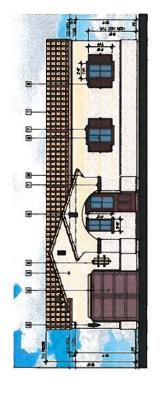
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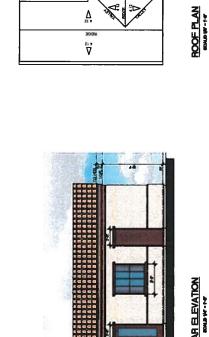
LOT NO.



LEFT ELEVATION



FRONT BLEVATION



REAR ELEVATION

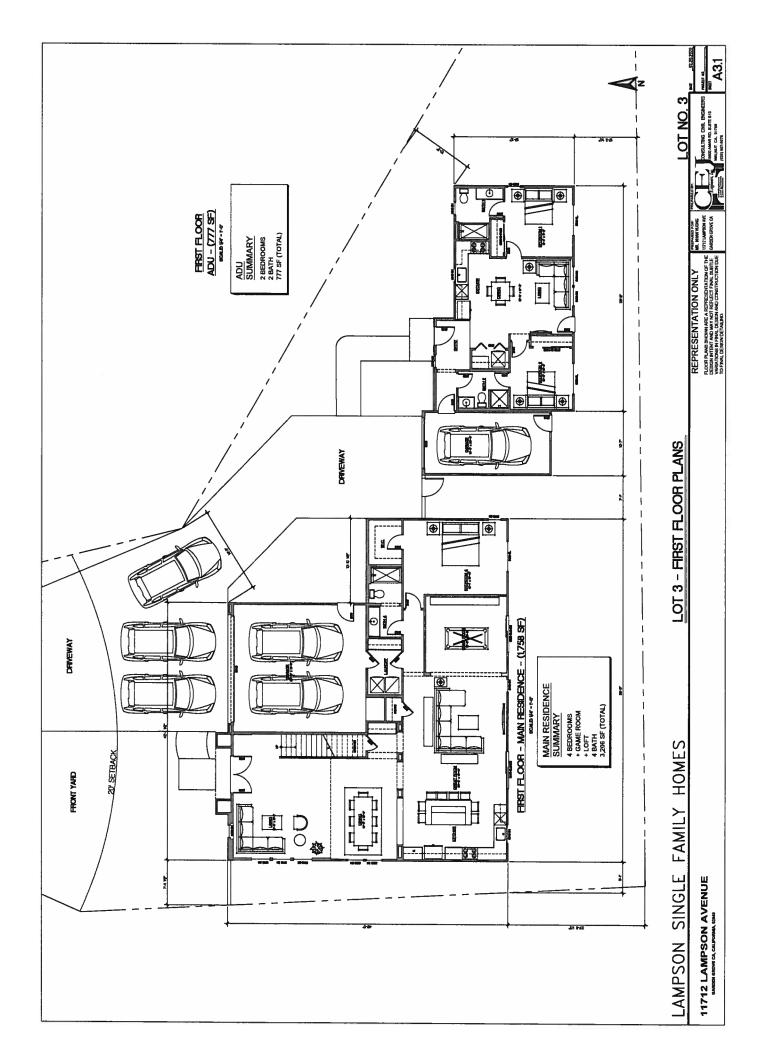
RIGHT ELEVATION

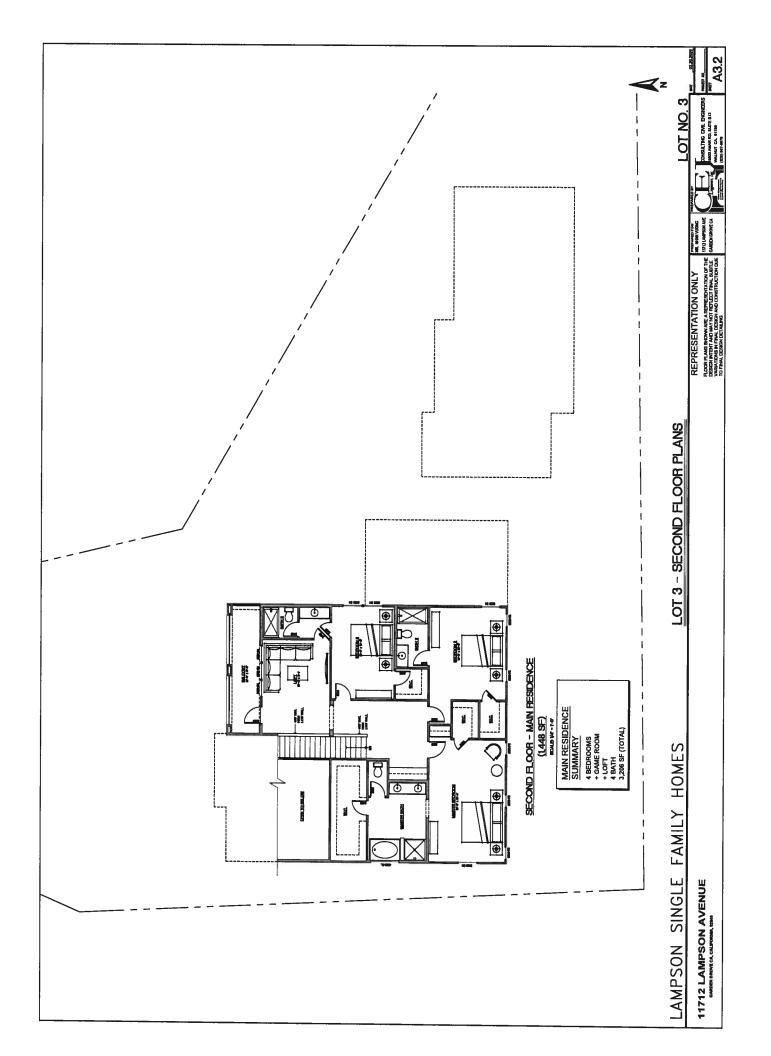


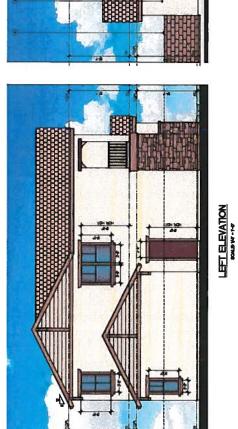
LOT 2 - ADU - ELEVATIONS

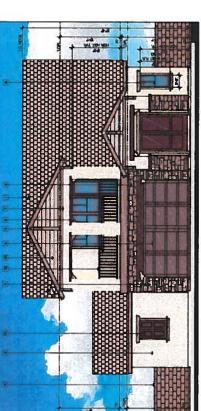
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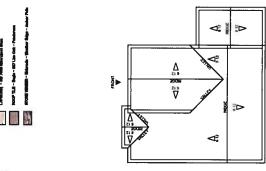




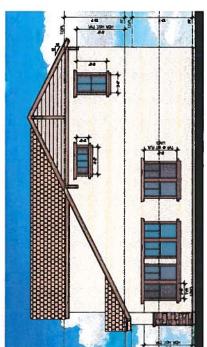




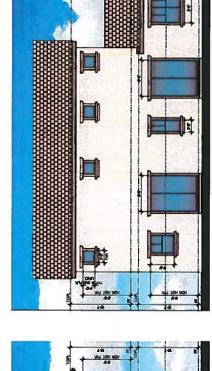
FRONT ELEVATION



ROOF PLAN



RIGHT ELEVATION



REAR ELEVATION

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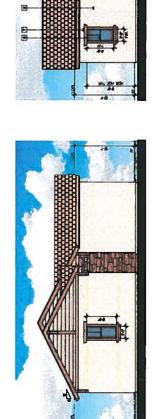
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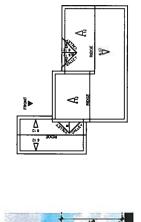
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ROOF PLAN

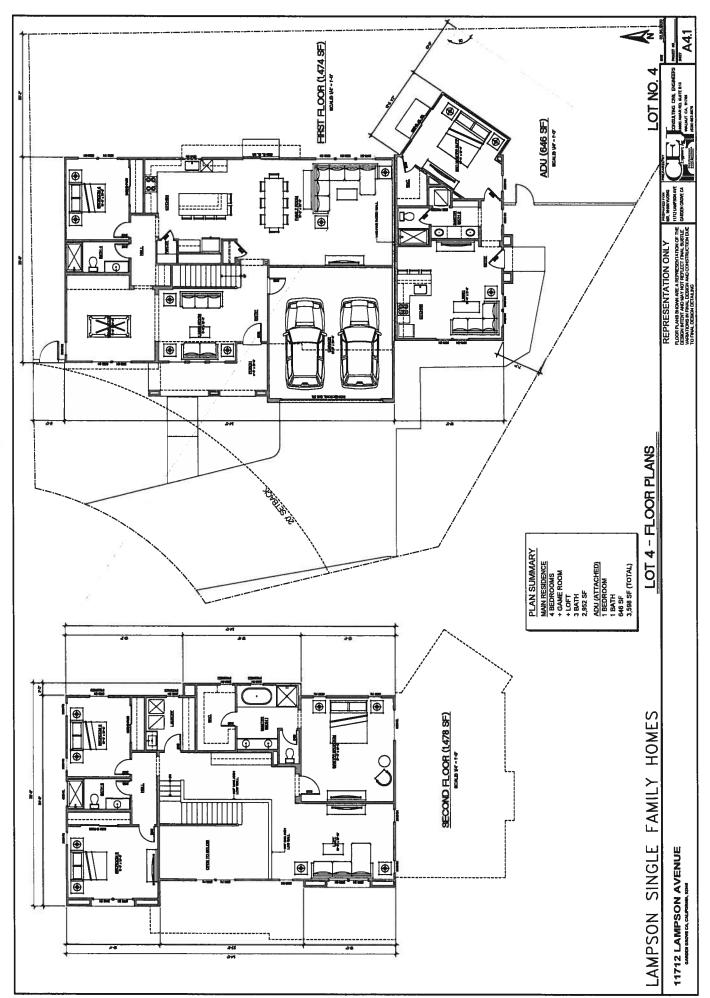
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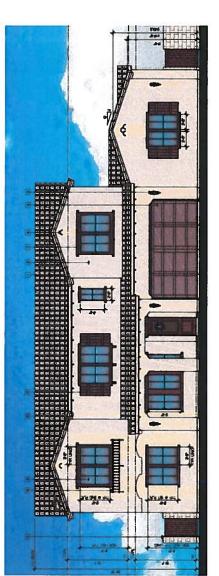
RIGHT ELEVATION

LOT 3 - ADU - ELEVATIONS

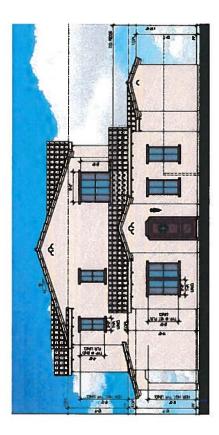
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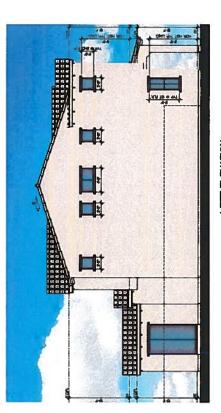
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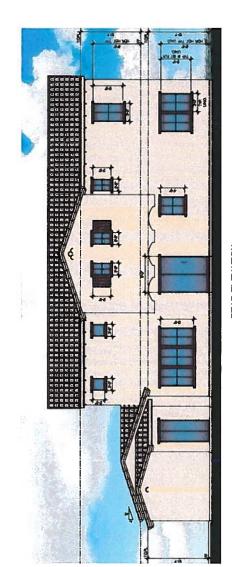
LOT 4 - ELEVATIONS

LOT NO. 4

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LEFT ELEVATION



REAR ELEVATION

LAMPSON SINGLE FAMILY HOMES

11712 LAMPSON AVENUE

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LOT 4 - ELEVATIONS

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RESOLUTION NO. 5978-20

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-081-2020 AND TENTATIVE TRACT MAP NO. TT-18181, ASSESSOR'S PARCEL NO. 090-302-40.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in a regular session assembled on March 19, 2020, hereby approves Site Plan No. SP-081-2020 and Tentative Tract Map No. TT-18181, for a property located on the south side of Lampson Avenue, between 9th Street and West Street, at 11712 Lampson Avenue, Assessor's Parcel No. 090-302-40.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-081-2020 and Tentative Tract Map No. TT-18181, the Planning Commission of the City of Garden Grove does hereby report as follows:

- 1. The subject case was initiated by Nhan Vuong.
- 2. The applicant is requesting Site Plan and Tentative Tract Map approval to subdivide an existing 47,284 square foot lot, improved with a single-family home, into four (4) residential lots that will be served by a private street designed as cul-de-sac (Lot 5). Each lot will have a lot size of 10,031 square feet (Lot 1), 8,312 square feet (Lot 2), 10,520 square feet (Lot 3), and 7,783 square feet (Lot 4). The existing single-family home will be reconfigured to fit within the developable lot area of Lot 1. Lots 2, 3 and 4 will each be improved with a new two-story, single-family home. Also, a request for a minor land deviation to allow the front yard fence for Lot 1, located along Lampson Avenue, to be constructed at a height of 6 feet.
- 3. The City of Garden Grove has determined that Pursuant to the California Environmental Quality Act ("CEQA"), the proposed project is categorically exempt from the CEQA pursuant to Section 15332 (In-Fill Development Projects) of the CEQA Guidelines (14 Cal. Code Regs., Section 15303). As set forth in the Class 32 exemption, the proposed project is: (1) consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; (2) the proposed development occurs within City limits on a project site of no more than five acres substantially surrounded by urban uses; (3) the project site has no value as habitat for endangered, rare or threatened species; (4) approval of the project would not result in any significant effects relating to traffic, noise, air quality or water quality; and (5) the site can be adequately served by all required utilities and public services. The project is therefore exempt from CEQA review.

- 4. The property has a General Plan Land Use designation of Low Density Residential and is zoned R-1 (Single-Family Residential). The site is currently improved with a single-family home and a detached guest home. The existing single-family home will remain, and will be reconfigured, to fit within the developable lot area of Lot 1 of the proposed subdivision. The existing guest home will be demolished, and will be replaced on Lot 1 as a new Accessory Dwelling Unit (ADU) as permitted by State Law.
- 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 the City staff was reviewed.
- 7. Pursuant to a legal notice, a public hearing was held on March 19, 2020, 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 March 19, 2020; 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 9.04.030 are as follows:

FACTS:

The property is a 47,284 square foot lot located on the south side of Lampson Avenue, between 9th Street and West Street. The property has a General Plan Land Use Designation of Low Density Residential and is zoned R-1 (Single-Family Residential). The property is located in a residential area improved with single-family residences. The property is currently improved with a 2,905 square foot single-family home with an attached, 655 square foot, carport constructed in 1957, and a detached, 1,120 square foot, guest house constructed in 1963.

The applicant proposes to subdivide the property into four (4) residential lots that will be served by a private street (Lot 5) in order to improve each lot with a single-family home. The project proposes a density of 3.68 dwelling units per acre, which is consistent with the land use designation density of up to nine (9) dwelling units per acre.

Each parcel will have a lot size of 10,031 square feet (Lot 1), 8,312 square feet (Lot 2), 10,520 square feet (Lot 3), and 7,783 square feet (Lot 4). The existing single-family home will be reconfigured and remodeled to accommodate the proposed subdivision, and will include a new second-story addition. Lots 2, 3, and 4 will each be improved with a new single-family home.

The project has been designed to comply with the development standards of the R-1 zone, including minimum lot size, lot width, building setbacks, building height, lot coverage, open space, and parking.

In addition, the proposed minor deviation will allow a 6-foot high wrought iron fence to be constructed 15 feet from the front property line, along Lampson Avenue, to secure Lot 1.

FINDINGS AND REASONS:

SITE PLAN

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

The General Plan Land Use Designation of the subject site is Low Density Residential, which is intended to create, maintain, and enhance residential areas characterized by detached, single unit structures, and single-family residential neighborhoods that: (i) provide an excellent environment for family life; (ii) preserve residential property values; (iii) provide access to schools, parks, and other community services; and (iv) provide a high-quality architectural design. Policy LU-2.4 of the General Plan encourages the type and intensity of land uses to be consistent with that of the immediate neighborhood, while LU-IMP-2B encourages that new development be similar in scale to the adjoining residential neighborhood to preserve its character. The Low Density Residential General Plan Land Use Designation allows residential densities up to nine (9) dwelling units per acre with detached units on individual parcels.

The proposed project will subdivide an existing 47,284 square foot lot to create a residential neighborhood with four (4) single-family residential lots that will be served by a private street designed as a cul-de-sac (Lot 5). The project will have a density of 3.68 units per acre, which complies with the density requirement of the Low Density Residential General Plan Land Use Designation. The existing single-family home on the project site will be reconfigured, and remodeled, to fit within the lot area of Lot 1, and Lots 2, 3 and 4 will each be developed with a new, two-story, single-family home. The project is located in a residential neighborhood improved with single-story and two-story single-family homes of various architectural styles and square footages. The proposed single-family homes will be consistent and compatible with the existing residential neighborhood as each home is designed to comply with the R-1 development standards, including building setbacks, building height, parking, lot coverage, lot size, and lot width, to ensure that is home similar in scale and type as the surrounding residential lots. The proposed

project will be a valued addition to the area, and will provide additional housing units in the immediate area that will further the goals of the City's Housing Element. Therefore, the project complies with the General Plan Land Use Designation and Title 9 of the Municipal Code.

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

The property will be accessed from a private street from Lampson Avenue that is designed as a cul-de-sac that will serve each lot. The design of the private street will accommodate two-way traffic, on-street parallel parking spaces, as well as provide the required turn-around area for trash truck and emergency vehicle access. The appropriate red curbs and "No Parking" signs will be installed to allow for sufficient maneuvering of trash trucks and emergency vehicles. The project site will also provide an interior sidewalk that originates from Lampson Avenue for pedestrian and handicap access.

Each residential home will be designed with four (4) bedrooms. Based on the proposed number of bedrooms, each home is required to provide a two-car enclosed garage and two (2) open parking spaces, for a total of four (4) parking spaces per lot. Each lot will provide an attached or detached two-car enclosed garage and driveway space to accommodate two (2) open parking spaces, which meets the minimum required by Code. Additionally, three (3) parking spaces will be provided along the east side of the private street to serve the project site.

The City's Traffic Engineering Section has reviewed the proposed project, and all appropriate conditions of approval have been incorporated to minimize any adverse impacts to surrounding streets.

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

The streets in the area will be adequate to accommodate the development once the developer provides the necessary improvements for the project. Utilities and drainage channels in the area are existing and are adequate to accommodate the development. The proposed development will provide landscaping and proper grading of the site, thereby, improving drainage in the area.

The Public Works Department has reviewed the project, and has incorporated all the appropriate conditions of approval to minimize any adverse impacts.

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

The Public Work's Department has reviewed the project, and has incorporated all the appropriate conditions of approval to minimize any adverse impacts.

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

The project has been designed to comply with the R-1 zone development standards of Title 9 of the Municipal Code. The project site is located in a residential area improved with single-family homes. The proposed project will be compatible with the existing single-family developments in the area as each proposed lot will be improved with one (1) single-family home designed to comply with the development standards of the R-1 zone. Each home will provide a building design with architectural detailing that incorporates projecting building masses along the front building elevation with varying rooflines to enhance the façade of the building. Each lot will provide landscaping within the front yard setback area, and within the interior private yard areas. Therefore, the project will have a reasonable degree of physical, functional, and visual compatibility with neighborhood.

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

The project has been designed for building appearance, building placement and landscaping to attain an attractive environment that will be an enhancement to the residential neighborhood. The project has been designed to comply with the fifty-percent (50%) lot coverage requirement of the R-1 zone that will ensure that each parcel maintains the required amount of open usable space. Additionally, the conditions of approval will ensure that the landscaping requirements of the Municipal Code will be complied with.

The architectural style of each home is contemporary in design that incorporates Mediterranean or Craftsman style inspired architectural detailing. Each home incorporates projecting and recessed building masses, along with varied rooflines, in order to articulate the building's facade. The building's architectural detailing includes the use of an entry porch, varied window shapes, multi-pane windows, and decorative trim around the windows and doors to enhance the building. The exterior building materials for each unit will consist of a stucco finish with concrete roof tile, along with architectural detailing that compliments the style of each home.

TENTATIVE TRACT MAP

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

The proposed map is consistent with the provisions of the General Plan Land Use Designation of Low Density Residential. The General Plan Land Use Designation of Low Density Residential is intended to create, maintain, and enhance residential areas characterized by detached, single unit structures, and single-family residential neighborhoods. The Low Density Residential land use designation allows densities of up to nine (9) dwelling units per acre with a detached unit on their own parcel. Policy LU-2.4 of the General Plan encourages the type and intensity of land uses to be consistent with that of the immediate neighborhood; while LU-IMP-2B encourages that new development be similar in scale to the adjoining residential neighborhood to preserve its character.

The project site is located in a residential area improved with single-family homes. The proposed map will subdivide a 47,284 square foot lot into four (4) residential lots (Lots 1 to 4) that will be served by a private street (Lot 5), to create a single-family neighborhood. The proposed subdivision will be similar in scale to the surrounding single-family neighborhood as the project is designed to comply with the development standards of the R-1 zone. Each residential lot will be improved with one (1) single-family home, with a density of 3.6 units per acre, which complies with the General Plan density requirement.

Each lot is designed to comply with the minimum lot size requirement of 7,200 square feet, and the minimum lot width of 60 feet for an interior lot, and 65 feet for a corner lot, of the R-1 zone. Each single-family home is also designed to comply with the R-1 zone requirements, include building setbacks, building height, lot coverage, and parking. The configuration of each lot, and the design of each home, is compatible with the existing residential neighborhood. The construction of the new single-family homes will increase the number of available housing in the area, and further the goals of the Housing Element of the General Plan to meet the City's regional housing needs.

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

The design and improvement of the proposed map is consistent with the General Plan of Low Density Residential, which is intended to create, maintain, and enhance residential areas characterized by detached, single-

family homes on a single parcel. The proposed residential subdivision will create four (4) lots that will be served by a private street (Lot 5) for the purpose of improving each lot with one (1) single-family home. The proposed subdivision will create a single-family residential neighborhood that complies with the R-1 zone requirements. Each lot complies with the minimum lot size of 7,200 square foot lot size, and the minimum lot width of 60 feet for interior lots, and 65 feet for corner lots of the R-1 zone. Each single-family home is designed to comply with the building setbacks, building height, lot coverage, and parking requirements of the R-1 zone. The configuration of the lots and design of the proposed single-family homes is compatible with the existing surrounding residential neighborhood.

In addition, the construction of the new single-family homes will increase the number of available housing in the area, and further the goals of the Housing Element of the General Plan to meet the City's regional housing needs.

3. The site is physically suitable for the type of development and complies with the spirit and intent of the Municipal Code.

The site is physically suitable for the proposed development. The project site has a net lot size of 47,284 square feet and can accommodate the proposed residential subdivision that complies with the development standards of the R-1 zone. The proposed subdivision will create four (4) residential lots that will be served by a private street (Lot 5). Each proposed lot will comply with the minimum lot size of 7,200 square feet, and the minimum lot width of 60 feet for an interior lot, and 65 feet for a corner lot of the R-1 zone. Each lot will provide a lot size of 10,031 square feet (Lot 1), 8,312 square feet (Lot 2), 10,520 square feet (Lot 3), and 7,783 square feet (Lot 4), which complies with the minimum lot size of 7,200 square feet. Lot 1 is a corner lot, and will provide a width of 73.19 feet, while the interior lots, Lots 2, 3 and 4, will each provide a lot width of 69.27 feet, 60 feet, and 60.59 feet, respectively.

The private street has been designed per the City's standard and provides adequate access for trash trucks and emergency vehicles, along with accommodating three (3) parallel parking spaces to serve the residential development. In addition, each residential unit complies with required building setbacks, building height, parking requirements, rear yard open space, lot coverage, and landscaping. The project has been designed to comply with the R-1 development standards, and complies with the spirit and intent of the Municipal Code.

4. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably

injure fish or wildlife or their habitat, and the requirements of the California Environmental Quality Act have been satisfied.

Pursuant to the California Environmental Quality Act ("CEQA"), the City of Garden Grove has determined that the proposed project is categorically exempt from the CEQA pursuant to Section 15332 (In-Fill Development Projects) of the CEQA Guidelines (14 Cal. Code Regs., Section 15332). The proposed project is characterized as in-fill development meeting conditions described in Section 15332.

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

The site is physically suitable for the density proposed by the developer. The Low Density Residential General Plan Land Use designation allows a density of up to nine (9) dwelling units per acre with detached units on their own parcel. The proposed Tentative Tract Map will subdivide a 47,284 square foot parcel into five (5) separate lots, four (4) residential lots (Lots 1 to 4) and one lot that will be used for the private street (Lot 5), to create a single-family neighborhood with a proposed density of 3.68 units per acre.

The proposed design of each residential lot allows for the placement of one single-family home on each lot, which complies with the density requirement. Therefore, the property is sufficient in size to accommodate the proposed development, and complies with all applicable provisions of the City of Garden Grove Municipal Code, including the building setbacks, building height, parking, and lot coverage.

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

The design of the subdivision and the proposed improvements are not likely to cause serious public health problems since conditions of approval will be in place to safeguard the public health. The proposed subdivision has been designed to comply with the development standards of the R-1 zone. City Departments, including Traffic Division, Water Division, Engineering Division, and the Planning Division, and the Orange County Fire Authority (OCFA) have reviewed the proposed development and have applied conditions of approval to minimize potential negative impacts that the project may have on the community. The conditions of approval for on and off-site improvements will safeguard the public health.

7. The design of the project and the proposed improvements will not conflict with easements of record or easements established by court judgment acquired by the public at large for access through or use of property within

the subdivision; or, if such easements exist, alternate easements for access or for use will be provided and these will be substantially equivalent to the ones previously acquired by the public.

The design of the subdivision and the proposed improvements will not conflict with easements of record or easements established by court judgment acquired by the public at large for access through or use of property within the proposed subdivision. The project has been designed to avoid development over existing easements.

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

The design of the subdivision is suitable for the proposed low-density residential project that will subdivide an existing 47,284 square foot lot into four (4) residential lots to accommodate single-family homes that will be served by a private street (Lot 5). The subdivision complies with the spirit and intent of the General Plan, and the Subdivision Map Act. The project has also been designed to comply with the R-1 development standards. Each residential lot will comply with the minimum lot size and minimum lot width requirement of the R-1 zone, and each proposed dwelling unit will comply with the setbacks, lot coverage, and parking requirements of the R-1 zone.

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

To the extent feasible, the project has been designed in accordance with Government Code Section 66473.1, such as to allow for passive or natural heating opportunities in the subdivision design, to encourage the orientation of structures to take advantage of shade and prevailing breezes, to allow solar access for passive heating and opportunities for placement of shade trees and other vegetation for cooling.

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

The project has been reviewed in relation to the housing needs and goals of the City and is compatible with existing residential projects in the vicinity. The property is located in a residential area improved with single-family residences. The proposed project will create four (4) residential lots that will

each be improved with a single-family home. The existing single-family home will remain, and will be reconfigured to fit within the lot area of the proposed lot design, and three (3) new single-family homes will be constructed on each of the three (3) remaining lots. The subdivision is compatible with the surrounding area since each lot will be improved with one (1) single-family home as permitted by code. The project site abuts a residential subdivision to the west, located on Persimmons Circle, that is developed with seven (7) residential lots, which are similar to the proposed subdivision.

In addition, the zoning requires a minimum lot size of 7,200 square for new subdivisions in the R-1 zone. Each proposed lot is designed to comply with the minimum lot size requirement, and will provide a lot size of 10,031 square feet (Lot 1), 8,312 square feet (Lot 2), 10,520 square feet (Lot 3), and 7,783 square feet (Lot 4). The proposed lot sizes comply with the minimum code requirement, and are compatible with the lot sizes of existing residential properties in the area. Also, the subdivision will be served by a private street that is designed to City standards that allow for adequate public service access for emergency vehicles.

The proposed subdivision and the construction of the new single-family homes will increase the number of available housing in the area, and further the goals of the Housing Element of the General Plan.

- 11. The subject property is not located within a state responsibility area or a very high fire hazard severity zone, the proposed subdivision is served by local fire suppression services, and the proposed subdivision meets applicable design, location, and ingress-egress requirements.
- 12. The discharge of waste from the proposed subdivision into the existing sewer system will not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board. The conditions of approval for on and off-site improvements will ensure permitted capacity of the public sewer system is not exceeded.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

- 1. The Site Plan and Tentative Tract Map possess characteristics that would justify the request in accordance with Municipal Code Section No. 9.32.030.3 (Site Plan) and Section 9.40.060 (Tentative Maps).
- 2. In order to fulfill the purpose and intent of the Municipal Code and thereby promote the health, safety, and general welfare, the attached Conditions of Approval (Exhibit "A") shall apply to Site Plan No. SP-081-2020 and Tentative Tract Map No. TT-18181.

EXHIBIT "A"

Site Plan No. SP-081-2020

Tentative Tract Map No. TT-18181

11712 Lampson Avenue

CONDITIONS OF APPROVAL

GENERAL CONDITIONS

- 1. Each owner of the property shall execute, and the applicant shall record against the property, a "Notice of Discretionary Permit Approval and Agreement with Conditions of Approval" as prepared by the City Attorney's Office, on the property. Proof of such recordation is required prior to issuance of building permits.
- 2. 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, Nhan Vuong, 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 to the Conditions of Approval require approval by the Planning Commission.
- 3. Approval of this Site Plan and Tentative Tract Map shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
- 4. Minor modifications to the Site Plan and/or these Conditions of Approval may be approved by the Community and Economic Development Director, in his or her discretion. Proposed modifications to the project and/or these Conditions of Approval determined by the Community and Economic Development Director not to be minor in nature shall be subject to approval of new and/or amended land use entitlements by the applicable City hearing body.
- 5. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.

Public Works Engineering Division

6. The applicant shall be subject to Traffic Mitigation Fees, In-Lieu Park Fees Drainage Facilities Fees, Water Assessment Fees, and other applicable mitigation fees identified in Chapter 9.44 of the Garden Grove Municipal Code, along with all other applicable fees duly adopted by the City. The amount of

said fees shall be calculated based on the City's current fee schedule at the time of permit issuance.

- 7. A separate street permit is required for work performed within the public right-of-way.
- 8. Grading improvement plans prepared by a registered Civil Engineer are required. The grading plan shall be based on a current survey of the site, including a boundary survey, topography on adjacent properties up to 30 feet outside the boundary, and designed to preclude cross-lot drainage. Minimum grades shall be 0.50% for concrete flow lines and 1.25% for asphalt. The grading plan shall also include water, sewer, and street improvements. The grading plan shall include a coordinated utility plan. Street improvement plan shall conform to all format and design requirements of the City Standard Drawings & Specifications.
- 9. Grading fees shall be calculated based on the current fee schedule at the time of permit issuance.
- 10. All vehicular access drives to the site shall be provided in locations approved by the City Traffic Engineer.
- 11. The new drive approaches to the site shall be constructed in accordance with Garden Grove Standard B-120 (option #3).
- 12. All on-site angled driveways on the site shall be designed per County of Orange Standard Plan 1209 (sheet 5 of 5).
- 13. Prior to issuance of a grading permit, the applicant shall design overhead street lighting within and frontage of the development in a manner meeting the approval of the City's Lighting Administrator. Location of lighting poles shall be shown on all the improvement plans.
- 14. 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 the interior streets and parking spaces. The report shall also test and analyze soil conditions for LID (Low Impact Development) principles and implementations, including potential infiltration alternatives, soil compaction, saturation, permeability and groundwater levels.

Exhibit "A" Page 3
Site Plan No. SP-081-2020 and Tentative Tract Map No. TT-18181

Conditions of Approval

15. The grading plan shall depict an accessibility route for the Americans with Disability Act (ADA) pathway in conformance with the requirements of the Department of Justice standards, latest edition.

- 16. In accordance with the Orange County Storm Water Program manual, the applicant and/or its contractors shall provide dumpsters on-site during construction unless an Encroachment Permit is obtained for placement in street.
- 17. Prior to the issuance of any grading or building permits, the applicant shall submit to the City for review and approval of a Water Quality Management Plan that:
 - a. Addresses Site Design BMPs based upon the geotechnical report recommendations and findings such as infiltration minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas
 - b. Incorporates the applicable Routine Source Control BMPs as defined in the DAMP
 - c. Incorporates structural and Treatment Control BMPs as defined in the DAMP
 - d. Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs
 - e. Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs
 - f. Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs
- 18. Prior to grading or building permit closeout and/or the issuance of a certificate of use or a certificate of occupancy, the applicant shall:
 - a. Demonstrate that all structural best management practices (BMPs) described in the Project WQMP have been constructed and installed in conformance with approved plans and specifications
 - b. Demonstrate that applicant is prepared to implement all non-structural BMPs described in the Project WQMP
 - c. Demonstrate that an adequate number of copies of the approved Project WQMP are available on-site

- d. Submit for review and approval by the City an Operations and Maintenance (O&M) Plan for all structural BMPs
- 19. The applicant and his contractor shall be responsible for protecting all existing horizontal and vertical survey controls, monuments, ties (centerline and corner) and benchmarks located within the limits of the project. If any of the above require removal; relocation or resetting, the Contractor shall, prior to any construction work, and under the supervision of a California licensed Land Surveyor, establish sufficient temporary ties and benchmarks to enable the points to be reset after completion of construction. Any ties, monuments and bench marks disturbed during construction shall be reset per Orange County Surveyor Standards after construction. Applicant and his contractor shall also re-set the tie monuments where curb or curb ramps are removed and replaced or new ramps are installed. The Applicant and his contractor shall be liable for, at his expense, any re-survey required due to his negligence in protecting existing ties, monuments, benchmarks or any such horizontal and vertical controls.

20. TIES TO HORIZONTAL CONTROL:

Prior to recordation of a final tract map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. The surveyor/engineer shall submit record information to the City on Auto Cad DWG format.

21. DIGITAL MAP SUBMISSION:

Prior to recordation of a final tract map, the surveyor/engineer preparing the map shall submit to the County Surveyor a digital graphics file of said map in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. The surveyor/engineer shall submit record information to the City on Auto Cad DWG format.

- 22. Prior to issuance of a grading permit, the applicant shall submit to Planning Services Division an updated title report along with copies of the recorded instruments listed in the title report, reference maps used to prepare legal description and the plat for review and approval of the tract map.
- 23. 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.

- 24. Any new or required block walls and/or retaining walls shall be shown on the grading plans. Cross sections shall show vertical and horizontal relations of improvements and property line. Block walls shall be designed in accordance to City standards or designed by a professional registered engineer. In addition, the following shall apply:
 - a. The color and material of all proposed block walls, columns, and wrought iron fencing shall be approved by the Planning Services Division prior to installation.
- 25. The applicant shall identify a temporary parking site(s) for construction crew and construction trailers office staff prior to issuance of a grading permit. No construction parking is allowed on local streets.
- 26. Prior to issuance of a grading permit, the applicant shall submit and obtain approval of a worksite traffic control plan, satisfactory to the City Traffic Engineer.
- 27. Heavy construction truck traffic and hauling trips should occur outside peak travel periods. Peak travel periods are considered to be from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.
- 28. Any required lane closures should occur outside of peak travel periods.
- 29. Construction vehicles should be parked off traveled roadways in a designated parking.
- 30. Prior to issuance of a grading permit, the applicant shall provide a hydrological analysis with scaled map and calculations and hydraulic calculations to size storm drains per the Orange County RDMD standards. Parkway culverts shall be designed per Orange County standard plan 1309, Type B or City of Garden Grove Standard Plan B-209. BMP's shall be sized per the requirements of the latest Technical Guidance Documents.
- 31. The applicant shall remove substandard driveway approach, curb, and sidewalk along Lampson Avenue and construct street frontage improvements as identified below. All landscape, sidewalk, and lighting improvements installed within the public rights-of-way shall be maintained by the applicant in a manner meeting the approval of the City Engineer and Planning Division.

Lampson Avenue

- a. Remove the existing substandard driveway on Lampson Avenue and construct new curb, gutter and sidewalk.
- b. The new street driveway approach to the site on Lampson Avenue shall be constructed in accordance with City of Garden Grove Standard Plan B-120 (option #3). Standard Plan B-120 calls for a minimum width of 24-feet for arterial street driveways.
- c. Construct 8-inch curb and gutter replacing the existing driveway approach along the property frontage at 30 feet from centerline in accordance with City Standard Plan B-113.
- d. Protect existing westerly tree on Lampson Avenue and plant a 15 gallon Australian Peppermint Willow tree at the existing westerly tree well.
- e. Remove and replace 8-foot sidewalk replacing the existing driveway approach on Lampson Avenue in accordance with City Standard B-106.
- f. Applicant shall coordinate the location of all new water meters, backflow preventers and backflow devices to be placed in sidewalk/landscape area on Lampson Avenue with the Planning Services Division and the Water Division.
- g. Any proposed new landscaping in public right-of-way shall be approved by Planning Services Division and maintained by the owner.

Public Works Environmental

32. The developer shall use the City's trash disposal provides, Republic Services, for the processing of construction and demolition debris.

Public Works Water Services Division

- 33. New water service installations 2" and smaller, shall be installed by the City of Garden Grove at owner's/developer's expense. Installation shall be scheduled upon payment of applicable fees, unless otherwise noted.
- 34. Water meters shall be located within the City right-of-way or within dedicated waterline easement.
- 35. Should the landscape system require a separate irrigation meter, a Reduced Pressure Principal Device (RPPD) shall be installed for meter protection. Installation shall be per City Standards and shall be tested by a certified backflow device tester immediately after installation. Cross connection

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

- 36. A composite utility site plan (W-drawing) shall be part of the water plan approval.
- 37. New water system within the private street shall connect to the water main on Lampson Ave, and shall be constructed per City Standards by developer and dedicated to the City. Bonding will be required.
- 38. There shall be a minimum 15-foot clearance of building footings from the water main. Clearances less than 15 feet shall be reviewed and approved by Water Engineering.
- 39. There shall be no structures or utilities built on or crossing water or sewer main easements.
- 40. New utilities shall have a minimum 5-foot horizontal and a minimum 1-foot vertical clearance from water main and appurtenances.
- 41. There shall be a minimum clearance from sewer main and water main of 10 feet from outside of pipe to outside of pipe.
- 42. The meter and services for the new lots shall be installed per City Standard B-719, which specifies a residential fire sprinkler connection (RFSC) on the backside of the meter. There shall be one meter and service per lot, unless otherwise allowed by City of Garden Grove Planning Services Division.
- 43. Any new or existing water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.
- 44. City shall determine if existing water services(s) is/are usable and meets current City Standards. Any existing meter and service located within new driveway(s) shall be relocated at owner's expense.
- 45. Water meters and boxes shall be installed by City forces upon payment of applicable fees and after new water system (including water services) pass all bacteriological and pressure tests.
- 46. Water services shall not be turned on until an account is set up.
- 47. No permanent structures, trees or deep-rooted plants shall be placed over sewer main or water main.

- 48. Location and number of fire hydrants shall be as required by Water Services Division and the Fire Department.
- 49. Owner shall install new private sewer main with laterals and clean outs at right-of-way line. The sewer main connection in public right-of-way shall be 6" minimum diameter, extra strength VCP with wedgelock joints and inspected by GGSD. All on site sewer and appurtenances to be installed per the California Plumbing Code and inspected by the Building and Safety Division.
- 50. New private sewer main shall cross below the 18" water main on Lampson Avenue with a minimum separation of 12" outside diameter to outside diameter. Any deviations from the above shall require a variance from the State Water Resources Control Board.
- 51. 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.

Building and Safety Division

52. The project shall comply with the requirements of the 2019 California Building Code, the California Green Building Code, and all California Model Codes, including, that the buildings shall be solar ready.

Fire Department

53. The applicant shall comply with all applicable Orange County Fire Authority requirements, including, but not limited to the Fire Master Plan.

Planning Services Division

- 54. The applicant shall submit detailed plans, showing the proposed location of utilities and mechanical equipment to the Community and Economic Development Department, Planning Services Division for review and approval prior to submitting plans into the Building and Safety Division Plan Check process. 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. All on-site and off-site utilities pertaining to the improvements proposed under this Site Plan and Tentative Tract Map, shall be installed or relocated underground.
 - b. All above-ground utility equipment (e.g. electrical, gas, telephone, cable TV) shall not be located in the street setback, within the common areas,

- or any parking areas, and shall be screened to the satisfaction of the Community and Economic Development Director.
- 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 and Economic Development Department prior to the issuance of building permits. Screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
- d. All ground or wall-mounted mechanical equipment shall be screened from view from any place on or off the site
- e. No exterior piping, plumbing, or mechanical ductwork shall be permitted on any exterior façade and/or be visible from any public right-of-way or adjoining property. Roof rain gutters are permitted. The rain gutters shall follow the natural architecture lines of the building.
- 55. All landscaping shall be consistent with the landscape requirements of Title 9 of the Municipal Code. The developer shall submit a complete landscape plan governing the entire development. The landscape irrigation plans shall include type, size, location and quantity of all plant material. The landscape plan shall include irrigation plans and staking and planting specifications. All landscape irrigation shall comply with the City's Landscape Ordinance and associated Water Efficiency Guidelines. The landscape plan is also subject to the following:
 - a. A complete, permanent, automatic remote control irrigation system shall be provided for all landscaping areas shown on the plan. The sprinklers shall be of drip or microspray system sprinkler heads for water conservation.
 - b. The plan shall provide a mixture of a minimum of ten percent (10%) of the trees at 48-inch box, ten percent (10%) of the trees at 36-inch box, fifteen percent (15%) of the trees at 24-inch box, and sixty percent (60%) of the trees at 15-gallon, the remaining five percent (5%) may be of any size. These trees shall be incorporated into the landscaped frontages of all streets. Where clinging vines are considered for covering walls, Boston Ivy shall be used.
 - c. The applicant shall be responsible for installing and maintaining the landscaping until such time as the project nears complete sell-out and the Homeowner's Association or a lot owner takes over maintenance responsibility.

- d. Except as otherwise provided in the CC&Rs approved by the City, the Homeowner's Association shall be responsible for all installation and permanent maintenance of all landscaping on the property. responsibility shall extend to the parkway landscaping, sidewalk, curb, and pavement of the site. All planting areas are to be kept free of weeds, debris, and graffiti. All organic landscaping waste shall be disposed of in accordance with applicable law and regulations of the City, the Garden Grove Sanitary District, and the State California. Maintenance of these landscape areas shall be included within the CC&R's for the project.
- e. No trees shall be planted closer than five feet (5') from any public right-of-way. Trees planted within ten feet (10') of any public right-of-way shall be planted in a root barrier shield. All landscaping along street frontages adjacent to driveways shall be of the low height variety to ensure safe sight clearance. All trees planted on the individual private lots, whether for screening the houses from the neighboring lots or for aesthetic or selling/marketing purposes, shall have an irrigation system installed in order maintain the trees.
- f. The landscaping treatment along the Lampson Avenue frontage, including the area designated as public right-of-way, and the front setback areas of each lot, shall incorporate a mixture of groundcover, flowerbeds, shrubs, and trees to enhance the appearance of the property. The Community and Economic Development Department, Planning Services Division shall review the type and location of all proposed trees and plant materials.
- g. The landscape plan shall incorporate and maintain for the life of the project those means and methods to address water run-off also identified as Low Impact Development provisions, which address water run-off. This is to also to be inclusive of any application of Water Quality Management Plans (WQMP), Drainage Area Management Plans (DAMP) and any other water conservation measures applicable to this type of development.
- h. At the time of irrigation installation, the irrigation system shall comply with all applicable provisions of the City's Water Conservation Ordinance, the City's Municipal Code landscape provisions, and all applicable state regulations.
- i. All above-ground utilities (e.g. water backflow devices, electrical transformers, irrigation equipment) shall be shown on the landscaping plan in order to ensure proper landscape screening will be provided.
- 56. Enhanced concrete treatment shall be provided along the entry to the private street subject to the Community and Economic Development Department's

approval that includes decorative stamped concrete or interlocking pavers or other enhanced treatment, excluding scored and/or colored concrete. Color, pattern, material, and final design and configuration shall be shall be approved by the Community and Economic Development Department, Planning Division, and shall be shown on the final site plan, grading plan, and landscape plans.

- 57. 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 Planning Services Division. 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.
- 58. Hours and days of construction and grading shall be as set forth in the City of Garden Grove Municipal Code Section 8.47.010 as adopted, except that:
 - a. Monday through Friday not before 7:00 a.m. and not after 5:00 p.m.
 - b. Saturday not before 8:00 a.m. and not after 5:00 p.m. All construction activity on Saturday shall be limited to interior construction only.
 - c. Sunday and Federal Holidays no construction shall occur.
- 59. Construction activities shall adhere to SCAQMD Rule 403 (Fugitive Dust), which includes dust minimization measures, the use of electricity from power poles rather than diesel or gasoline powered generators, the use of methanol, natural gas, propane, or butane vehicles instead of gasoline or diesel powered equipment, where feasible, the use of solar or low-emission water heaters, and the use of low-sodium parking lot lights, to ensure compliance with Title 24.
- 60. During construction, if paleontological or archaeological resources are found, all attempts will be made to preserve in place or leave in an undisturbed state in compliance with applicable law.
- The applicant shall comply with all provisions of the Community and Economic Development Department including, but not limited to, the following:
 - a. The facade of the units shall be designed with sound attenuation features including the use of dual pane windows, a minimum 4-inch decorative wide trim on all windows and doors, and limiting, when possible, the use of vents. These features shall be approved by the Community and Economic Development Department prior to the issuance of building permits.
 - b. Prior to the finalization of working drawings for Planning Services Division, Engineering Division, and Building and Safety Division Plan

Check, the applicant shall submit to the Community and Economic 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.

- c. Each unit shall have phone jacks and cable-TV outlets in all rooms, except the laundry area, hallways, and bathrooms. All garage doors shall be of automatic roll-up type. 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, and is properly screened from view.
- d. The second floor windows shall, to the extent feasible, be oriented away from the existing single-family homes and/or incorporate view-obscuring measures such as the use of high windows, window alignment, and obscure glass window glazing.
- e. Should the applicant elect to build the project in more than one phase, then a phasing plan shall be submitted to the Community and Economic Development Department prior to releasing units for model purposes. The phasing plan shall include, but not be limited to, a site plan showing the phasing areas, protection of finished units, and protection for related safety issues concerning pedestrians and non-construction vehicles. The perimeter improvements including landscaping, walls, street improvements, and underground utilities, shall be completed in the first phase. The phasing plan shall be approved by the Community and Economic Development, Public Works Departments, ad OCFA prior to issuance of building permits.
- 62. All new block walls, and/or retaining wall(s), including existing block walls to remain, 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 perimeter block walls shall be required, and shall be constructed to a minimum height of 6 feet to a maximum height of 7 feet, as measured from highest point of the on-site finished grade. The block walls shall be constructed of decorative split-face masonry with decorative caps, subject to the Community and Economic Development Department's approval. No walls greater than 36-inches in height shall be construction with the driveway vision clearance area of the project's entrance. All existing block walls shall be modified, as necessary, to

comply with the minimum block wall height requirement. The type, texture, and color of the block wall shall be approved by the Planning Services Division, and shall match any existing block wall that will remain.

- a. Private interior project walls, with a minimum height of 6 feet, and a maximum height of 7 feet, constructed from decorative masonry block or from wood, shall be constructed along the property line of each lot to provide privacy to each unit. The walls shall maintain a minimum setback of 20 feet from the front property line or a 20 feet setback if located adjacent to any driveway. Any wall located within the front setback area shall be limited to a height of 36-inches, except as allowed in Condition of Approval 64.
- 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 to 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 applicant shall work with City Staff to address this situation. The Community and Economic Development Director shall be authorized to approve minor alterations the size and/or location of the landscape planter to accommodate the placement of such wall.
- 63. The proposed 6'-0" fence allowed within the front setback area of Lot 1, shall comply with the following:
 - a. The 6 foot fence shall maintain a 15 foot setback from the front property line located along Lampson Avenue.
 - b. The design of the fence shall be decorative, with the bottom, 36-inches of the fence constructed of decorative block that matches the decorative block used for the perimeter block wall, and the upper, 36-inches of wrought iron with decorative pilasters.
 - c. The overall height of the 6 foot fence, including pilasters, shall be measured from the on-site grade located adjacent to the block wall.
 - d. The pilasters, as measured from the on-site finished grade, shall be 6 feet in height, regardless of the grading level height. The pilasters shall be spaced evenly.

- e. The applicant shall obtain a building permit for the construction of the pilasters.
- 64. The applicant shall prepare Covenants, Conditions, and Restrictions (CC&R's) for review and approval by the City Attorney's Office and the Community and Economic Development Department prior to the issuance of building permits. The approved CC&R's shall be recorded at the same time that the subdivision map is recorded and two copies of the recorded CC&R's shall be provided to the Planning Services Division. The CC&R's shall include the following stipulations and/or provisions:
 - a. All units shall maintain the ability to park two (2) vehicles within the garages at all times. Garages shall not be converted to any other use.
 - a. There shall be no business activities, day care, or garage sales conducted within or from the garages.
 - b. Garages shall not be rented or leased separately from the dwelling units and shall not be made unavailable to the occupants of the units.
 - c. Parking spaces in the garages shall be made available to the occupants of the unit at all times.
 - d. Residents shall not park or store vehicles anywhere on the site except within the designated parking spaces located within the enclosed garage space for each unit and the open parking spaces located along the private driveway. However, the three (3) on-street parallel parking spaces may be utilized by residents or guests for temporary parking. Any issues arising from the use, application, or restriction of such open parking spaces shall be at the resolve of the Homeowner's Association.
 - e. Each Owner shall prevent and abate all graffiti vandalism within his/her/its Lot and/or within any Exclusive Use Area or Property Wall over which he/she/it exercises control and/or is responsible to maintain. The Homeowner's Association shall prevent and abate all graffiti vandalism within the Common Area and any other portions of the Properties or Property Walls owned or controlled by the Association. The Homeowners Association and Owners shall implement management practices to prevent and abate graffiti vandalism within the Properties throughout the life of the project, including, but not limited to, timely removal of all graffiti, the use of graffiti resistant coatings and surfaces, the installation of vegetation screening of frequent graffiti sites, and the installation of signage, lighting, and/or security cameras, as necessary. Graffiti shall be removed/eliminated by the Homeowner's Association or responsible Owner as soon as

reasonably possible after it is discovered, but not later than 72 hours after discovery.

- f. Each residence shall be utilized as one (1) dwelling unit. No portion of any residence shall be utilized or rented as a separate dwelling unit.
- g. Second-story decks shall remain open and shall not be enclosed at any time. There shall be no storage allowed in the balconies at any time.
- h. Parking and storage of boats, recreational vehicles, or commercial vehicles on the property is prohibited.
- i. There shall be no parking allowed along the drive-aisle and the turn-around area, except within the designated guest parking spaces. All curbs not designated as parking areas, including the Fire Department turn-around area, shall be painted red.
- j. Each unit shall maintain a minimum of one thousand square feet of usable open space in the required rear yard. This area shall be open and unobstructed from the ground to the sky.
- k. Each lot shall be subject to the development standards of the R-1 (Single-Family Residential) zone.
- I. Trash containers shall be stored within designated storage areas only and not within the garage parking area. The placement of trash containers for pick-up, and the duration of time prior to and after trash collection of those trash containers, is subject to the Garden Grove Sanitary District requirements. The applicant shall provide each individual unit with a trash storage area to accommodate three trash containers. The area for each container shall be a minimum of 38 inches by 38 inches. The trash areas shall be paved and accessed by gates and a walkway for ease of taking trash containers to and from the street.
- m. The CC&R's shall include provisions providing the owners or tenants a means of contacting persons responsible for site maintenance, repairs, trash pick-up, and other related matters for a development of this type. This shall also include scheduling of maintenance of such items as the recreation area, landscape area maintenance, etc. This also includes ensuring tree overhangs do not block or hinder any vehicles such as street sweepers, trash trucks, fire trucks, etc., from maneuvering through the site.
- n. The CC&R's shall include stipulations that maintenance of the private drive aisles, storm drain, sewer system, and open space areas within the interior of the development, and the landscape setback areas outside the development walls adjacent to the Lampson Avenue

frontage road is the responsibility of the Homeowner's Association, including the common landscaped areas.

- o. The Conditions of Approval for Site Plan No. SP-081-2020 and Tentative Tract Map No. TT-18181 shall be incorporated into the CC&Rs, and provisions corresponding to any applicable Conditions of Approval shall be included in the CC&Rs.
- p. The following provisions shall be included within the CC&R's (in substantially the same form as below or as otherwise approved by the City Attorney):
 - i. <u>Compliance with Stormwater Quality Regulations</u>. The Homeowner's Association shall implement, and fund implementation of, the Operation and Maintenance ("O&M") Plan for the Property, which was approved by the City as part of the Water Quality Management Plan ("WQMP") required for development of the Property, and shall operate and maintain the Best Management Practices ("BMPs") described in the O&M Plan for the Property, which includes:
 - f. Description of all post-construction BMPs (nonstructural and structural),
 - g. Description of the Property owner's(s') responsibilities and required training of persons performing BMP implementation, operation and maintenance,
 - h. Implementation frequency and operating schedule,
 - i. Inspection/maintenance frequency and schedule,
 - j. Specific maintenance activities,
 - k. Required permits from resource agencies, if any,
 - I. Forms to be used in documenting implementation, operation and maintenance activities,
 - m. Recordkeeping requirements.

A copy of the approved O&M Plan is described in the current WQMP for the Project, as it may be amended from time to time according to its terms, which is on file with the City of Garden Grove Community and Economic Development Department, and is incorporated herein by this reference. The Committee shall maintain a copy of the current WQMP at a location on the Property.

The Property shall be, and the Homeowner's Association shall ensure that the Property is, used and maintained in full compliance with the provisions of the O&M Plan and Chapter 6.40 (Stormwater Quality) of the Garden Grove Municipal Code, as it may be amended. The City shall have the right to inspect the Property for the purpose of verifying compliance with this provision. The City of Garden Grove shall be an intended third-party beneficiary to this provision. The City shall have

the right and authority, but not the obligation, to enforce this provision by any legal or equitable means, or by any method available to the Property owners as provided elsewhere in the Declaration, against the Declarant, Homeowner's Association, Owners, their successors and assigns, or other persons in possession of the Property. This provision shall not be amended or terminated without the written approval of the City of Garden Grove Community and Economic Development Department.

- ii. Enforcement: The City is hereby made a party to this Declaration solely for purposes of enforcing its provisions and the Conditions of Approval of Site Plan No. SP-081-2020 and Tentative Tract Map No. TT-18181. The City, its agents, departments and employees shall have the unrestricted right and authority, but not the obligation, to enforce the provisions of this Declaration and the Conditions of Approval of Site Plan No. SP-081-2020 and Tentative Tract Map No. TT-18181. enforcement of this Declaration, the City shall not be limited to the procedures or processes described in this Declaration and may use any remedy provided under law or equity, including the City's Municipal Code. The City, its agents, departments and employees may further refuse to issue any building, electrical or plumbing permit that may be in violation of these Declarations or Site Plan No. SP-081-2020 and Tentative Tract Map No. TT-18181 approvals. However, the City shall not be liable for failing or refusing to enforce the provisions of these Declarations or the Conditions of Approval of Site Plan No. SP-081-2020 and Tentative Tract Map No. TT-18181. The alternative dispute resolution provisions set forth in Section / Article [SECTION] of this Declaration shall not apply to or legally bind the City.
- iii. Assessments: The City may levy special assessments against the properties in connection with its actions to enforce the conditions of this Declaration or Site Plan No. SP-081-2020 and Tentative Tract Map No. TT-18181 approvals, or to abate the violation thereof. The City shall have the same power as the Association to levy special assessments pursuant to the provisions of [SECTION] of this Declaration in the event that it incurs expenses in the enforcement of the conditions of these Declarations or Site Plan No. SP-081-2020 and Tentative Tract Map No. TT-18181 approvals. Notice of intention to make such assessment shall be mailed by the City to the Owner of each affected [LOT/UNIT] affording the Owner thirty (30) days' notice to satisfy or reimburse the City's expenditure. In the event of the failure of any Owner of any affected [LOT/UNIT] to reimburse the City within thirty (30) days, notice of such assessment shall be mailed by the City to said Owner, and said assessment shall thereafter be due as a separate debt to the City within thirty (30) days following the mailing of such notice. Any such delinquent assessment may be and may become a lien upon the interest of the defaulting Owner in the Lot upon the execution by

the City and the recording in the Orange County Recorder's office of a notice of delinquent assessment under the same conditions that the Association could record the same pursuant to the provisions of [SECTION]. The City may foreclose on such notice of delinquent assessment in the same manner and with the same power as the Association could foreclose on such notice pursuant to the provisions of [SECTION]. It is the intent of Declarant, which intent shall be binding upon all of Declarant's successors in interest in the Properties, that the City shall be deemed an interest holder pursuant to the provisions of these Declarations in order to enforce the rights which have been given to the City generally in these Declarations and specifically pursuant to this Section.

- iv. Attorney Fees: The City shall be entitled to recover its attorney's fees incurred in connection with its actions to enforce the conditions of these Declarations or Site Plan No. SP-081-2020 and Tentative Tract Map No. TT-18181 approvals, or to abate the violation thereof.
- v. <u>Public Safety Access</u>: The Police and Fire Department personnel may enter upon any part of the common area for the purpose of enforcing State and Local laws.
- vi. <u>Modification/Termination</u>: This Declaration shall not be terminated or substantially amended without the prior written approval of the City of Garden Grove Community and Economic Development Department.
- 65. Final Tentative Tract Map No. TT-18181 shall be approved by the City recorded by the applicant prior to issuance of building permits for the proposed single-family homes.
- 66. The applicant/property owner shall submit signed letters acknowledging receipt of the decision approving Site Plan No. SP-081-2020 and Tentative Tract Map No. TT-18181, and his/her agreement with all conditions of approval.
- 67. The applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, or proceeding against the City, its officers, agents, employees and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body, or City staff action concerning Site Plan No. SP-081-2020 and Tentative Tract Map No. TT-18181. The applicant shall pay the City's defense costs, including attorney fees and all other litigation related expenses, and shall reimburse the City for court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award, which may issue against the City including, but not limited, to any award of attorney fees to a

party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein.

- 68. In accordance with Garden Grove Municipal Code Sections 9.32.160 and 9.40.070.A, respectively, the rights granted pursuant to Site Plan No. SP-081-2020 and Tentative Tract Map No. TT-18181 shall be valid for a period of two years from the effective date of this approval. Unless a time extension is granted pursuant to Section 9.32.030.D.9 of the Municipal Code, the rights conferred by Site Plan No. SP-081-2020 shall become null and void if the subject development and construction necessary and incidental thereto is not commenced within two (2) years of the expiration of the appeal period and thereafter diligently advanced until completion of the project. In the event construction of the project is commenced but not diligently advanced until completion, the rights granted pursuant to Site Plan No. SP-081-2020 shall expire if the building permits for the project expire.
- 69. The Conditions of Approval set forth herein include certain development impact fees and other exactions. Pursuant to Government Code §66020(d), these Conditions of Approval constitute written notice of the amount of such fees. The applicant is hereby notified that the 90-day protest period, commencing from the effective date of approval of Site Plan No. SP-081-2020 and Tentative Tract Map No. TT-18181, has begun.