

# COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b>  <b>C.1</b>	<b>SITE LOCATION:</b> The site is located on the west side of Buaro Street, south of Chapman Avenue, between Jentges Avenue and Twintree Avenue, at 12111 Buaro Street
<b>HEARING DATE:</b> September 21, 2017	<b>EXISTING GENERAL PLAN:</b> Civic Institutional, C/I
<b>CASE NOS.:</b> General Plan Amendment No. GPA-003-2017, Site Plan No. SP-041-2017, Variance No. V-016-2017, Tentative Tract Map No. TT-18117	<b>PROPOSED GENERAL PLAN:</b> Medium Density Residential, MDR
<b>APPLICANT:</b> Buaro Partners, LLC	<b>EXISTING ZONE:</b> R-3 (Multiple-Family Residential)
<b>REPRESENTATIVE:</b> David Graves – Pinnacle Residential	<b>APN:</b> 231-331-12
<b>PROPERTY OWNER:</b> Della P. Gibbs Foundation, a California Corporation	<b>CEQA DETERMINATION:</b> Mitigated Negative Declaration

**REQUEST:**

A request for approval of a Site Plan to construct 17 attached condominium townhouses in two buildings on a .987-acre lot (43,002 sq. ft.), Variances for reduced setbacks: one between the residences and the drive aisle; and the second between the recreational open space and units; and a Tentative Tract Map to subdivide the site into a single parcel with condominiums. A General Plan Amendment is required to change the property from the Civic/Institutional Land Use designation to the Medium Density Residential designation.

**PROJECT STATISTICS:**

	<b>Provided</b>	<b>Code Requirement</b>	<b>Meets Code</b>
<b>Total Lot Size</b>	.987 acre, 43,002 S.F.	7,200 S.F.	Yes
<b>Density By Lot Area</b>	17 units	20 units permitted on lots between 41,400-43,559	Yes
<b>Total Parking</b>	56	56 /3.25 per unit	Yes
<b>Recreation Area Total</b>	5,861 S.F.	300 S.F. per unit 17 x 300 = 5,100 S.F.	Yes
Common Area	1,646 S.F. Active Rec. 700 S.F. Passive Rec.	Minimum dimension of 40 feet for a total of 1,600 S.F.	Yes
Private Yard/ Balcony	3,515 S.F.		
<b>Building Setbacks</b>			Yes
Front	20'-0"	20'-0"	Yes
Rear	46'-0"	20'-0"	Yes
Front/Side 2 to 3 Story	14'-0"	11'-0"	Yes
Front/Rear 2 to 2 Story	14'-0"	12'-6"	Yes
Residence to Driveway	5'-0"	10'-0"	No
Residence to Common Area	3'-0"	5'-0"	No

drive aisle as they are buffered by the utility closets. Similar variances to reduce this separation depth have been approved in many prior developments.

Another variance is required to reduce the separation from any unit to the active recreation area. The Multiple-Family Residential open space standards require minimum dimensions for the active recreation area based on the lot size. In the case of the 12111 Buaro Street proposal, the lot is 43,002 square feet in area and requires a minimum dimension of 40 feet for active recreation open space. In addition to this 40-foot dimension, the active recreation areas shall be located 5 feet from any habitable structure. The proposal is requesting a variance to provide a 3-foot separation from the recreation area instead of the 5-foot separation. Planning staff is in support of this request because with the slight reduction in separation, a better design can be achieved with the Active Recreation Area located in the middle of the units and not in the back corner of the property. Other such variances have been approved for similar projects.

General Plan Amendment. A General Plan Amendment is required to change the General Plan Land Use designation from Civic/Institutional to Medium Density Residential to allow the development of 17 attached townhouses. As mentioned in the background section, the site and six neighboring parcels to the north, east, and northeast were in the Medium Density Residential designation under the prior General Plans. Planning staff have reviewed the history and determined that a mapping error occurred that included these seven parcels in the newly added Civic/Institutional General Plan designation (2008). Only the Walton Intermediate School, immediately south of the subject property, should have been included in the Civic/Institutional designation. By amending the General Plan back to the Medium Density Residential designation, the subject property will have consistency between the General Plan designation and the existing R-3 Zoning, and appropriate development can occur on the site. The site will be developed with a 17-unit project, which is similar to the existing scale of the surrounding development with apartment buildings ranging from 20 units to 50 units.

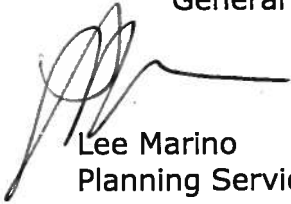
Environmental Review. The proposed project was reviewed and an initial study was prepared pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq. and the CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq.) Based on the Initial Study and supporting technical analyses, it was determined that all potentially adverse environmental impacts can be mitigated to a level of less than significant. On this basis, a Mitigated Negative Declaration has been prepared. The environmental consultant and City staff conferred with the Kizh Gabrieleno Band of Mission Indians and incorporated language into the mitigation measures based on this consultation. Copies of the Mitigated Negative Declaration are attached to this report along with a CD-Rom that contains a complete digital version of the environmental document with the corresponding technical studies.

### **RECOMMENDATION:**

Staff recommends that the Planning Commission take the following actions:

CASE NOS. GPA-003-2017, SP-041-2017, V-016-2017, TT-18117

1. Adopt Resolution No. 5896-17 recommending that the City Council adopt the Mitigated Negative Declaration and approve General Plan Amendment No. GPA-003-2017; and,
2. Adopt Resolution No. 5897-17 approving Site Plan No. SP-041-2017, Variance No. V-016-2017, and Tentative Tract Map No. TT-18117, subject to the recommended Conditions of Approval and contingent upon City Council adoption of a Mitigated Negative Declaration for the Project and a resolution approving General Plan Amendment No. GPA-003-2017.



Lee Marino  
Planning Services Manager



By: Erin Webb  
Senior Planner



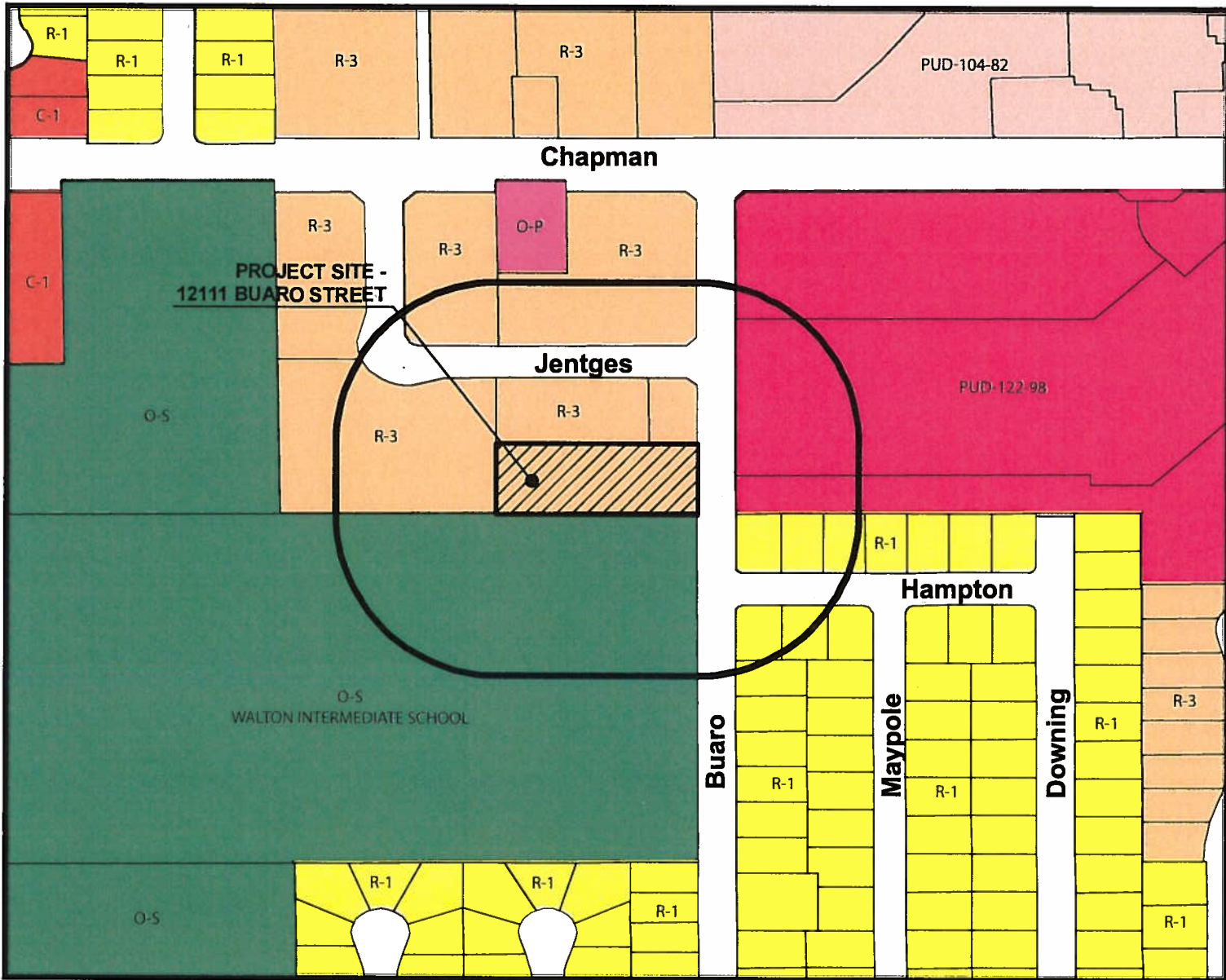
**GARDEN GROVE**

# GENERAL PLAN AMENDMENT NO. GPA-003-2017

## SITE PLAN NO. SP-041-2017

## VARIANCE NO. V-016-2017

## TENTATIVE TRACT MAP NO. TT-18117



### LEGEND

 SUBJECT SITE - 12111 BUARO STREET

 300 FEET RADIUS



### NOTES

1. SITE ADDRESS - 12111 BUARO STREET
2. GENERAL PLAN: CIVIC / INSTITUTIONAL TO MEDIUM DENSITY RESIDENTIAL

**CITY OF GARDEN GROVE  
 COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT  
 PLANNING DIVISION  
 GIS SYSTEM  
 SEPTEMBER 2017**



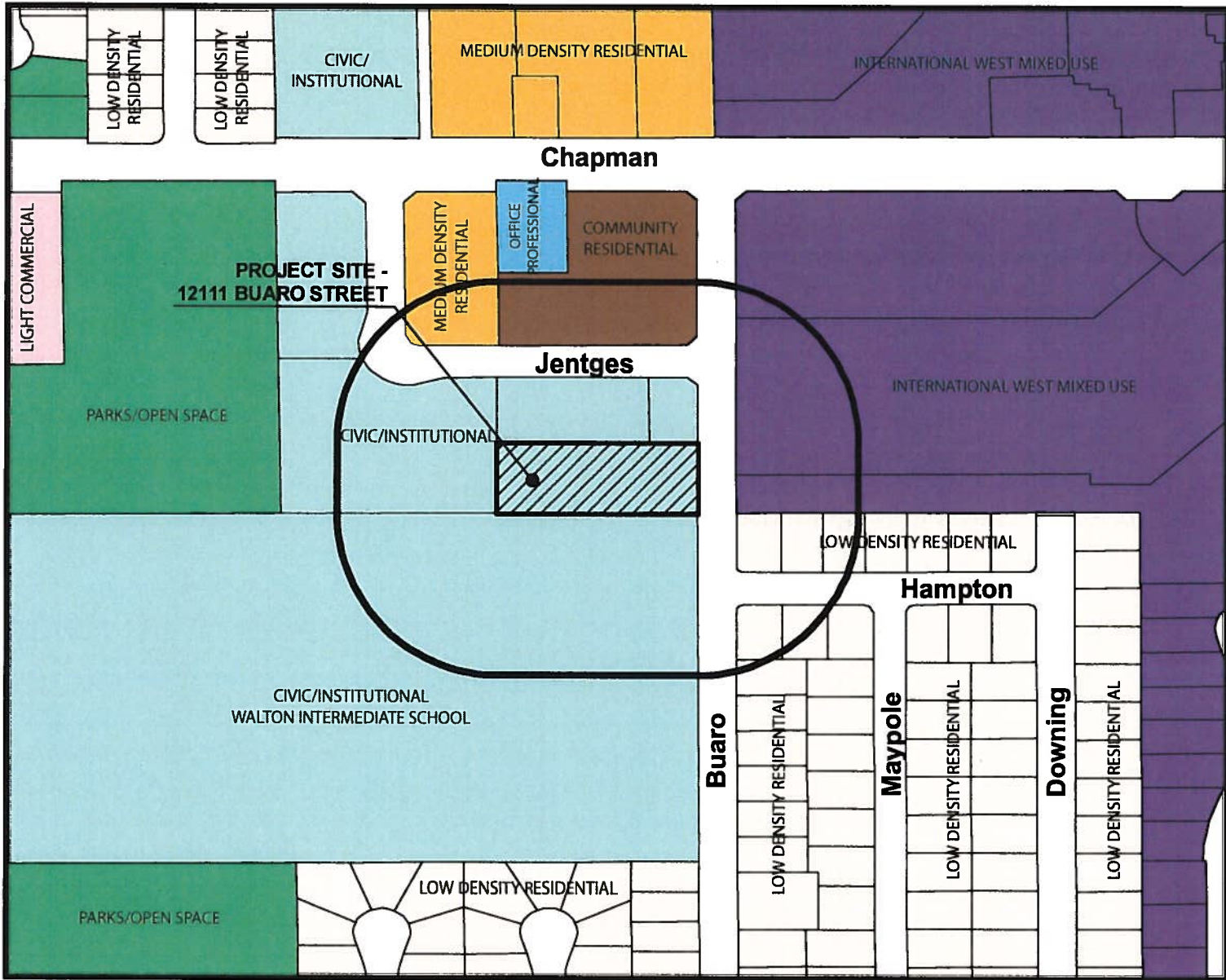
**GARDEN GROVE**

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**COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT**  
**PLANNING DIVISION**  
**GIS SYSTEM**  
**SEPTEMBER 2017**

# 12111 BUARO STREET, GARDEN GROVE, CA



## SHEET INDEX

DEVELOPER/BUILDER	ARCHITECT	CIVIL	PROJECT INFO	ARCHITECTURE
PINNACLE RESIDENTIAL 2 VENTURE, SUITE 350 IRVINE, CA 92618 CONTACT: DAVID GRAVES 949.207.3270 x104	KTGY 17911 Von Karman Ave, Irvine, CA 92614 CONTACT: ALAN SCALES 949.221.6256	PROACTIVE ENGINEERING CONSULTANTS 200 SOUTH MAIN STREET, SUITE 300 CORONA, CA 92882 CONTACT: CHRIS BAUM 951.280.3313	TYPE OF CONSTRUCTION: TYPE V-B OCCUPANCY GROUPS: GROUP R-3 GROUP R FIRE SPRINKLERS: NFPA 13D	A1.0 9-UNIT COMPOSITE PERSPECTIVES A1.1 9-UNIT COMPOSITE ELEVATIONS A1.2 8-UNIT COMPOSITE PERSPECTIVES A1.3 8-UNIT COMPOSITE ELEVATIONS A2.0 9-UNIT COMPOSITE PLAN A2.1 9-UNIT COMPOSITE PLAN A2.2 8-UNIT COMPOSITE PLAN A2.3 8-UNIT COMPOSITE PLAN A3.0 PLAN 1- 3BD/2.5BA A3.1 PLAN 2- 3BD/DEN/OPT. BED/3.5BA
				CIVIL C1.0 SITE PLAN PRELIMINARY WQMP



Architects & Planners  
17911 Von Karman Ave,  
Suite 200  
Irvine, CA 92614  
Tel: 949.221.6256  
ktgy.com

**PINNACLE**  
RESIDENTIAL  
Pinnacle Residential  
2 Venture, Suite 350  
Irvine, CA 92618  
949.207.3270

**GARDEN GROVE SCHOOL SITE**  
#2016-0037  
Garden Grove, CA

Per Date:  
1st Submittal: 11-16-2017  
2nd Submittal: 03-20-2017  
3rd Submittal: 07-19-2017

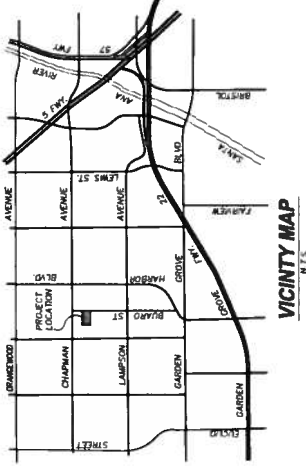
18/07/2017  
11-16-2017  
03-20-2017  
07-19-2017

# SITE PLAN

## 12111 BUARO STREET

### IN THE CITY OF GARDEN GROVE

### COUNTY OF ORANGE, STATE OF CALIFORNIA



#### PROJECT INFORMATION

ASSESSOR PARCEL NUMBER: 231-331-012  
 NET AREA: 0.987 ACRES / 42,992 S.F. (NET)      17 DU / ACRE

TOTAL NUMBER OF UNITS: 17

BUILDING HEIGHT: 35' - 0"

BUILDING AREA COVERAGE: 36.0%

ALLEY AREA: 10,155 S.F.      23.6%

PARKING SPACE AREA: 3,566 S.F.      8.3%

COMMON OPEN SPACE AREA: 1,628 S.F.      3.8%

LANDSCAPING AREA: 4,892      11.4%

#### UNIT SUMMARY

PLAN 1 - 6 UNITS

3 BD / 2.5 BA	649 S.F.
1ST FLOOR	818 S.F.
2ND FLOOR	596 S.F.
TOTAL LIVING	1,414 S.F.
GARAGE	418 S.F.

TOTAL UNITS = 17

PLAN 2 - 11 UNITS

3 BD / DEV/OPT 4BD / 3.5 BA	378 S.F.
1ST FLOOR	662 S.F.
2ND FLOOR	596 S.F.
TOTAL LIVING	1,258 S.F.
GARAGE	436 S.F.
DECK	146 S.F.

#### PARKING SUMMARY

PARKING REQUIRED 3.25 x 17 UNITS = 55.25

PARKING TYPE	AMOUNT	TOTAL
2 CAR GARAGE	17	34 SPACES
OPEN SPACES	20	20 SPACES
ACCESSIBLE SPACE	2	2 SPACES
TOTAL SPACES PROVIDED	2	56 SPACES

DATE: 3/20/17

**SITE PLAN**

12111 BUARO STREET

CITY OF GARDEN GROVE

Prepared For:  
**PINNACLE RESIDENTIAL**  
 Pinnacle Residential  
 11 Waverley, Suite 350  
 Irvine, CA 92618  
 949-251-5270

PREPARED BY:  
**PROACTIVE**  
 LANDSCAPE ARCHITECTURE  
 2000 S. TERRY AVENUE, SUITE 101  
 ANAHEIM, CA 92806  
 714-635-1111

SHEET 1 OF 1

#### LEGEND

(Symbol)	EXISTING WATER LINE (PROV)	(Symbol)	EXISTING WALKWAY
(Symbol)	PROPOSED WATER LINE (PROV)	(Symbol)	PROPOSED WALKWAY
(Symbol)	EXISTING STREET CURB	(Symbol)	EXISTING WALKWAY
(Symbol)	PROPOSED STREET CURB	(Symbol)	PROPOSED WALKWAY
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EXISTING CHAIN LINK FENCE  
 PROPOSED CHAIN LINK FENCE

EXISTING ASPHALT DRIVEWAY  
 PROPOSED ASPHALT DRIVEWAY

EXISTING CONCRETE DRIVEWAY  
 PROPOSED CONCRETE DRIVEWAY

EXISTING STAIRS  
 PROPOSED STAIRS

EXISTING PORCH  
 PROPOSED PORCH

EXISTING BALCONY  
 PROPOSED BALCONY

EXISTING TERRACE  
 PROPOSED TERRACE

EXISTING DECK  
 PROPOSED DECK

EXISTING PATIO  
 PROPOSED PATIO

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 PROPOSED PORCH LIGHT

EXISTING STREET LIGHT  
 PROPOSED STREET LIGHT

EXISTING DRIVEWAY CURB  
 PROPOSED DRIVEWAY CURB

EXISTING DRIVEWAY CUTTER  
 PROPOSED DRIVEWAY CUTTER

EXISTING DRIVEWAY WATER  
 PROPOSED DRIVEWAY WATER

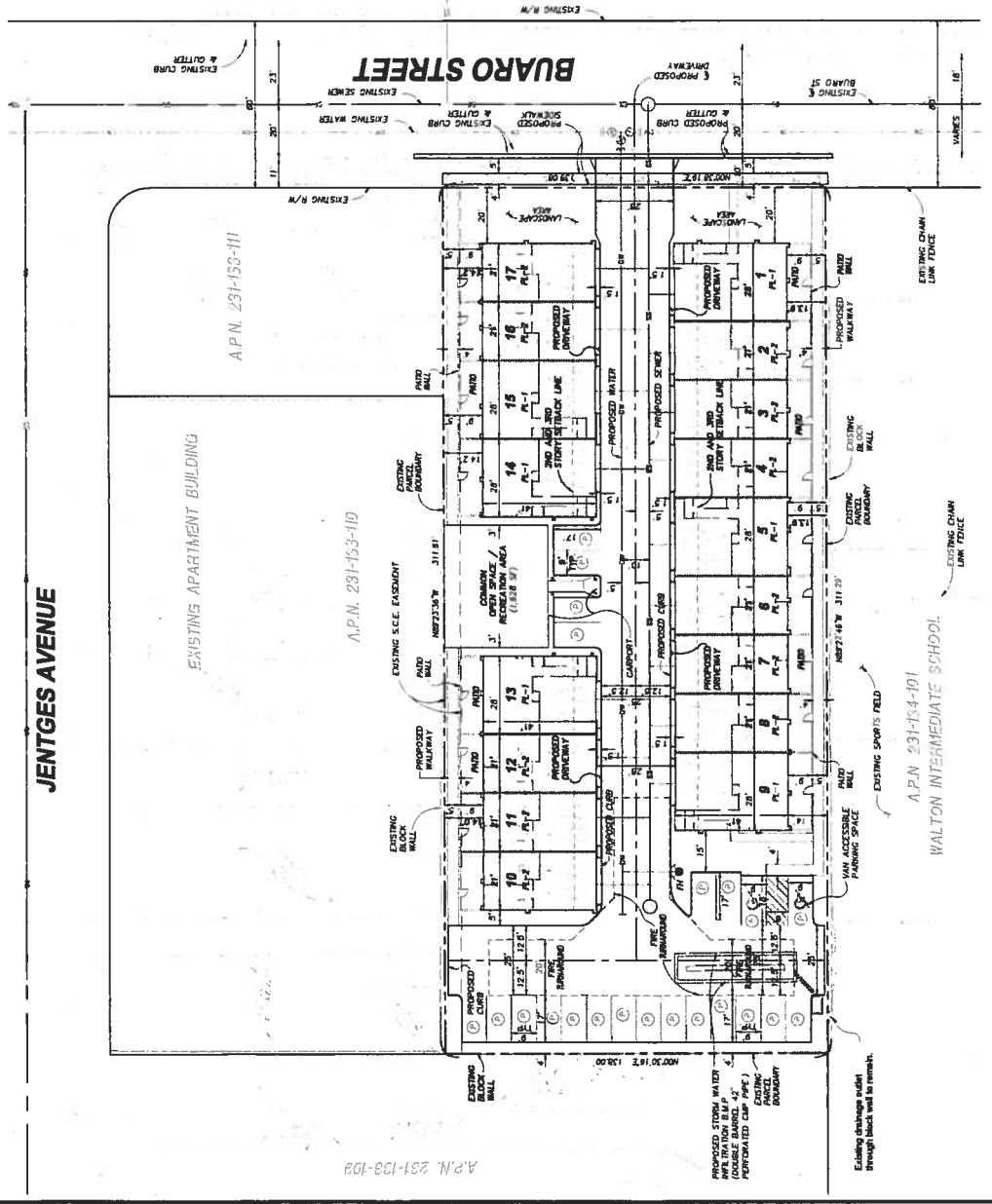
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 PROPOSED DRIVEWAY WALKWAY

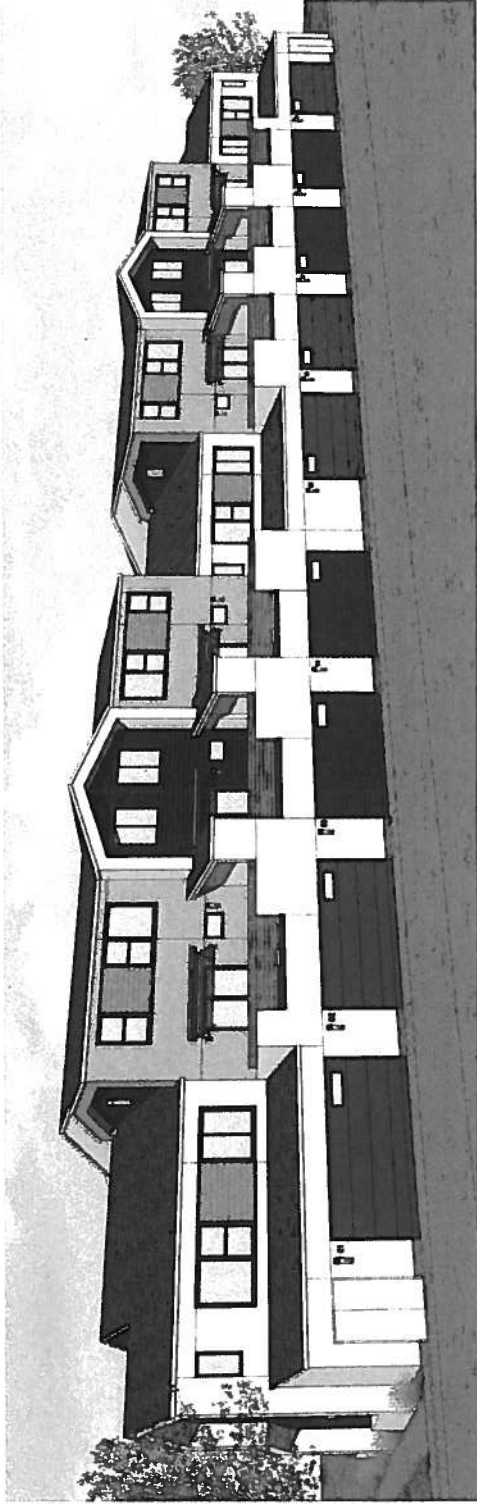
EXISTING DRIVEWAY WALL  
 PROPOSED DRIVEWAY WALL

EXISTING DRIVEWAY FENCE  
 PROPOSED DRIVEWAY FENCE

EXISTING DRIVEWAY SIGN  
 PROPOSED DRIVEWAY SIGN

EXISTING DRIVEWAY SIGNAGE  
 PROPOSED DRIVEWAY SIGNAGE





REAR PERSPECTIVE



FRONT PERSPECTIVE



Architect + Planning  
 11100 Sherman Ave.  
 Suite 200  
 Irvine, CA 92618  
 949.851.2133  
 ktgy.com

**PINNACLE**  
 RESIDENTIAL

Private Residential  
 2 Veneta, Suite 350  
 Irvine, CA 92618  
 949.207.3270

**GARDEN GROVE SCHOOL SITE**  
 #2016-0337  
 Garden Grove, CA

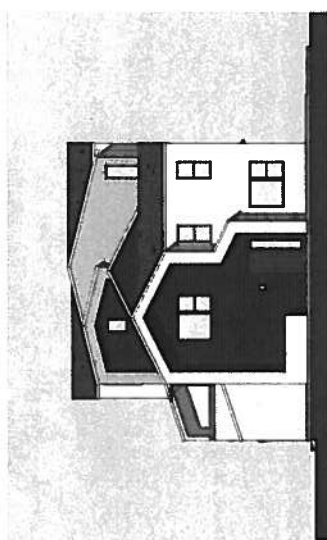
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 1st Submittal: 11.18.2017  
 2nd Submittal: 03.20.2017  
 3rd Submittal: 07.19.2017

**9-UNIT COMPOSITE  
 PERSPECTIVES**

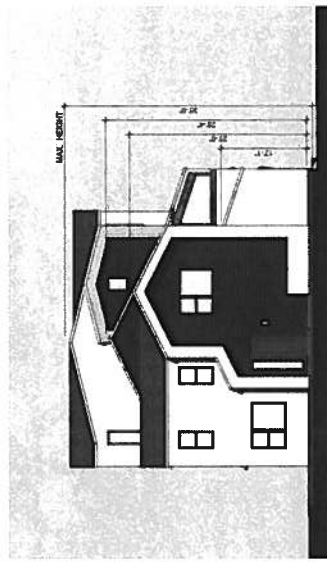
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- MATERIAL LEGEND**
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LEFT



RIGHT



FRONT

REAR

**9-UNIT COMPOSITE ELEVATIONS | A.I.I**

SCALE: 1/8"=1'-0"  
 0 4 8 16

18-07-2017  
 11-18-2017  
 05-20-2017  
 07-18-2017

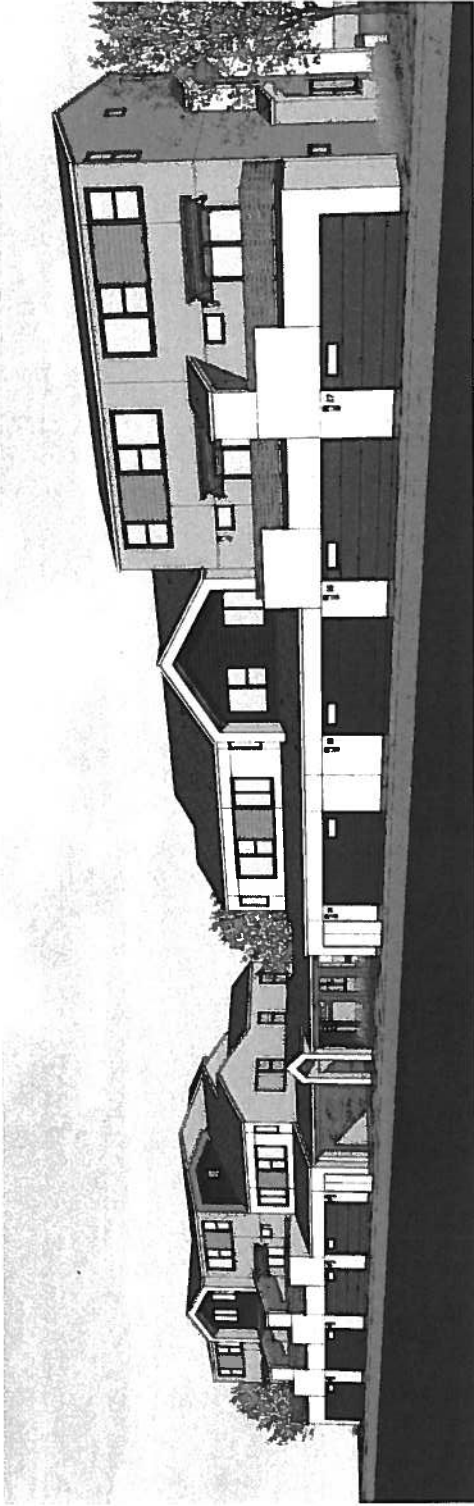
Plot Date:  
 1st Submission:  
 2nd Submission:  
 3rd Submission:

**GARDEN GROVE SCHOOL SITE**  
 #2016-0337  
 Garden Grove, CA

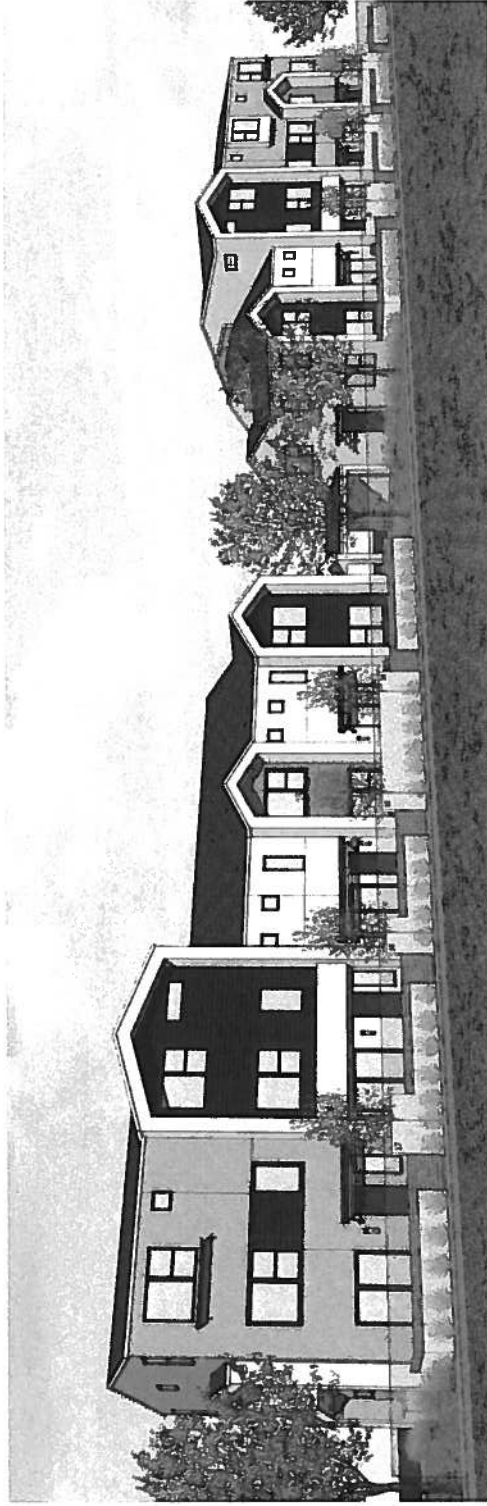
Architect: **stg**  
 17911 Von Karmen Ave.  
 Suite 200  
 Irvine, CA 92614  
 Tel: 949.212.1233  
 Fax: 949.212.1233

**PINNACLE**  
 RESIDENTIAL

Pinna Residential  
 2 Vanowen, Suite 350  
 Irvine, CA 92618  
 949.207.2270



REAR PERSPECTIVE



FRONT PERSPECTIVE

**8-UNIT COMPOSITE  
PERSPECTIVES**

Plot Date: 18-07-2017  
 1st Submittal: 11-18-2017  
 2nd Submittal: 03-30-2017  
 3rd Submittal: 07-19-2017

**GARDEN GROVE SCHOOL SITE**  
 #2016-0337  
 Garden Grove, CA

Pinnacle Residential  
 2 Ventura, Suite 300  
 Irvine, CA 92618  
 949.267.2378

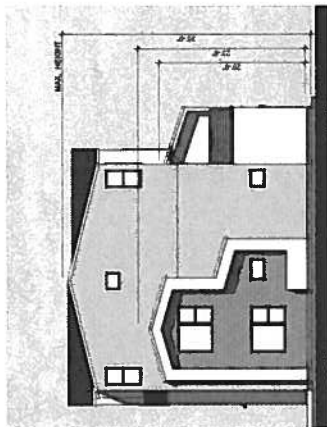
**PINNACLE**  
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Architecture + Planning  
 17811 Von Karman Ave,  
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 ktgy.com

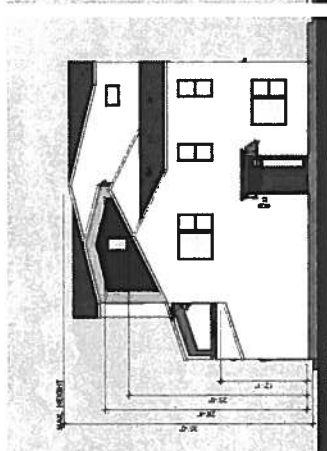


**MATERIAL LEGEND**

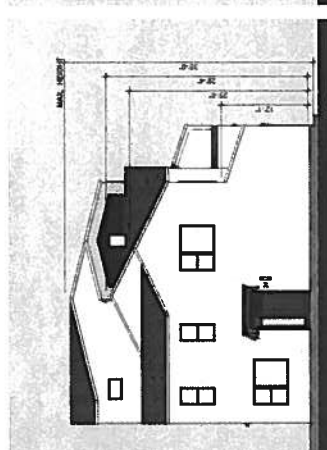
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- STUCCO 100, LIGHT SAND FINISH



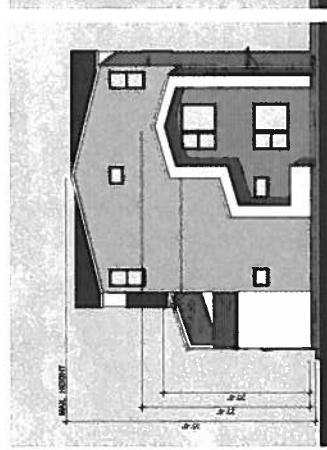
LEFT



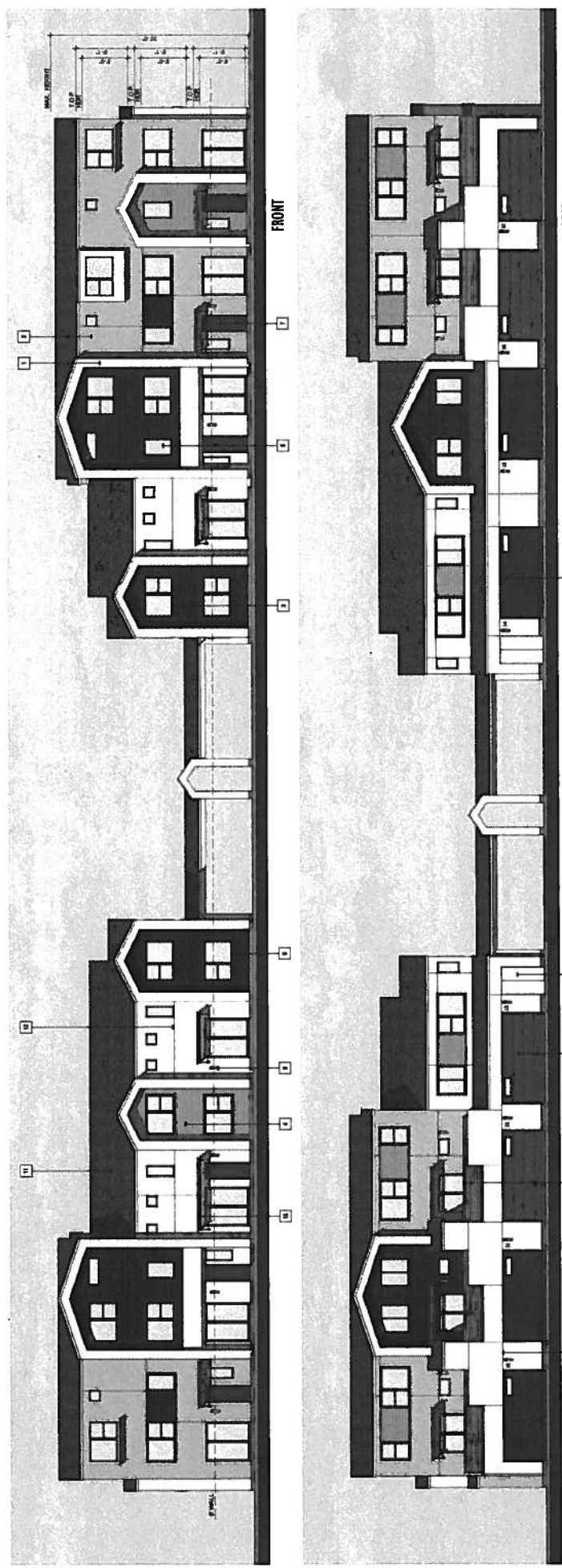
LEFT COURTYARD



RIGHT COURTYARD



RIGHT



FRONT

REAR



Ketchum & Associates  
17011 Von Karman Ave.  
Suite 200  
Irvine, CA 92614  
949.851.2133  
ktgy.com

**PINNACLE**  
RESIDENTIAL

**GARDEN GROVE SCHOOL SITE**  
#2016-0337  
Garden Grove, CA

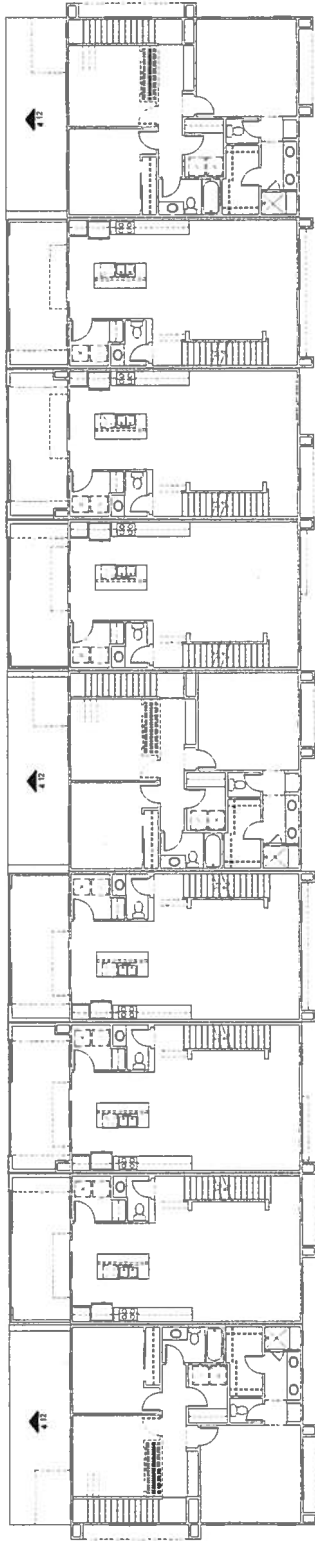
Plot Date:  
1st Submittal: 11-18-2017  
2nd Submittal: 03-20-2017  
3rd Submittal: 07-19-2017

SCALE: 1/8"=1'-0"  
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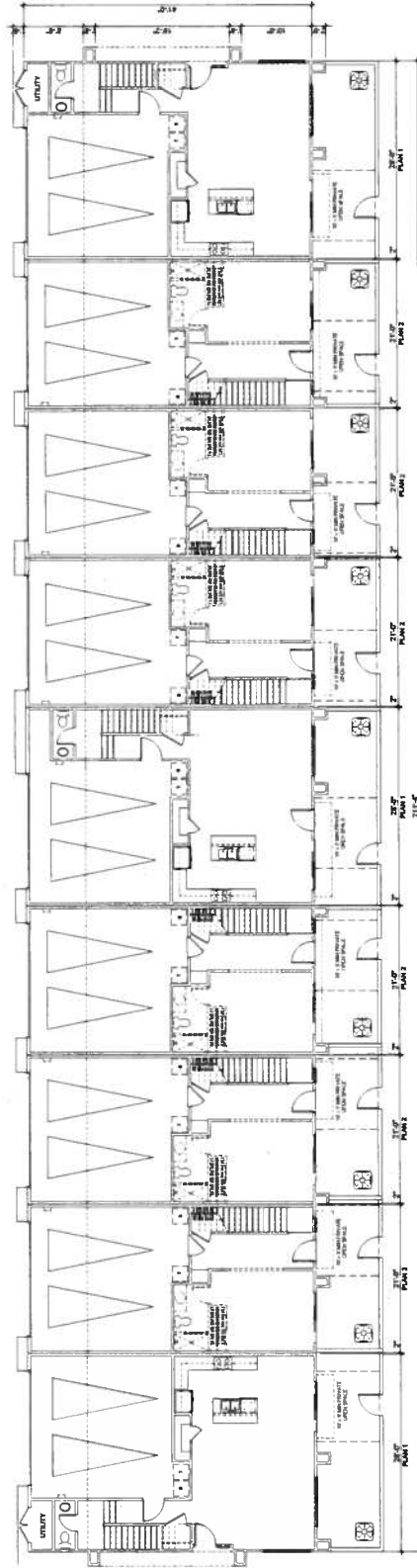
**8-UNIT COMPOSITE ELEVATIONS**

DECK - LEFT

DECK - RIGHT



SECOND FLOOR COMPOSITE



FIRST FLOOR COMPOSITE

NOTES

- 10% OF MULTISTORY UNITS SHALL BE ADA ADAPTABLE PER 2016 CBC 102 A.3. UNITS SHALL BE IDENTIFIED PER CIVIL PLANS FOR FUTURE EVIDENCE.
- CONSTRUCTION SHALL BE READY FOR FUTURE EVIDENCE.

BUILDING FOOTPRINT AREA CALC

AREA PER LEVEL	S.F.
1ST FLR FOOTPRINT	8,723
2ND FLR FOOTPRINT	8,037
3RD FLR FOOTPRINT	4,181
AREA MAX PER 3RD LEVEL	50% OF 1ST FLR AREA
3RD / 1ST	4181/8723 = 47.7%

9-UNIT COMPOSITE FLOOR AREA

1ST FLOOR	8723 SQ. FT.
2ND FLOOR	8038 SQ. FT.
3RD FLOOR - LEFT	2088 SQ. FT.
3RD FLOOR - RIGHT	2088 SQ. FT.
TOTAL AREA	20833 SQ. FT.
DECK - LEFT	532 SQ. FT.
DECK - RIGHT	532 SQ. FT.

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949.227.2370

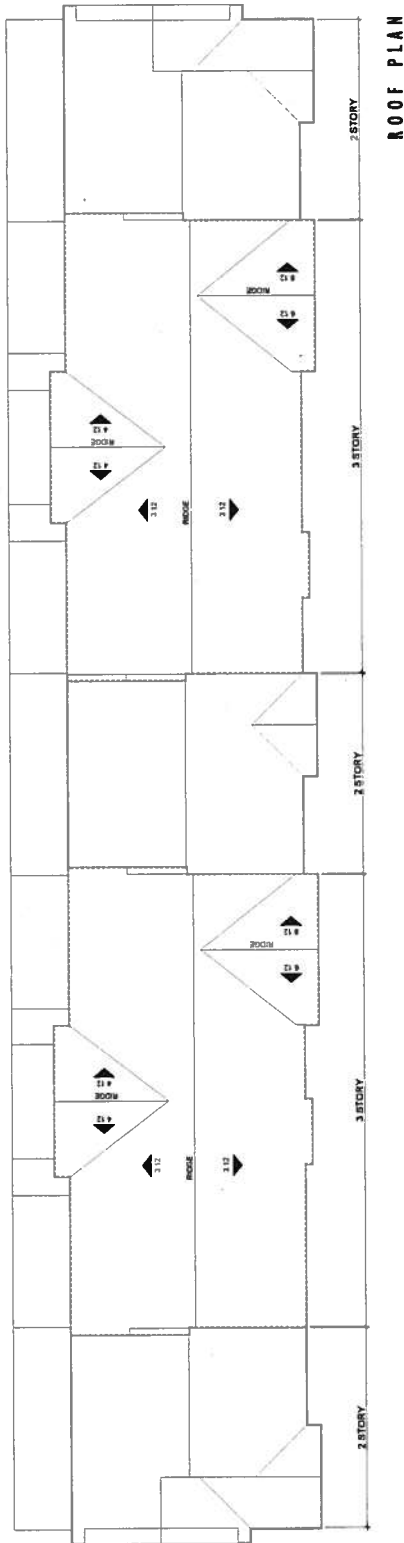
**GARDEN GROVE SCHOOL SITE**  
Garden Grove, CA  
P2016-0237

Plot Date:  
1st Submittal: 11-16-2017  
2nd Submittal: 03-20-2017  
3rd Submittal: 07-19-2017

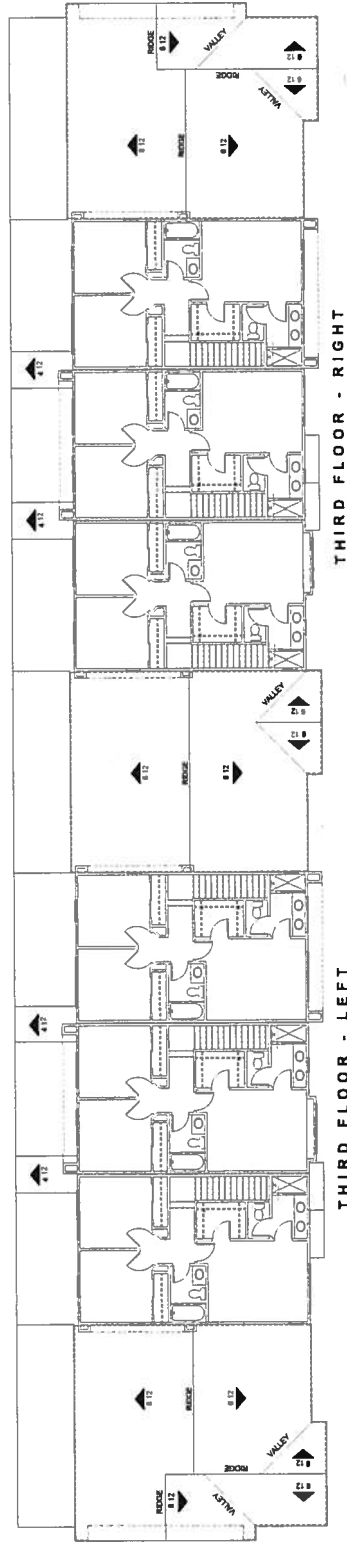
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9-UNIT COMPOSITE PLAN

A2.0



NOTE: ROOFS SHALL BE SOLAR READY PER SECTION 110.10 OF 2018 CALIFORNIA ENERGY CODE



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Irvine, CA 92618  
949.207.3270

**GARDEN GROVE SCHOOL SITE**  
#2018-0337  
Garden Grove, CA

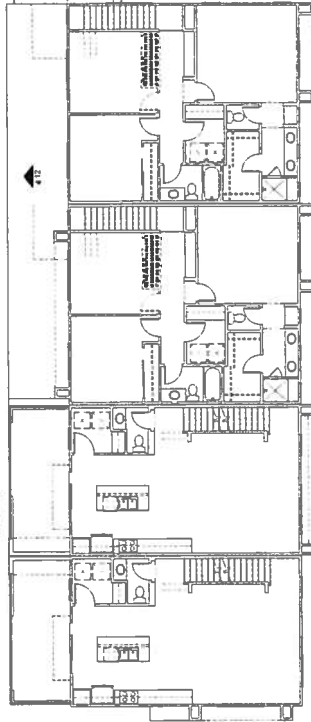
Plot Date:  
1st Submittal: 11-18-2017  
2nd Submittal: 03-20-2017  
3rd Submittal: 07-19-2017

SCALE: 1/8"=1'-0"  
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**9-UNIT COMPOSITE PLAN**

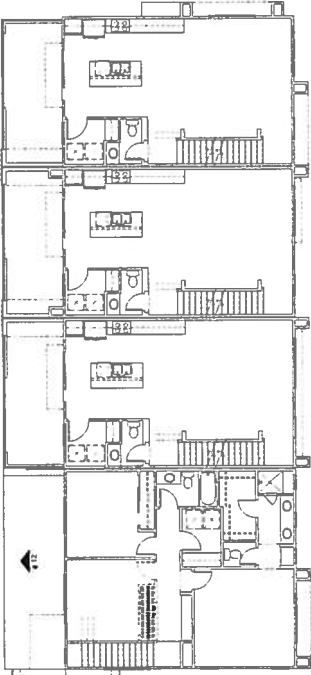
**A2.1**

DECK - LEFT



SECOND FLOOR - LEFT

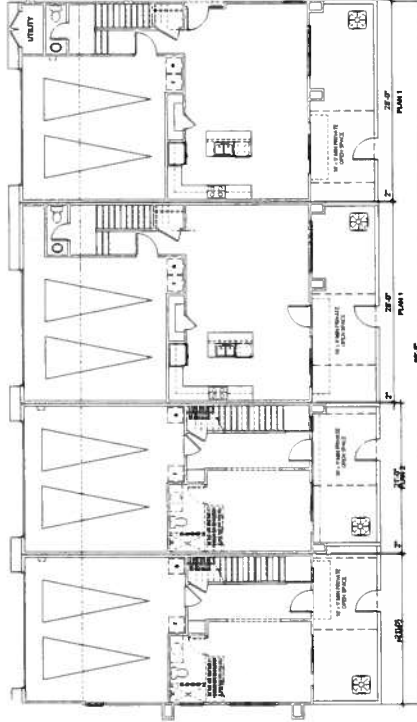
DECK - RIGHT



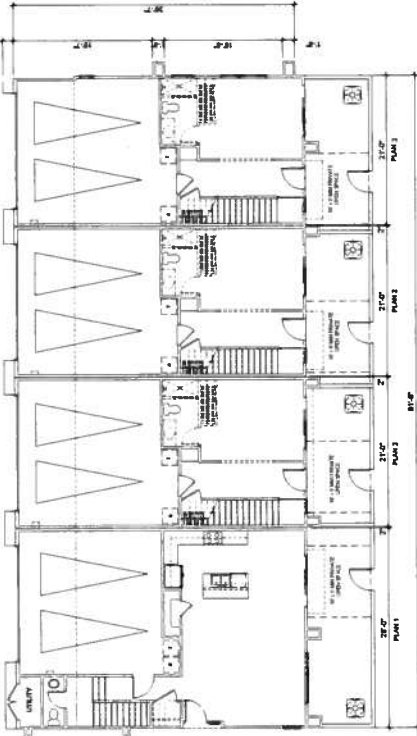
SECOND FLOOR - RIGHT

SECOND FLOOR COMPOSITE

FIRST FLOOR - LEFT



FIRST FLOOR - RIGHT



FIRST FLOOR COMPOSITE

- NOTES:
- 10% OF MULTI-STORY UNITS SHALL BE ADA ADAPTABLE PER 2018 CBC 1102.3 UNITS SHALL BE ADAPTABLE TO THE MAXIMUM EACH GARAGE SHALL BE READY FOR FUTURE EVCS

BUILDING FOOTPRINT AREA CALC	
AREA PER LEVEL	9.7
1ST FLR FOOTPRINT**	9,508
2ND FLR FOOTPRINT	7,910
3RD FLR FOOTPRINT	3,457
AREA MAX PER 3RD LEVEL 3RD/1ST	50% OF 1ST FLR AREA 3457/6958 = 49.7%
**1ST FLR FOOTPRINT AREA INCLUDES GARPORT	

8-UNIT COMPOSITE FLOOR AREA	
1ST FLOOR - LEFT	4082 SQ. FT.
1ST FLOOR - RIGHT	3775 SQ. FT.
2ND FLOOR - LEFT	3587 SQ. FT.
2ND FLOOR - RIGHT	3544 SQ. FT.
3RD FLOOR - LEFT	2883 SQ. FT.
3RD FLOOR - RIGHT	2883 SQ. FT.
TOTAL AREA	18261 SQ. FT.
DECK - LEFT	358 SQ. FT.
DECK - RIGHT	529 SQ. FT.

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kay.com



**PINNACLE**  
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949.257.3270

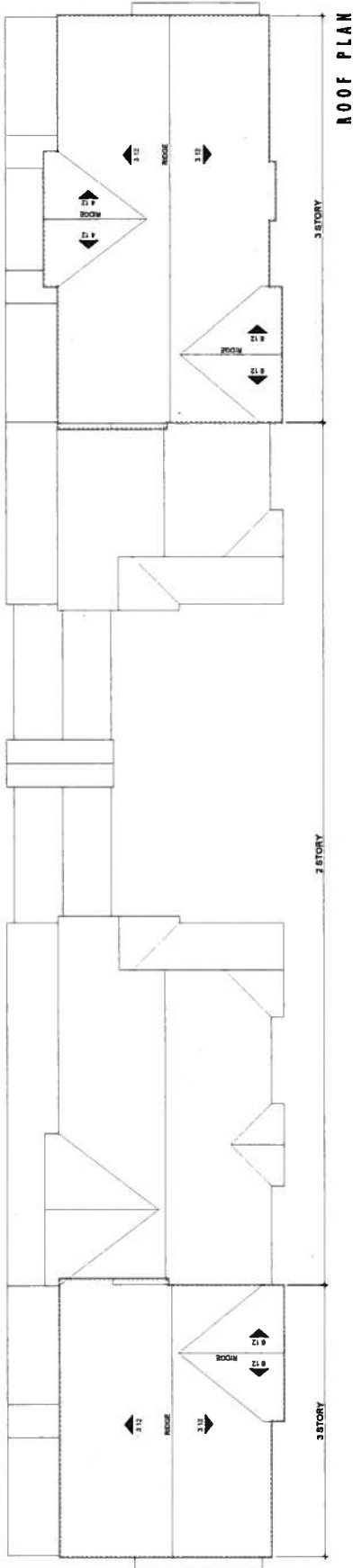
**GARDEN GROVE SCHOOL SITE**  
#2018-0337  
Garden Grove, CA

PM Date 19.07.2017  
1st Submittal 11.18.2017  
2nd Submittal 03.20.2017  
3rd Submittal 07.18.2017

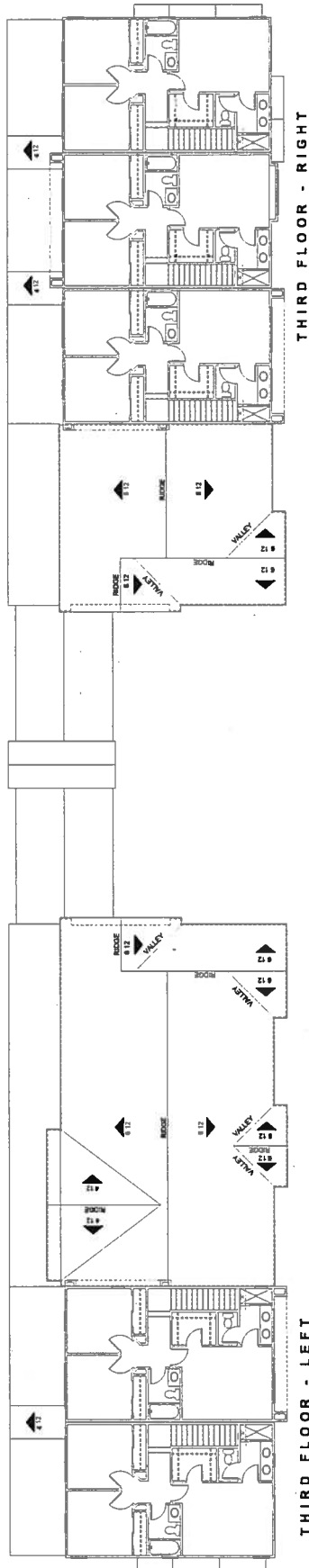
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8-UNIT COMPOSITE PLAN

A2.2



NOTE: ROOF SHALL BE SLAB READY PER SECTION 110.00 OF 2016 CALIFORNIA ENERGY CODE



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949.267.3270

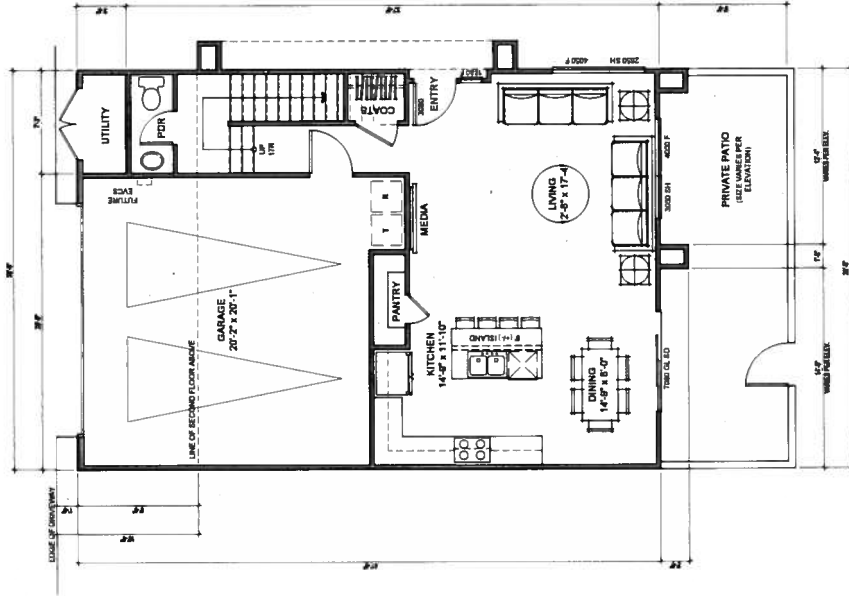
**GARDEN GROVE SCHOOL SITE**  
Garden Grove, CA  
#2018-0237

Per Date  
1st Submittal: 11-18-2017  
2nd Submittal: 05-20-2017  
3rd Submittal: 07-19-2017



**8-UNIT COMPOSITE PLAN**

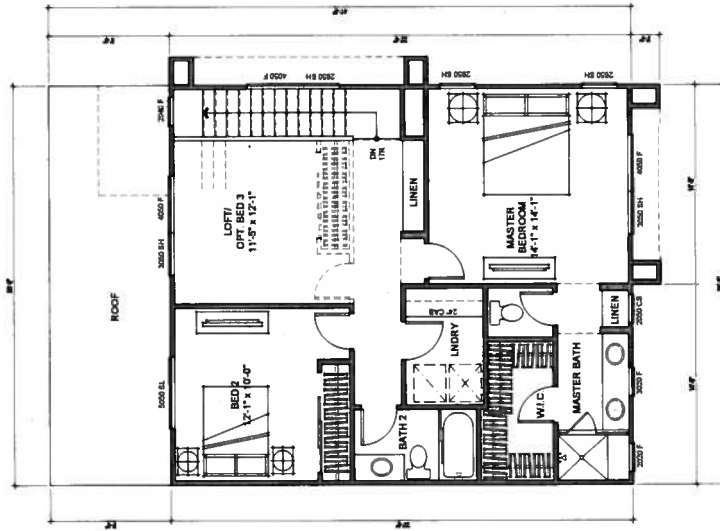
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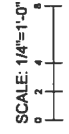
FIRST FLOOR

P2- NET FLOOR AREA	
1ST FLOOR	648 SQ. FT.
2ND FLOOR	818 SQ. FT.
TOTAL LIVING	1467 SQ. FT.
GARAGE	418 SQ. FT.
PATIO	230 SQ. FT. TO 233 SQ. FT. PER ELEVATION.

P2- GROSS FLOOR AREA	
1ST FLOOR	888 SQ. FT.
2ND FLOOR	851 SQ. FT.
TOTAL LIVING	1539 SQ. FT.
GARAGE	434 SQ. FT.
PATIO	247 SQ. FT. TO 248 SQ. FT. PER ELEVATION.



SECOND FLOOR



19.07.2017  
 11.18.2017  
 03.20.2017  
 07.19.2017

Per Date:  
 1st Submittal:  
 2nd Submittal:  
 3rd Submittal:

**GARDEN GROVE SCHOOL SITE**  
 Garden Grove, CA

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 2 Venture, Suite 350  
 Irvine, CA 92618  
 949.267.2270

**PINNAACLE**  
 RESIDENTIAL

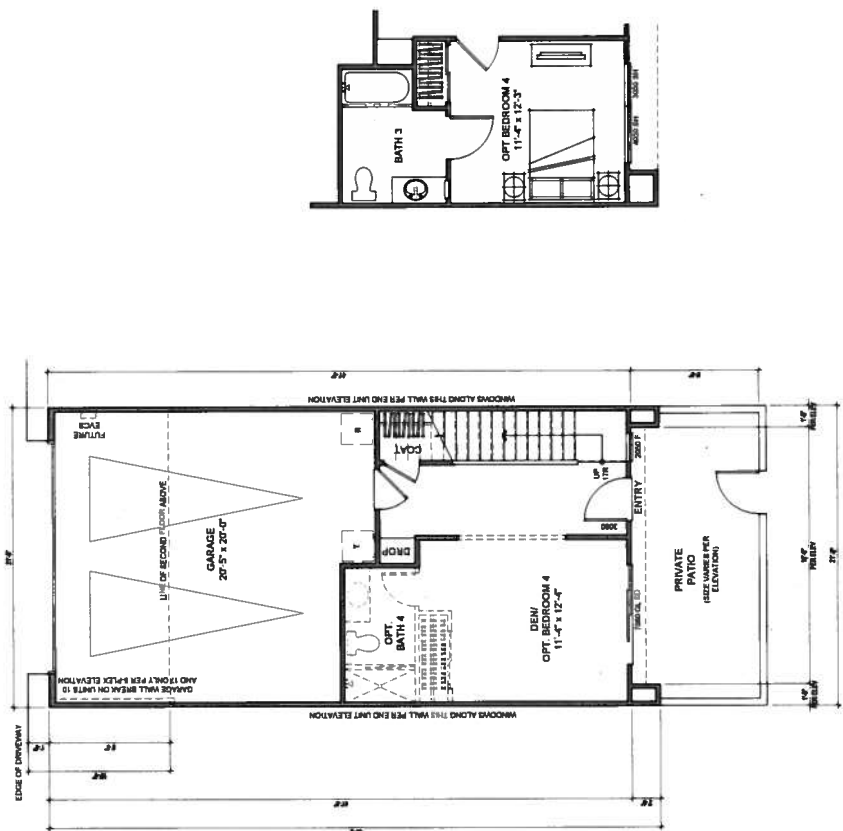
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 17811 Von Karman Ave.  
 Suite 200  
 Irvine, CA 92614  
 949.851.2133  
 ktgy.com



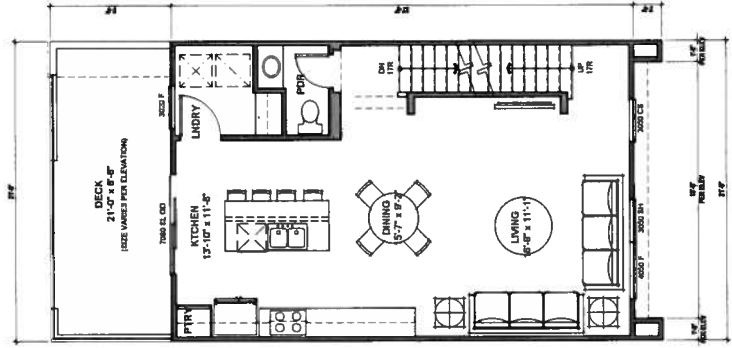
**PLAN 1 - 3BD / 2.5BA**

**A3.0**

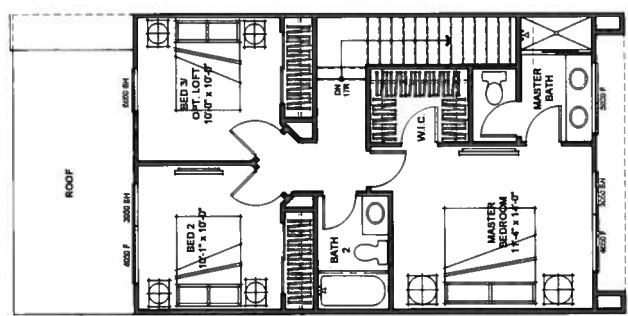




OPT. BEDROOM 4



SECOND FLOOR



THIRD FLOOR

**OPT. BEDROOM 4**

P1 - NET FLOOR AREA	
1ST FLOOR	379 SQ. FT.
2ND FLOOR	662 SQ. FT.
3RD FLOOR	598 SQ. FT.
TOTAL LIVING	1637 SQ. FT.
GARAGE	439 SQ. FT.
DECK	156 SQ. FT. TO 189 SQ. FT. PER ELEVATION
PATIO	186 SQ. FT. TO 189 SQ. FT. PER ELEVATION

**FIRST FLOOR**

P1 - GROSS FLOOR AREA	
1ST FLOOR	403 SQ. FT.
2ND FLOOR	682 SQ. FT.
3RD FLOOR	628 SQ. FT.
TOTAL LIVING	1714 SQ. FT.
GARAGE	439 SQ. FT.
DECK	172 SQ. FT. TO 179 SQ. FT. PER ELEVATION
PATIO	173 SQ. FT. TO 189 SQ. FT. PER ELEVATION

A3.1

PLAN 2 - 3 BD / DEN/OPT. BED 4 / 3.5 BA



Plot Date: 18-07-2017  
 1st Submit: 11-18-2017  
 2nd Submit: 03-20-2017  
 3rd Submit: 07-18-2017

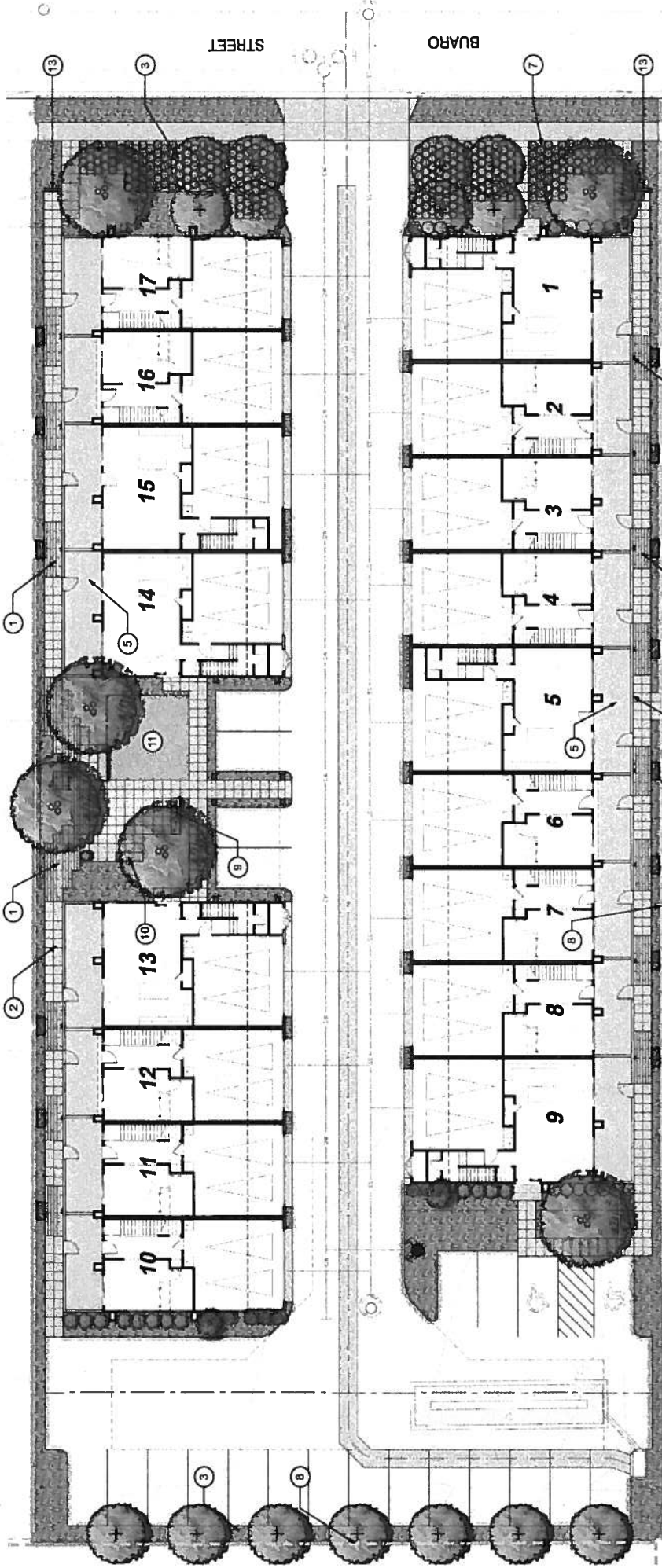
GARDEN GROVE SCHOOL SITE  
 Garden Grove, CA #2016-0337

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 RESIDENTIAL

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 Irvine, CA 92614  
 949.851.2133  
 ktgy.com





**PLANT LEGEND**

TREES	SIZE
	30'X30'
	15'X15'
	8'X8'

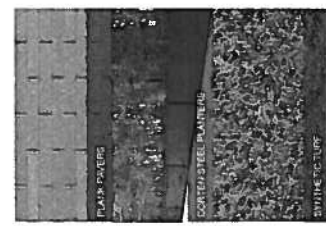
BOTANICAL NAME / COMMON NAME	SIZE
CUPRESSUS SEMPERVERENS (ITALIAN CYPRESS)	30'X30'
ROSEODENDRON SPINOSUM (CHINESE FLAME TREE)	15'X15'
PIRULARIA CALLETRIANA (CHANTRELLE) / CHANTRELLE PEAR	15'X15'
BUSHES	SIZE
CALLISTEMON VERNICUS 'RUBY' (BOTTLE BRUSH)	8' DIA.
CAREX DRYOLIA (BIRCHLEY SCORCH)	8' DIA.
PHANODENDRON INDICA (CLARK) / INDIAN HAWTHORN	8' DIA.

BOTANICAL NAME / COMMON NAME	SIZE
DAWELLA WIREGATA	SEE
DANIELA CASMA BILUE	SEE
DIPLAZIA AUSTRIACA	SEE
DIPLAZIA MANGARENAE	SEE

**LEGEND**

- 1 CONCRETE INTERLOCKING PLANK PAVERS
- 2 CONCRETE FINISH W/ ZOC SCORE LINES
- 3 COMMON AREA LANDSCAPE TYPICAL
- 4 FENCE / WALL REFER TO ARCHITECTURAL SPECIFICATIONS FOR INTENT
- 5 PRIVATE PAVING SPACE
- 6 SUCCEULENTS WITHIN RAISED PLANTER
- 7 ROCK MULCH (PLANTER BED)
- 8 6" HIGH CMU PERIMETER WALL
- 9 CAST IN PLACE CONCRETE SEAT WALL
- 10 OUTDOOR BBQ
- 11 SYNTHETIC TURF
- 12 WALL SCORE LIGHT
- 13 PROJECT ID MONUMENT T&D



**PRIMARY PLANT PALETTE**



**CONCEPTUAL LANDSCAPE PLAN**

**BCS DESIGN GROUP**  
Landscape Architecture Planning Urban Design  
3188 Cl Arroyo Avenue, Costa Mesa, CA 92626  
© 2014 BCS DESIGN GROUP  
P: 714.543.8888 F: 714.543.8889

**PINNACLE RESIDENTIAL**

**L-1** | 07/12/2017



**12111 BUARO STREET**  
GARDEN GROVE CA

RESOLUTION NO. 5897-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-041-2017, VARIANCE NO. V-016-2017, AND TENTATIVE TRACT MAP NO. TT-18117 FOR A PROPERTY LOCATED ON THE WEST SIDE OF BUARO STREET, SOUTH OF CHAPMAN AVENUE, BETWEEN JENTGES AVENUE AND TWINTREE AVENUE, AT 12111 BUARO STREET, ASSESSOR PARCEL NO. 231-331-12.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session, assembled on September 21, 2017, and thereby approved Site Plan No. SP-041-2017, Variance No. V-016-2017, and Tentative Tract Map No. 18117, subject to the Conditions of Approval attached hereto as "Exhibit A", and (ii) the adoption of a Mitigation Negative Declaration and Mitigation Monitoring and Reporting Program for the Project and the adoption and effectiveness of a Resolution approving General Plan Amendment No. GPA-003-2017 by the Garden Grove City Council.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-041-2017, Variance No. V-016-2017, and Tentative Tract Map No. TT-18117, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Buaro Partners, LLC (the "Applicant") and proposes development of a .987-acre site (43,002 sq. ft.) on the west side of Buaro Street, south of Chapman Avenue, between Jentges Avenue and Twintree Avenue, located at 12111 Buaro Street, Assessor's Parcel No. 231-331-12.
2. The Applicant has requested the following land use approvals to implement the Project: (1) General Plan Amendment No. GPA-003-2017 to change the land use designation from Civic/Institutional (C/I) to Medium Density Residential (MDR); (2) Site Plan No. SP-041-2017 to allow the construction of 17 attached condominium townhouses in two buildings across a central driveway: an 8-plex on the north side of the driveway and a 9-plex on the south side; (3) Variance No. V-016-2017 for reduced setbacks: one for the space between five of the residences and the drive aisle; and the second between the recreational open space and two of the units, and (4) Tentative Tract Map No. TT-18117 to consolidate the site into a single parcel with condominiums.
3. Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq. and the CEQA Guidelines, California Code of Regulations, Title 14, Sections 15000 et seq., an initial study was prepared (12111 Buaro Street Project Initial Study/Mitigated Negative Declaration) for the proposed Project and it has been determined that the proposed Project qualifies for a Mitigated Negative Declaration as the proposed Project with implementation of the proposed mitigation measures cannot, or will not, have a significant effect on the environment. The Mitigated Negative Declaration with mitigation measures was prepared and circulated in accordance with CEQA and CEQA's implementing guidelines. The

Planning Commission has considered the proposed Mitigated Negative Declaration and recommends that it be adopted by the City Council

4. The properties have a General Plan Land Use designation of Civic/Institutional and are currently zoned R-3 (Multiple-Family Residential). A General Plan Amendment is requested to change the property from the Civic/Institutional Land Use designation to the Medium Density Residential Land Use designation.
5. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.
6. Report submitted by City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on September 21, 2017, and all interested persons were given an opportunity to be heard.
8. Concurrently with adoption of this Resolution, on September 21, 2017, the Planning Commission adopted Resolution No. 5896-17, recommending that the City Council (i) adopt the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting program for the Project and (ii) approve General Plan Amendment No. GPA-003-2017 for the Project. The facts and findings set forth in Planning Commission Resolution No. 5896-17 are hereby incorporated into this Resolution by reference.
9. The Planning Commission gave due and careful consideration to the matter during its meeting of September 21, 2017.

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

FACTS:

The site at 12111 Buaro Street is south of Chapman Avenue and immediately north of the Walton Intermediate School at 12181 Buaro Street. The abutting properties are a duplex and 20-unit apartment building constructed in 1963 to the north and a 50-unit apartment complex, Casa de Portola, built in 1969 to the west.

The Happyland Preschool was built on the site in 1956. Over time, a pool, pergola, day nursery, and classrooms were added. Page Private School took over the site in 1974 and closed in June 2016.

The site retains the unoccupied one-story school building and also asphalt-paved parking areas, a pool structure, asphalt playgrounds, a playing court, pergolas, and limited landscaping.

The property is zoned R-3, Multi-Family Residential and has a General Plan Land Use designation of Civic/Institutional (C/I). The site had a General Plan designation of Medium Density Residential (MDR) in the prior General Plans. The Civic/Institutional designation was added in the current General Plan 2030 that was adopted in 2008. Planning staff have reviewed the history of the General Plan designations and determined that a mapping error occurred when the Civic/Institutional designation was applied in 2008 to the subject site and the six adjoining properties that are largely developed with multi-family apartment buildings. The applicant is requesting a General Plan Amendment to a Medium Density Residential designation.

The applicant is proposing 17 attached condominium townhouses in two buildings across a central driveway: an 8-plex on the north side and a 9-plex on the south side. The buildings are a mix of 2- and 3-story units with a two-car garage off of the driveway. Open visitor parking spaces are provided at the rear of the lot and under a carport in front of a central open space area. All of the units have individual patios accessed from landscaped walkways along the side property lines.

The Site Plan request is for a proposed development that meets the requirements of the R-3 zone for open space, parking, height, circulation, site design elements, and most of the required setbacks. The project is well-designed and incorporates traditional architectural details in a modern, innovative style. The innovative use of architectural detailing, the mixing of various details across the different elevations, and the strong use of colors make for a visually interesting and eye-catching project.

The project includes a Tentative Tract Map to subdivide the property into a single parcel with 17 condominium units.

Variances for reduced setbacks are required; one for the setback between the residences and the drive aisle; and the second for the setback between the recreational open space and the units. The variance for the setback between the residences and the drive aisle is for a 5'-0" setback instead of a 10'-0" setback. Most of the units comply with the development standard, but several on the corners of the buildings are limited in space. Even with the reduced setback, the units are buffered from the drive aisle and similar variances have been approved in many prior developments.

The second variance is for the setback between the recreational open space and the units. Two units are adjacent to the Active Recreation open space. The variance request is to provide a 3'-0" setback between the units and the recreation area instead of 5'-0". By providing slightly less separation, it was possible to locate the Active Recreation area in the center of the development instead of the back corner of the property and a better design was achieved. Other such variances have been approved for similar projects.

The project is designed to be an attractive, modern development. The development will be positive addition to the neighborhood with its modern style, quality and appeal.

FINDINGS AND REASONS:

SITE PLAN:

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

The subject site has a General Plan land use designation of Civic/Institutional (C/I) and is zoned R-3 (Multiple-Family Residential). A General Plan Amendment is requested to change the Land Use designation to Medium Density Residential (MDR) and correct a mapping error that occurred in the adoption of the current General Plan 2030. The amendment will correct the inconsistency between the General Plan and Zoning of the site that currently exists. The project is consistent with the proposed MDR General Plan designation by developing a neighborhood-improving and compatible multi-family residential project. The design of the site provides a healthy and attractive living environment as intended by the General Plan and Municipal Code. Provided the requested Variance is approved, the Project will satisfy all applicable development standards.

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 proposed development has been designed to meet the Code's requirements for access, on and off-site circulation, and off-street parking. The plans have been reviewed by the City's Traffic Engineering Division and a focused traffic analysis was prepared to determine that the project will have no adverse impacts to surrounding streets. The site provides sufficient parking to accommodate the 17 attached townhouses and residential visitors.

Furthermore, the City's Fire Department has also reviewed the plans, and all appropriate conditions of approval will eliminate any adverse impacts to surrounding streets should there be an emergency.

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 proposed development once the developer provides the necessary improvements for the project. The proposed mixed-use project will not adversely affect essential public facilities such as streets and alleys, utilities, and drainage

channels. Utilities and drainage channels in the area are adequate to accommodate the development.

The proposed development will also provide landscaping and proper grading of the site in order to maintain proper drainage in the area. The Public Works Engineering and Water Services Division have reviewed the plans.

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

The project has been reviewed by the Public Works Department. The applicant has worked with the Public Works Department on the location of the water lines, water meters, and sewer line and potential issues have been addressed in the project design and conditions of approval. Therefore, the project will not adversely impact the City's ability to perform its required public works functions.

5. The development does have a reasonable degree of physical, functional, and visual compatibility with neighboring uses and desirable neighborhood characteristics.

The project is a mix of 2- and 3-story units in two buildings; an 8-plex on the north of the drive aisle and a 9-plex on the south side. The building masses are smaller than those of older apartment buildings on neighboring parcels, but at a similar scale and density. The project is well-designed, incorporating traditional architectural details in a modern, innovative style that is visually interesting and eye-catching. The development will be an improvement by adding modern design in appropriately scaled buildings that will add to the character of the surrounding area.

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

The project is designed to provide landscaped walkways to each unit, straight forward access for cars, garages for each unit with visitor parking to the rear of the site, a centrally located Active Recreation open space area, landscaping throughout the site, and lively, interesting elevations. Even the long side elevation that is viewable across the open field of Walton Intermediate School is well-detailed with an interesting mix of front entries. These elements contribute to creating an attractive environment for the occupants of the property. A variety of open space is provided for the units with private patios, second floor balconies, an active recreation area, and passive open space areas and walkways. All landscaped areas are required to adhere to the landscaping requirements of the Title 9 of the Municipal Code. Through the conditions of approval for the project, the necessary protection and maintenance of all landscaping will be achieved.

VARIANCE:

1. There are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to other property or classes of use in the same vicinity or zone.

The project is being developed on a site that is between an intermediate school and several properties developed with multi-family residences. Two of the abutting properties to the north have apartment complexes built in the 1960's that do not provide the same setbacks, open space, parking, landscaping and density requirements as the requirements for the proposed project. The proposed design is for two buildings that have a mix of 2- and 3-story units. The project has been designed to meet the R-3 setback requirements by strategically placing the 2-story units in the 8-plex building to accommodate the height and orientation of the neighboring residential buildings. The relationship of the heights and orientation of the proposed building and the neighboring buildings are what determine the setback on the subject site. Unlike the proposal, the existing residential apartments in the vicinity were neither subject to these setback requirements, nor other current R-3 development standards. The proposal meets all of the code requirements except for two minor deviations that allow for the construction of a compatible multi-family residential development that is less dense than its neighbors, but is similar in scale. Therefore, the subject site has the unusual circumstance of being the only modern multi-family development adjacent to several older apartment complexes, which had significantly different requirements at the time of construction.

2. The Variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone, but which is denied to the property in question.

The Variances for reduced setbacks: one between the residences and the drive aisle; and the second between the recreational open space and units; have been applied to many other multi-family developments. While the project meets all other Code requirements related to open space, parking, circulation, landscaping, and setbacks, the allowance of a few feet deviation means a better site design and better floor plan for some of the units. With the myriad requirements from all the City Departments it is difficult to find enough room on the site. The proposal is for 17 attached townhouse units with garages, visitor parking spaces, a fire turnaround, open space areas, landscape setbacks, building setbacks, building separations, drive aisle widths, drainage systems, a fire hydrant, and handicap accessible facilities. The Municipal Code would allow up to 20 units on a site of the subject project's size. The two minor variance requests maintain the applicant's right to build a residential project in keeping with the intent of the General Plan, the R-3 zoning, and be compatible with the existing development in the



surrounding neighborhood. The existing apartments in close proximity to the proposal have a higher density and provide fewer amenities, less parking, less landscaping, and fewer setbacks.

3. The Variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located.

The proposed Variances will not be noticeable or detrimental to the public or in any way affect property or improvements in the vicinity. Four units require a variance to have a powder room at 5'-0" from the drive aisle. These powder rooms are not impacted by their proximity to the drive aisle as they are buffered by non-habitable utility closets opening toward the driveway. No one will be able to discern that there are powder rooms with a reduced setback depth. Similarly, reducing the setback between two units and the Active Recreation area will not be a detriment to the public welfare. The proposed development provides overall open space in excess of the required amount and provides ample space on-site for the enjoyment of the residents. One unit at the end of the 8-plex requires a variance for a 5'-0" setback, instead of 10'-0", between the unit and the rear drive aisle used to access the visitor parking spaces. This side of the unit cannot be seen from any location on the site except for the rear parking area. This reduced setback still provides a pathway to the north elevations of the 8-plex and a narrow planter. Therefore, the approval of the Variances will not be materially detrimental to the public welfare or be injurious to the property or improvement in such vicinity and zone.

4. The granting of the Variance will not adversely affect the General Plan.

Granting of the Variances will allow a well-designed attractive new housing development that meets the intent and all other standards of the R-3 zoning. The variance requests are minor in nature and have been approved for other multi-family residential projects. The variances do not negate the goals and policies of the General Plan for stable residential neighborhoods and new development that is compatible. Additionally, the two well-designed buildings with modern innovative style will replace a vacant school building and site developed in the 1950's and 1960's and will therefore, further a goal of the General Plan to develop underutilized properties with suitable development. The proposed project meets the both the spirit and intent of the Municipal Code and the General Plan.

5. Approval of the Variance is subject to such conditions as will assure that it does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.

Existing multi-family residential properties in the vicinity do not provide the setbacks requested under this variance and therefore approving this request will not be a grant of special privilege. Similarly, projects in the R-3 Zone throughout the City have been granted similar variances. Provided the Conditions of Approval are adhered to for the life of the project, approval of the subject Variance shall not grant a special privilege that is inconsistent with the limitations upon other properties located within the vicinity or zone in which the subject property is situated.

TENTATIVE TRACT MAP:

All findings for approval of the proposed Tentative Tract Map under Section 9.40.060 (Tentative Maps – Findings Required) of the Garden Grove Municipal Code and State law can be made.

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

Provided the requested General Plan Amendment is approved, the proposed map is consistent with the General Plan in that it allows the development of a multi-family residential project that is compatible with the surrounding area. The Tentative Tract Map has been reviewed by the City's Engineering Division and is determined to be consistent with the General Plan.

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

The proposed tentative map will facilitate the development of 17 attached townhouses in two buildings across a central driveway. The new residential development will replace an un-occupied school that was constructed in 1956 and added onto throughout the 1960's. The well-designed project incorporates traditional architectural details in a modern, innovative style. The project is consistent with several goals and policies from the General Plan Land Use Element including: Goal LU-2 – Stable, well-maintained residential neighborhoods in Garden Grove; Policy LU-2.1 – Protect residential areas from the effects of potentially incompatible uses; Policy LU-2.2 – Strive to provide a diverse mix of housing types, along with uniformly high standards of residential property maintenance to preserve resident's real estate values and their high quality of life; and, Policy LU-2.4 – Assure that the type and intensity of land use shall be consistent with that of the immediate neighborhood.

3. The site is physically suitable for the proposed type of development.

The site is of a similar size to neighboring properties that support multi-family developments. The site can accommodate the proposed 17 units with the required access, parking, and open space and other development standards

and City requirements. The variances requested are minor and allow for a better design and overall project.

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.

The requirements of the California Environmental Quality Act have been satisfied. The project is not located in an area that maintains habitat for fish or wildlife.

5. The requirements of the California Environmental Quality Act have been satisfied.

Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq. and the CEQA Guidelines, California Code of Regulations, Title 14, Section 15000 et seq., an initial study was prepared (12111 Buaro Street Project Initial Study/Mitigated Negative Declaration). Based on the Initial Study and supporting technical analyses, it was determined that all of the potentially adverse environmental impacts can be mitigated to a level of less than significance. On this basis, a Mitigated Negative Declaration has been prepared.

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

As stated in No. 3 above, the site can accommodate the proposed development of 17 units and meet the development standards and City requirements. The proposal is for a density of 17 units, while the code would allow for 20 units.

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

Tentative Tract Map No. TT-18117 subdivides the site into a single lot with 17 condominiums. The proposed improvements are typical of similar sized developments in town and have been reviewed by all City Departments to determine that serious public health problems are not likely.

8. That the design of the subdivision and the proposed improvements will not conflict with easements of record established by court judgement acquired by the public at large for access through or use of property within the proposed subdivision; or, if such easements exist, that alternate easements for access or for use will be provided, and that these will be substantially equivalent to the ones previously acquired by the public;

No such easements for public access are associated with the subject parcels. In addition, the property is not subject to the Williamson Act contract, an open space easement, or conservation easement.

9. The design and improvements 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 condominium subdivision creates a suitable environment for the modern townhouse units proposed and meets most of the applicable zoning regulations. The proposal will construct an attractive development with code compliant parking facilities, landscaping, open space, circulation, and other amenities. Two minor variances are required, which have been approved for other similar projects and will allow for a better design. Provided the variances are approved, the subdivision can be developed in compliance with applicable zoning regulations.

10. The design of the subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision (Gov. Code Sec. 66473.1).

The developer is required to provide power in the garage that will allow for EVCS (electric vehicle charging stations) in the future. Also, the dwelling unit roofs shall be "solar ready" and therefore, be capable of providing future solar panels.

11. The design, density and configuration of the subdivision strikes a balance between the effect of the subdivision on the housing needs of the region and of public service needs. In addition the character of the subdivision is compatible with the design of the existing structures and the lot sizes of the subdivision are substantially the same as the lot sizes within the general area.

The subdivision for 17 attached townhouse condominiums is located on a well-situated site that is appropriate for multi-family development. The development strikes a balance by developing 17 units instead of the 20 units allowed by code and creating a highly livable development with ample parking and open space. The neighboring properties to the north and west are developed with apartment buildings of compatible scale and at similar densities. The attractive, modern development will add to the character within the general area.

12. The subject property is not located within a state responsibility area or a very high fire hazard severity zone, the proposed is served by local fire suppression services, and the proposed subdivision meets applicable design, location, and ingress-egress requirements.

The proposal has been reviewed by the City's Fire Department and meets all applicable design, location, and ingress-egress requirements. The subject property is not located within a state responsibility area or a very high fire hazard severity zone.

13. 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.

The proposal has been reviewed by the City's Public Works, Water Services Division, to ensure compliance with applicable requirements by the California Regional Water Quality Control Board. The Water Services Division has crafted extensive Conditions of Approval to further ensure that the sewer system meets all requirements and that all on- and off-site improvements ensure the permitted capacity of the public sewer system is not exceeded.

#### INCORPORATION OF FACTS AND FINDINGS SET FORTH IN THE STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Site Plan, Variance, and Tentative Tract Map possess characteristics that would indicate justification of the request in accordance with Municipal Code Sections 9.32.030 and 9.40.060.
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-041-2017, Variance No. V-016-2017, and Tentative Tract Map No. TT-18117.
3. Approval of this Site Plan, Variance, and Tentative Tract Map shall be contingent upon Garden Grove City Council adoption of the Mitigated Negative Declaration and an associated Mitigation Monitoring and Reporting Program for the Project and a resolution approving General Plan Amendment No. GPA-003-2017.

## **EXHIBIT "A"**

### **Site Plan No. SP-041-2017, Variance No. V-016-2017 and Tentative Tract Map No. TT-18117**

12111 Buaro Street

#### **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, within 30 days of approval. The applicant shall provide the City with a copy of the recorded Notice within ten (10) days of its recordation.
2. All Conditions of Approval set forth herein, or contained in Resolution No. 5897-17, 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, Buaro Partners, LLC, the developer of the project, the owner(s) and tenants(s) of the property, and each of their respective successors and assigns. All Conditions of Approval are required to be adhered to for the life of the project, regardless of property ownership. Except for minor modifications approved by the Community and Economic Development Director pursuant to Condition No. 4, below, any changes to the Conditions of Approval require approval by the Planning Commission. All Conditions of Approval herein shall apply to Site Plan No. SP-041-2017, Variance No. V-016-2017, and Tentative Tract Map No. TT-18117. The rights granted the applicant pursuant to Variance No. V-016-2017 shall continue in effect for only so long as the improvements authorized and contemplated by Site Plan No. SP-041-2017 and these Conditions of Approval continue to exist on the site. In the event the improvements authorized and contemplated by Site Plan No. SP-041-2017 are not constructed or are demolished and not re-established, Variance No. V-016-2017 shall cease to be effective or grant the applicant any rights to construct improvements within the required setbacks.
3. Approval of this Site Plan, Variance, 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, which do not materially change the scope or intensity of the project and which will not result in impacts that have not previously been addressed, may be approved by the Community and Economic Development Director, in his or her discretion. Proposed modifications to the project, approved site plan, floor plan, 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 otherwise expressly specified in the individual condition.
6. All lighting structures shall be placed so as to confine direct rays to the subject property. All exterior lights shall be reviewed and approved by the City's Planning 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. Lighting in the common areas shall be directed, positioned, or shielded in such a manner so as not to unreasonably illuminate the window areas of nearby residences. Provide a lighting plan for review and approval by the Planning Services Division prior to issuance of a building permit.
7. The applicant shall submit detailed plans showing the proposed location of utilities and mechanical equipment to the Community and Economic Development Department for review and approval prior to Building Division Plan Check. The project shall also be subject to the following:
  - a. All on-site and off-site utilities (off-site refers to the areas within public right-of-way to the center line of the streets adjacent to the subject property) within the perimeter of the site and to the centerline of the adjacent streets shall be installed or relocated underground.
  - b. Above-ground utility equipment (e.g., electrical, gas, telephone, cable TV) shall not be located in the street setbacks, or any parking areas and shall be screened to the satisfaction of the Community and Economic Development Department.
  - c. No roof-mounted mechanical equipment, including but not limited to dish antennas, shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community and Economic Development Department prior to the issuance of building permits. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
  - d. All ground, roof, or wall-mounted mechanical equipment shall be screened from public view from adjacent properties and the public right-of-way and shall also be screened, to the extent feasible, from on-site areas.
8. All mitigation measures identified in the Mitigated negative Declaration adopted for the Project (12111 Buaro Street Project Initial Study/Mitigated Negative Declaration) (the "Mitigated Negative Declaration") are incorporated herein by this reference and shall be implemented as conditions of approval

for this Project. The Mitigation Monitoring and Reporting Program adopted in conjunction with the Mitigated Negative Declaration shall be implemented during Project construction through Project completion.

**Public Works Engineering Division**

9. The applicant shall be subject to Traffic Mitigation Fees in accordance with Chapter 9.44 of the Garden Grove Municipal Code; 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 fees duly adopted by the City. The amounts of said fees shall be calculated based on the City's current fee schedule at the time of permit issuance.
10. 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 any sub-surface tanks, 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 drive aisles 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.
11. A separate street permit is required for work performed within the public right-of-way. The City of Garden Grove completed a street rehabilitation project on Buaro Street in September 2017. Buaro Street is currently under a street moratorium. Any utility trench backfilling fronting the project on Buaro Street is subject to 15 feet of asphalt resurfacing (up to 2 inches of asphalt grind and cap) from the center line of proposed utility (water, gas, sewer, communication cables) in both directions and may extend the full width of the street as determined by the City Engineer.
12. Separate grading and street improvement plans prepared by a registered Civil Engineer are required. The grading plan shall be based on a current survey of the site, including a boundary survey, topography on adjacent properties up to 30' 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 and sewer 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.
13. Prior to the issuance of any grading or building permits or prior to recordation upon subdivision of land if determined applicable by the City



Building Official, the applicant shall submit to the City for review and approval a *Final* Water Quality Management Plan that:

- 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.
  - Incorporates the applicable Routine Source Control BMPs as defined in the DAMP.
  - Incorporates structural and Treatment Control BMPs as defined in the DAMP.
  - Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs.
  - Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs.
  - Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs.
14. Prior to grading or building permit closeout and/or the issuance of a certificate of use or a certificate of occupancy, the applicant shall:
- Demonstrate that all structural best management practices (BMPs) described in the Project WQMP have been constructed and installed in conformance with approved plans and specifications.
  - Demonstrate that applicant is prepared to implement all non-structural BMPs described in the Project WQMP.
  - Demonstrate that an adequate number of copies of the approved Project WQMP are available on-site.
  - Submit for review and approval by the City an Operations and Maintenance (O&M) Plan for all structural BMPs.
15. Prior to the issuance of a grading permit, the applicant shall provide a hydrological analysis with scaled map and calculations and hydraulic calculations to size drainage facilities per Orange County RDMD standards. Parkway culverts shall be designed per Orange County standard plan 1309, Type B. BMP's shall be sized per the requirements of the latest Technical Guidance Documents.
16. Prior to issuance of a grading permit, the applicant shall design a lighting plan within the development in a manner meeting the approval of the City Engineer and the Planning Services Division. Location of lighting poles shall be shown on the grading plan.
17. Provide a 3-foot public utility easement across the lot frontage behind the property line.
18. Prior to the issuance of the street improvements and grading permit, provide subdivision completion bonds for all work constructed under the street,

- improvements and grading permit in a manner satisfactory to the City Engineer, City Attorney, and City Finance Department (Risk Management). Alternate forms of security may be considered, solely in the discretion of the City Engineer and with the concurrence of the City Attorney and City Finance Department (Risk Management).
19. The applicant shall construct the driveway entrance to the development per City of Garden Grove Standard Plan B-120 with conforming ADA landing and pathways where public and private sidewalks intersect. All designs must conform to latest ADA standards.
  20. No parallel curb parking shall be permitted anywhere on the site and Buaro Street.
  21. All parking spaces that abut to sidewalks that are not elevated with a curb face to the stall shall have wheel stops.
  22. The grading plan shall provide an accessibility route for the ADA pathway in conformance with the requirements of the Department of Justice standards, latest edition.
  23. Orange County Storm Water Program manual requires all contractors to provide a dumpster on-site during construction unless an Encroachment Permit is obtained for placement in street.
  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.
  25. All trash container areas shall meet the following requirement:
    - Paved with an impervious surface, designed not to allow run-on from adjoining areas, designed to divert drainage from adjoining roofs and pavements diverted around the area, screened or walled to prevent off-site transport of trash;
    - Provide solid roof or awning to prevent direct precipitation into the enclosure per City of Garden Grove Standard Plan B-502;
    - Connection of trash area drains to the municipal storm drain system is prohibited;
    - Potential conflicts with fire code and garbage hauling activities should be considered in implementing this source control;
    - See CASQA Storm Water Handbook Section 3.2.9 and BMP Fact Sheet SD-32 for additional information.

- The trash shall be located to allow pick-up and maneuvering, including turnarounds, in the area of enclosures per City of Garden Grove Standard Plan B-502.

26. Grading fees shall be calculated based on the current fee schedule at the time of permit issuance.

27. 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, Sub-article 18. The surveyor/engineer shall submit record information to the City on Auto Cad DWG format.

28. 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 Manual, Sub-article 18. The surveyor/engineer shall submit record information to the City on Auto Cad DWG format.

29. The applicant shall remove the existing landscape within the sidewalk area along Buaro Street and construct street frontage improvements as identified below. All landscaping installed within the public rights-of-way shall be maintained by the applicant in a manner meeting the approval of the City Engineer and Planning Services Division.

Buaro Street

- Remove the existing southerly and northerly substandard driveway approach and existing landscaping on Buaro Street and construct new curb, gutter and sidewalk per the approved site plan.
- The new driveway approach to the site shall be constructed in accordance with City of Garden Grove Standard Plan B-121. Standard Plan B-121 calls for a minimum width of 30-feet for commercial and multi residential projects, with any deviation from the standard to be approved by the City Engineer and detailed on the plan showing all modifications.
- Construct 6-inch curb and gutter along the property frontage at 20' from centerline in accordance with City Standard Plan B-114 (Type D-6).
- Remove existing sidewalk and construct a 5-foot sidewalk adjacent to the right-of-way line and a 5-foot landscape parkway adjacent to the street curb in accordance with City Standard Plan B-106. The area between the

sidewalk and curb, within 10 feet of road right-of-way, shall be landscaped per direction of the Planning Services Division.

- Applicant to coordinate the location of all new water meters to be placed in sidewalk area on Buaro Street with Planning Services Division and Water Division.
- Any proposed new landscaping in public right-of-way shall be approved by the Planning Services Division.

### **Public Works Environmental Compliance Division**

30. The applicant shall comply with all NPDES protocol during construction.

### **Public Works Water Services Division**

#### **Water Conditions**

31. New water meters service with a Residential Fire Sprinkler Connection (RFSC) shall be installed per City Standard B-719.
32. The water system within the drive aisle shall be constructed per City standards by the developer.
33. Water meters and boxes shall be installed by City forces upon payment of applicable fees and after the new water system (including water services) passes all bacteriological and pressure tests. Contractor can also purchase meters and boxes from the City.
34. A water and sewer utility plan shall be submitted using the City's drawing format and assigned a "W" drawing number.
35. A Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed for the landscape system. Installation shall be per City standards and shall be tested by a certified backflow device tester immediately after installation. Cross connection inspector shall be notified for inspection after the installation is completed. The property owner(s) 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(s) must open a water account upon installation of RPPD device.
36. 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 Services staff.

37. New utilities shall have a minimum 5-foot horizontal and minimum 1-foot vertical clearance from water main and appurtenances.
38. There shall be a minimum clearance from the sewer main and water main of 10-feet from outside of pipe to outside of pipe.
39. Any new or existing water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.
40. The City shall determine if existing water service(s) is/are usable and meets current City Standards. Any existing meter and service located within new driveway(s) shall be relocated at owner's expense.
41. Location and number of fire hydrants shall be as required by Water Services Division and the Fire Department.
42. On site fire hydrants shall be fully operational prior to forms for building pads and footings being installed.

#### Sewer Conditions

43. The owner shall install new private sewer main with clean outs on each individual lateral. All on site sewer main and appurtenance shall be installed per the California Plumbing Code (CPC). The sewer main within the public right-of-way shall be extra strength VCP and the sewer manhole shall be installed per City Standard S-100.
44. The 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 Services Division

45. The buildings shall be designed to comply with all provisions of the California Building Codes and City adopted amendments.
46. Buildings shall be sprinklered conforming to NFPA 13.
47. Buildings shall be provided with fire alarms as required by the applicable codes. The 8-plex must be R-2 because of the attached carport and therefore, fire alarms shall be required for this building.
48. Identify the ADA units on the plans. 10% of the units shall be adaptable and on an accessible route, which means two units in the project. All spaces at the ground floor of the adaptable units shall be accessible. The adaptable units shall be provided with a minimum of one powder room at the ground floor.

49. There shall be a minimum 4' wide walk/sidewalk connecting the adaptable units to the public way and the active recreation open space.
50. There shall be a minimum of two accessible parking spaces serving the adaptable units.
51. Provide "area calculations" to determine if the construction shall be Type V-A or V-B.
52. Each two-car garage shall be EVCS (Electric Vehicle Charging Station) ready with 220V hookups provided inside.
53. The roof of the dwelling units shall be "solar ready", capable of providing future solar panels.
54. The roof of the trash enclosure shall be fire sprinklered where the structure is placed within five feet of a building.

**Garden Grove Fire Department**

55. The applicant, developer or contractor shall submit fire sprinkler plans, as defined by NFPA 13, 2016 Edition, to the City for review and approval prior to issuance of Building permits.
56. The applicant, developer, or contractor shall submit a Fire Alarm plan, as defined by NFPA 72, 2016 Edition, to the City for review and approval prior to issuance of a Building permit.
57. Fire hydrants shall meet the specification as outlined by the Fire Chief and the City's Water Department.
58. Fire hydrants shall be spaced in accordance to the California Fire Code and at the directions from the City of Garden Grove's Fire Department.
59. Fire flow requirements and/or peculiar street configurations may dictate the necessity for additional fire hydrants per California Fire Code, Appendix III-A.
60. All water mains and fire hydrants shall be installed, accessible, and operable prior to any on-site use or storage of combustible materials per California Fire Code Section 8704.3.
61. Applicant, developer, or contractor shall provide Fire Apparatus access on the site prior to any flammable material being placed on-site.

**Planning Services Division**

62. This approval is for the construction of 17 attached townhouses in two buildings across a center drive aisle. The site plan shall be revised to provide a path of travel from the accessible parking spaces to the Active Recreation

open space in the center of the 8-plex. Along with this path of travel, some landscaping shall be included next to the wall of Unit #10. Windows along the west wall of Unit #10 shall be at a clerestory height only as the separation to the drive aisle is half of the normal requirement (5'-0" instead of 10'-0") and this five foot setback must in part be utilized as a path of travel.

63. Parking spaces in the garages shall maintain the ability to park two cars in a two-car garage at all times. The garages shall not be used for storage.
64. Residents shall not park or store vehicles anywhere on the site except within the designated parking spaces in the garages for their unit.
65. No outside storage shall be permitted on-site. Storage of boats, recreational vehicles, or commercial vehicles on the property is prohibited.
66. All proposed walls, fences, and hedges shall be consistent with Garden Grove Municipal Code Section 9.18.130.
67. Best Management Practices shall be incorporated in the management of the site to detour and/or abate any graffiti vandalism 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.
68. The applicant shall submit a complete and detailed landscaping plan with irrigation systems included for review and approval by the Community and Economic Development Department prior to the issuance of a building permit. Drought tolerant plantings are encouraged. The landscape plan shall include the type (both common and botanical names), size, location, and quantity of all proposed plant material. The proposed landscaping shall be planted prior to the finalization of the building permit. The plan shall be consistent with the landscape requirements set forth and/or incorporated in the Garden Grove Municipal Code. All landscape irrigation shall comply with the City's Landscape Ordinance, associated Water Efficiency Guidelines and all recent applicable revisions from the State of California on water conservation measures shall be to the landscape plans. 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. Subsurface systems are encouraged. The irrigation plan for any new trees shall have a deep-water irrigation system that shall be specified on the landscape plan. A detail of the deep-water irrigation system shall be provided for review. If sprinklers are used, they shall be low flow/precipitation sprinkler heads for water conservation.

- b. The landscape/irrigation plan for the area west of Unit #9 shall incorporate an accessible path from the accessible parking spaces to the drive aisle. This area shall be planted as a passive recreation area and incorporate benches or other seating. Passive recreation areas shall consist of landscape areas that incorporate pathways, waterscape, hardscape (i.e. large rocks or boulders, benches, gazebos, raised planters), and unique features that enhance the appearance, desirability, and usability of the area. The intent is to provide landscaped areas that can be utilized for walking, sitting, viewing plants and vegetation, reading, and similar types of activities.
- c. The active recreation area shall be designed to incorporate the entire required area of 40' x 40' to include, at a minimum, landscaping, decorative paving, barbecues, benches, and tables.
- d. Landscaping shall be maximized on the site where possible. The narrow planters between the garage doors and those along the outer edges of the walkways shall have plants carefully selected to provide maximum impact. The planters along the outer edges of the walkways leading to the front doors of the units shall be planted with taller plants that are not succulents to differentiate them from the succulents planted below in the on-grade planter. Similarly, the perimeter plantings along the rear and sides of the visitor parking area shall incorporate a greater variety of shrubs and ground cover with additional height being added.
- e. The landscape/irrigation area west of Unit #10 shall be revised to accommodate a 4-foot path of travel and a narrow planter next to the building.
- f. A bike rack shall be incorporated on the property.
- g. Trees planted within 10-feet of any public right-of-way shall be planted in a root barrier shield and a deep-water irrigation system.
- h. Landscaping is required in the parkway along Buaro Street. Parkway plantings typically include canopy trees at a distance of 30' on center with underplantings of shrubs, decorative grasses and ground cover. The applicant shall work with the Planning Services Division to develop a plan for the parkway plantings.
- i. All landscape areas, including the areas located within the public right-of-way along Buaro Street abuts the subject property, are the responsibility of the applicant/property owner(s).
- j. 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 also to be inclusive of any applicable Water Quality Management Plan (WQMP), the Orange County Drainage Area Management Plan



(DAMP), and/or other water conservation measures applicable to this type of development.

69. Enhanced concrete treatment shall be provided within the front 20 feet of the driveway along Buaro Street, subject to the Community and Economic Development Department, Planning Division's approval. Such enhanced concrete treatment includes decorative stamped concrete or interlocking pavers, or other enhanced treatment, excluding scored and/or colored concrete. Also, the pedestrian path across the drive aisle shall be delineated by enhanced paving clearly differentiated from the drive aisle paving as well as a painted design. For these paving treatments, the color, pattern, material, and final design and configuration shall be approved by the Community and Economic Development Department, Planning Services Division, and shall be shown on the final site plan, grading plan, and landscape plans.
70. Hours and days of construction and grading shall be as follows as set forth in the City of Garden Grove's Municipal Code Section 8.47.010 referred to as the County Noise Ordinance as adopted:
  - a. Monday through Saturday - not before 7 a.m. and not after 8 p.m. (of the same day).
  - b. Sunday and Federal Holidays - may work same hours, but subject to noise restrictions as established in section 8.47.010 of the Municipal Code.
71. Construction activities shall adhere to SCAQMD Rule 403 (Fugitive Dust) that includes dust minimization measures, the use of electricity from power poles rather than diesel or gasoline powered generators, and the use of methanol, natural gas, propane or butane vehicles instead of gasoline or diesel powered equipment, where feasible. Also, the use of solar or low-emission water heaters and the use of low-sodium parking lot lights to ensure compliance with Title 24.
72. Building colors and materials samples shall be submitted to the Planning Division for review and final approval prior to issuance of building permits.
73. Each unit shall provide a separate storage area having a minimum of 300 cubic feet of private and secured storage space. The storage may be provided within the parking garage provided it does not interfere with garage use for automobile parking.
74. All signage shall comply with Chapter 20 of Title 9 of the City's Municipal Code. A sign program shall be established for the development prior to Certificate of Occupancy.
75. The developer/owner shall prepare Covenants, Conditions, and Restrictions (CC&R's) for review and approval by the City Attorney's office and 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 Division. The CC&R's shall include the following stipulations:

- a. All units shall maintain within the garages, the ability to park two cars at all times. Garages shall not be converted to any other use.
- b. There shall be no business activities, day care, or garage sales conducted within or from the garages.
- c. Parking spaces in the garages shall be made available to the occupants of the unit at all times.
- d. Residents shall not park or store vehicles anywhere on the site except within the designated parking spaces in the garages for their dwelling unit. However, the open parking spaces 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. All graffiti vandalism shall be abated within the premises. Best Management Practices shall be incorporated to detour and/or abate any graffiti vandalism throughout the project and 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.
- f. Each residence shall be utilized as one (1) dwelling unit. No portion of any residence shall be utilized or rented as a separate dwelling unit.
- g. The CC&R's shall provide provisions for the owners 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 and urban trail, landscape area maintenance, etc. This also includes ensuring tree overhangs do not block or hinder any vehicles such street sweepers, trash trucks, fire trucks, etc., from maneuvering on the streets within the project.
- h. No outside storage shall be permitted on-site. Storage of boats, recreational vehicles, or commercial vehicles on the property is prohibited.
- i. The CC&R shall include stipulations that maintenance of the private drive aisles, open space areas, common landscaped areas, recreation equipment, walkways, storm drain, and all sewer facilities is the responsibility of the Homeowner's Association, including the common landscaped areas.

- j. The above stipulations shall not be modified without the approval of the City of Garden Grove. The CC&R's shall contain a provision that indicates CC&R's may not be terminated or substantially amended without the consent of the City.
- k. The CC&R's shall include language regarding Homeowner's Association responsibilities under National Pollutant Discharge Elimination System (NPDES) regulations.
- l. Each unit shall have a minimum of 300 cubic feet of storage space, which may be provided in the garage parking areas.
- m. The Conditions of Approval for Site Plan No. SP-041-2017, Variance No. V-016-2017 and Tentative Tract Map No. TT-18117 shall be incorporated into the CC&Rs, and provisions corresponding to any applicable Conditions of Approval shall be included in the CC&Rs.
- n. 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. Compliance with Stormwater Quality Regulations. 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:
    - a. Description of all post-construction BMPs (non-structural and structural).
    - b. Description of the Property owner's(S') responsibilities and required training of persons performing BMP implementation, operation and maintenance,
    - c. Implementation frequency and operating schedule,
    - d. Inspection/maintenance frequency and schedule,
    - e. Specific maintenance activities,
    - f. Required permits from resource agencies, if any,
    - g. Forms to be used in documenting implementation, operation and maintenance activities,
    - h. 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 these Declarations solely for purposes of enforcing its provisions and the Conditions of Approval of Site Plan No. SP-041-2017, Variance No. V-016-2017 and Tentative Tract Map No. TT-18117. The City, its agents, departments and employees shall have the unrestricted right and authority, but not the obligation, to enforce the provisions of these Declarations and the Conditions of Approval of Site Plan No. SP-041-2017, Variance No. V-016-2017, and Tentative Tract Map No. TT-18117. In the enforcement of this Declaration, the City shall not be limited to the procedures of 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-041-2017, Variance No. V-016-2017, and Tentative Tract Map No. TT-18117 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-041-2017, Variance No. V-016-2017, and Tentative Tract Map No. TT-18117. 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-041-2017, Variance No. V-016-2017, and Tentative Tract Map No. TT-18117 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 this Declaration or Site Plan No. SP-041-2017, Variance No. V-016-2017, and Tentative Tract Map No. TT-18117 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-041-2017, Variance No. V-016-2017, and Tentative Tract Map No. TT-18117 approvals, or to abate the violation thereof.
  - v. Public Safety Access: The Police and Fire Department personnel may enter upon any part of the common area for the purpose of enforcing state and local laws.
  - vi. Modification/Termination. 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.
76. A copy of the resolution approving Site Plan No. SP-041-2017, Variance No. V-016-2017, and Tentative Tract Map No. TT-18117, including these Conditions of Approval, shall be kept on the premises at all times.
77. The permittee shall submit a signed letter acknowledging receipt of the decision approving Site Plan No. SP-041-2017, Variance No. V-016-2017, and Tentative Tract Map No. TT-18117, and his/her agreement with all conditions of the approval.
78. 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 General Plan Amendment No. GPA-003-2017, Site Plan No. SP-041-2017, Variance No. V-016-2017, Tentative Tract Map No. TT-18117 (collectively, the "Project entitlements"), and/or the adopted Mitigated Negative Declaration and the associated Mitigation Monitoring and Reporting Program for the Project. 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 defend the City with legal counsel mutually selected by the applicant and the office of the City Attorney and 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.

79. 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. To the extent applicable, the applicant is hereby notified that the 90-day protest period, commencing from the effective date of approval of Site Plan No. SP-041-2017, Variance No. V-016-2017, and Tentative Tract Map No. TT-18117, has begun.
80. Unless a time extension is granted pursuant to Section 9.32.160 of Title 9 of the Municipal Code, the project authorized by this approval of Site Plan No. SP-41-2017, Variance No. V-016-2017, and Tentative Tract Map No. TT-18117 shall become null and void if the subject use or construction necessary and incidental thereto is not commenced within two (2) years of the expiration of the appeal and thereafter diligently advanced until completion of the project.

RESOLUTION NO. 5896-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING THE CITY COUNCIL ADOPT A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM, AND APPROVE GENERAL PLAN AMENDMENT NO. GPA-003-2017 FOR PROPERTY LOCATED AT 12111 BUARO STREET, ASSESSOR'S PARCEL NO. 231-331-12.

WHEREAS, Buaro Partners, LLC (the "Applicant") submitted an application to develop a .987-acre site (43,002 sq. ft.) on the west side of Buaro Street, south of Chapman Avenue, between Jentges Avenue and Twintree Avenue, located at 12111 Buaro Street, Assessor's Parcel No. 231-331-12, with 17 attached condominium townhouses (the "Project"); and

WHEREAS, the Applicant has requested the following land use approvals to implement the Project: (1) General Plan Amendment No. GPA-003-2017 to change the land use designation from Civic/Institutional (C/I) to Medium Density Residential (MDR); (2) Site Plan No. SP-041-2017 to allow the construction of 17 attached condominium townhouses in two buildings across a central driveway: an 8-plex on the northside of the driveway and a 9-plex on the south side; (3) Variance No. V-016-2017 for reduced setbacks; one for the space between five of the residences and the drive aisle; and the second between the recreational open space and two of the units; and (4) Tentative Tract Map No. TT-18117 to subdivide the site into a single parcel with condominiums; and,

WHEREAS, pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 *et seq.* ("CEQA") and CEQA's implementing guidelines, California Code of Regulations, Title 14, Section 15000 *et seq.*, an initial study (12111 Buaro Street Project Initial Study/Mitigated Negative Declaration) was prepared for the proposed Project and it has been determined that the proposed Project qualifies for a Mitigated Negative Declaration as the proposed Project with the proposed mitigation measures cannot, or will not, have a significant effect on the environment; and,

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

WHEREAS, the Mitigated Negative Declaration with mitigation measures was prepared and circulated in accordance with CEQA and CEQA's implementing guidelines; and,

WHEREAS, concurrent with its adoption of this Resolution, the Planning Commission adopted Resolution No. 5897-17 approving Site Plan No. SP-041-2017, Variance No. V-016-2017, and Tentative Tract Map No. TT-18117, subject to City Council's approval of a Mitigated Negative Declaration and the Mitigation Monitoring

and Reporting Program for the Project and General Plan Amendment No. GPA-003-2017; and

WHEREAS, the Planning Commission of the City of Garden Grove held a duly noticed public hearing on September 21, 2017, and considered the report submitted by City staff and all oral and written testimony presented regarding the Project, the initial study, and the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

NOW, THEREFORE, BE IT RESOLVED, FOUND, AND DETERMINED as follows:

1. Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., and the CEQA guidelines, 14 California Code of Regulations Sec. 15000 et. Seq., an initial study was prepared and it has been determined that the proposed project qualifies for a Mitigated Negative Declaration because the proposed project with implementation of the proposed mitigation measures cannot, or will not, have a significant effect on the environment. The Mitigated Negative Declaration with mitigation measures was prepared and circulated in accordance with CEQA and CEQA's implementing guidelines.
2. The Planning Commission has considered the proposed Mitigated Negative Declaration together with comments received during the public review process.
3. The Planning Commission finds that the Mitigated Negative Declaration reflects the City's independent judgment and analysis.
4. The Planning Commission finds on the basis of the whole record before it, including the initial study and comments received, that there is no substantial evidence that the project, with the proposed mitigation measures, will have a significant effect on the environment.
5. The Planning Commission hereby recommends the City Council (i) adopt the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program and (ii) approve General Plan Amendment No. GPA-003-2017.

BE IT FURTHER RESOLVED, that the Planning Commission of the City of Garden Grove, in regular session assembled on September 21, 2017, does hereby recommend that the City Council approve General Plan Amendment No. GPA-003-2017.



1. The Planning Commission gave due and careful consideration to the matter during its meeting of September 21, 2017.

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 9.08.030, are as follows:

FACTS:

The site at 12111 Buaro Street is south of Chapman Avenue and immediately north of the Walton Intermediate School at 12181 Buaro Street. The abutting properties are a duplex and 20-unit apartment building constructed in 1963 to the north and a 50-unit apartment complex, Casa de Portola, built in 1969 to the west.

The Happyland Preschool was built on the site in 1956. Over time, a pool, pergola, day nursery, and classrooms were added. Page Private School took over the site in 1974 and closed in June 2016.

The site retains the unoccupied one-story school building and also asphalt-paved parking areas, a pool structure, asphalt playgrounds, a playing court, pergolas, and limited landscaping.

The property is zoned R-3, Multiple-Family Residential and has a General Plan Land Use designation of Civic/Institutional (C/I). The site had a General Plan designation of Medium Density Residential (MDR) in the prior General Plans. The Civic/Institutional designation was added in the current General Plan 2030 adopted in 2008.

Planning staff have reviewed the history of the General Plan designations and determined that a mapping error occurred to put the Civic/Institutional designation on the subject site and the six adjoining properties that are mostly developed with multi-family apartment buildings. The applicant is requesting a General Plan Amendment to a Medium Density Residential designation.

The applicant is proposing 17 attached condominium townhouses in two buildings across a central driveway: an 8-plex on the north side and a 9-plex on the south side. The buildings are a mix of 2- and 3-story units each with a two-car garage off the driveway. Open visitor parking spaces are provided at the rear of the lot and under a carport in front of a central open space area. All the units have individual patios accessed from landscaped walkways along the side property lines.

The Site Plan request is for a proposed development that meets the requirements of the R-3 zone for open space, parking, height, circulation, site design elements, and most of the required setbacks. The project is well-designed and incorporates traditional architectural details in a modern, innovative style. The innovative use of

architectural detailing, the mixing of various details across the different elevations, and the strong use of colors make for a visually interesting and eye-catching project.

The project includes a Tentative Tract Map to subdivide the property into a single parcel with 17 condominium units.

Variances for reduced setbacks are required; one for the setback between the residences and the drive aisle; and the second for the setback between the recreational open space and the units. The variance for the setback between the residences and the drive aisle is for a 5'-0" setback instead of a 10'-0" setback. Most of the units comply with the development standard, but several on the corners of the buildings are limited in space. The units still have a buffer from the drive aisle and similar variances have been approved in many prior developments.

The second variance is for the setback between the recreational open space and the units. Two units are adjacent to the Active Recreation open space. The variance request is to provide a 3'-0" setback between the units and the recreation area instead of 5'-0". By providing slightly less separation, it is possible to locate the Active Recreation area in the center of the development instead of the back corner of the property and a better design was achieved. Other such variances have been approved for similar projects.

The project is designed to be an attractive, modern development. The development will be a positive addition to the neighborhood with its modern style, quality, and appeal.

#### FINDINGS AND REASONS:

##### GENERAL PLAN AMENDMENT:

1. The General Plan Amendment is internally consistent with the goals, objectives, and elements of the City's General Plan.

The General Plan Amendment is internally consistent with the goals and objectives of all elements of the City's adopted General Plan. The Medium Residential Density land use designation is intended to provide for a mix of multiple-family residences. The subject site is bounded by a public intermediate school to the south and a neighborhood of apartment buildings to the north. By allowing multi-family residential development on the subject site, the development will be consistent with the surrounding area thereby promoting General Plan Policy LU-2.4 - "Assure that the type and intensity of land use shall be consistent with that of the immediate neighborhood". The proposed new development will further Goal LU.2 to have stable, well-

maintained residential neighborhoods in Garden Grove. General Plan Land Use Policy LU-2.1 encourages the protection of residential areas from the effects of potentially incompatible uses, and Policy LU-2.2 promotes the development of a diverse mix of housing types and high standards of residential property maintenance to preserve real estate values and the high quality of life.

2. The General Plan Amendment is deemed to promote the public interest, health, safety, and welfare.

The General Plan Amendment will promote the public interest, health, safety, and welfare by changing the land use from Civic/Institutional to Medium Density Residential, and thereby allowing a multi-family residential development to be built, which is consistent with the surrounding neighborhood. The vacant school on the site, built in 1956 and completed in the 1960's, will be replaced with a striking new residential development that will be an improvement for the area. The General Plan Amendment will return the site to the Land Use designation it had in the past, repair the inconsistency between the General Plan designation and the R-3 zoning, and allow the site to be developed with a residential project.

3. The subject parcel(s) is physically suitable for the requested land use designation(s), compatible with surrounding land uses, and consistent with the General Plan.

The subject parcel is of a size (43,002 sq. ft.) and shape (rectangle) that is similar to other lots in the vicinity and that is developed with multi-family apartments elsewhere in the area. The site can accommodate the well-designed project of 17 attached condominium townhouses, which meets the code requirements for open space, parking, height, circulation, site design elements, landscaping, and most of the setbacks. The site is served and accessible by a street with curb, gutters, and sidewalks and is in an area with adequate sewer capacity. The surrounding uses include an intermediate school, apartment buildings, a duplex, a nursing home, hotel, hotel parking areas, and single-family homes. The proposed residential development will be compatible with adjacent residential uses, and be consistent with the land use designation of Medium Density Residential.

#### INCORPORATION OF FACTS AND FINDINGS SET FORTH IN THE STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The General Plan Amendment possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030.D.1 (General Plan Amendment).
2. The overall development and subsequent occupancy and operation of the site shall be subject to those environmental mitigation measures identified in the Mitigated Negative Declaration, which are summarized in the Mitigation Monitoring and Reporting Program (Exhibit "A") attached hereto.

**4.0 MITIGATION MONITORING AND REPORTING PROGRAM**

**Table 4.A: Mitigation and Monitoring Reporting Program**

Mitigation	Responsible Party	Timing		
<b>3.1 AESTHETICS</b>				
The proposed Project would not result in significant adverse impacts related to aesthetics. No mitigation would be required.				
<b>3.2 AGRICULTURE AND FOREST RESOURCES</b>				
The proposed Project would not result in significant adverse impacts related to agriculture or forest resources. No mitigation would be required.				
<b>3.3 AIR QUALITY</b>				
The proposed Project would not result in significant adverse impacts related to air quality. No mitigation would be required.				
<b>3.4 BIOLOGICAL RESOURCES</b>				
<p><b>MM-BIO-1</b> Compliance with Migratory Bird Treaty Act. In the event that Project construction or grading activities should occur within the active breeding season for birds (i.e., February 15 through August 15), a nesting bird survey shall be conducted by a qualified biologist prior to commencement of grading or construction activities.</p> <p>If active nesting of birds is observed within 100 ft. of the designated construction area prior to construction, the construction crew shall establish an appropriate buffer around the active nest. The designated Project biologist shall determine the buffer distance based on the specific nesting bird species and circumstances involved. Once the Project biologist verifies that the birds have fledged from the nest, the buffer may be removed.</p> <p>Prior to commencement of grading activities and issuance of any building permits, the City of Garden Grove Director of Community Development, or designee, shall verify that all Project grading and construction plans include specific documentation regarding the Migratory Bird Treaty Act (MBTA) requirements for a nesting bird survey should construction or grading occur from February 15 through August 15, that preconstruction surveys have been completed and the results reviewed by staff, and that the appropriate buffers (if needed) are noted on the plans and established in the field with orange snow fencing.</p>	City of Garden Grove Director of Community Development, or designee.	Prior to the commencement of any grading activities.		
<b>3.5 CULTURAL RESOURCES</b>				
<p><b>MM-CUL-1:</b> <i>Unknown Archeological Resources.</i> Prior to the issuance of grading permits, the Applicant shall be required to obtain the services of a qualified Native American Monitor (Monitor) during all construction-related ground disturbance activities. The Monitor must be approved by the tribal</p>			City of Garden Grove Director of Community Development, or designee.	Prior to the issuance of any grading activities.

Mitigation	Responsible Party	Timing
<p>representatives and will be present on-site during the construction phases that involve any ground disturbing activities. The Monitor will complete monitoring logs on a daily basis. The logs will provide descriptions of the daily activities, including construction activities, locations, soil, and any cultural materials identified. The Monitor will photo-document the ground disturbing activities. The Monitor must also have Hazardous Waste Operations and Emergency Response (HAZWOPER) certification. In addition, the Monitor will be required to provide insurance certificates, including liability insurance, for any archaeological resource(s) encountered during grading and excavation activities, pertinent to the provisions outlined in the California Environmental Quality Act, California Public Resources Code Division 13, Section 21083.2 (a) through (k). In the event that archaeological resources are discovered during any construction-related ground disturbance activities, the Applicant shall retain, with the approval of the City of Garden Grove (City) Community Development Director, or designee, a qualified archaeological monitor from the Orange County List of Qualified Archaeologists to assist in the assessment of said resources. The on-site monitoring shall end when the Project site grading and excavation activities are completed, or when the Monitor has indicated that the site has a low potential for archeological resources.</p> <p><b>MM-CUL-2:</b> <i>Paleontological Resources.</i> In the event that paleontological resources are encountered during Project construction, work in the immediate area of the find shall be ceased in order to allow the Applicant to retain, with the approval of the City's Community Development Director, or designee, a qualified paleontologist from the Orange County List of Qualified Paleontologists to assess the findings for scientific significance. If any fossil remains are discovered in sediments with a Low paleontological sensitivity rating (Young Alluvial Deposits), the paleontologist shall make recommendations as to whether monitoring shall be required in these sediments on a full-time basis, in accordance with Society of Vertebrate Paleontology standards. The property owner and/or applicant on whose land the paleontological fossils are discovered shall provide appropriate funding for monitoring, reporting, delivery and curating the fossils at the institution where the fossils will be placed, and will provide confirmation to the City that such funding has been paid to the institution.</p> <p><b>MM-CUL-3:</b> <i>Human Remains.</i> In the event that human remains are discovered during ground-disturbing or construction activities, the following steps shall be taken:</p> <ol style="list-style-type: none"> <li>a. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the Orange County Coroner is contacted to determine that no investigation of the cause of death is required. If the Coroner determines the remains to be Native American, then the</li> </ol>	<p>City of Garden Grove Director of Community Development, or designee.</p> <p>City of Garden Grove Director of Community Development, or designee.</p>	<p>In the event that paleontological resources are encountered during project construction.</p> <p>In the event of the accidental discovery or recognition of any human remains in any location on the project site during excavation or construction activities.</p>

Mitigation	Responsible Party	Timing
<p>Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the most likely descendant from the deceased Native American. The most likely descendant may make recommendations to the landowner or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98; or</p> <p>b. Where the following conditions occur, the landowner or his/her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendant or on the property in a location not subject to further subsurface disturbance:</p> <ol style="list-style-type: none"> <li>1. The NAHC is unable to identify a most likely descendant, or the most likely descendant failed to make a recommendation within 48 hours after being notified by the NAHC;</li> <li>2. The identified descendant fails to make a recommendation; or</li> <li>3. The landowner or his/her authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner.</li> </ol>		
<p><b>3.6 GEOLOGY AND SOILS</b></p> <p><b>MIM-GEO-1</b> The Project Applicant shall comply with the recommendations of the <i>Preliminary Geotechnical Investigation</i>, the most current California Building Code (CBC), and the Structural Engineer Association of California Guidelines, which stipulates appropriate seismic design provisions that shall be implemented with Project design and construction.</p> <p><i>Geotechnical Observations and Testing.</i> Prior to the start of grading, a meeting should be held at the site with the owner, developer, city inspector, grading contractor, civil engineer, and geotechnical consultant to discuss the work schedule and geotechnical aspects relative to rough and precise grading. Rough grading, which includes clearing and grubbing, overexcavation, scarification/processing, and fill placement should be accomplished under the full-time observation and testing of the geotechnical consultant. Fills should not be placed without prior approval from the</p>	<p>City of Garden Grove Building Official, or designee.</p>	<p>Prior to the start of grading.</p>

Mitigation	Responsible Party	Timing
<p>geotechnical consultant.</p> <p><i>Clearing and Grubbing.</i> Weeds, grasses, and trees in areas to be graded should be stripped and hauled offsite. Trees to be removed should be grubbed so that their stumps and major-root systems are also removed and the organic materials hauled offsite. During site grading, laborers should clear from fills, roots, tree branches and other deleterious materials missed during clearing and grubbing operations.</p> <p>The Project geotechnical consultant, or his qualified representative, should be notified at the appropriate times to provide observation and testing services during clearing and grubbing operations to observe and document compliance with the above recommendations. In addition, buried structures and unusual or adverse soil conditions encountered that are not described or anticipated herein, should be brought to the immediate attention of the geotechnical consultant.</p> <p><i>Overexcavation and Ground Preparation.</i> The site is generally underlain by approximately 2 feet to 7 feet of potentially compressible soils (topsoil and the upper alluvium) which may be prone to future settlement under the surcharge of foundation and/or fill loads. These materials should be overexcavated to underlying competent alluvium or older alluvium within proposed building areas and competent alluvium within areas of proposed pavement areas and improvements outside building areas then replaced with compacted fill soils. Within the proposed building areas overexcavations should also extend at least 5 feet below proposed pad grade or 3 feet below the lowest proposed footings, whichever is deeper and at least 5 feet outside proposed footings. Within proposed wall areas, outside of the proposed building areas overexcavations should also extend at least 5 feet below proposed grade or 2 feet below the lowest proposed footings, whichever is deeper. Therefore, overexcavations are anticipated to be approximately 4 feet to 7 feet within the proposed building areas and 2 feet to 4 feet within areas of proposed pavement and improvements outside building areas. However, localized, deeper overexcavation should be anticipated where deemed necessary by the geotechnical consultant based on observations during grading as well as by proposed depths of footings or structural loads. Actual depths of overexcavation should be evaluated upon review of final grading and foundation plans, on the basis of observations and testing during grading by the Project geotechnical consultant.</p> <p>Prior to placing engineered fill, exposed bottom surfaces in each overexcavated area should first be scarified to a depth of approximately 6 inches, watered or air-dried as necessary to achieve a uniform moisture content of optimum or higher, and then compacted in place to a relative compaction of 90 percent or more (based on American Standard of Testing and Materials [ASTM] Test Method D1557). The estimated locations, extent and approximate depths for overexcavation of unsuitable materials</p>		



Mitigation	Responsible Party	Timing
<p>are indicated on the Geotechnical Map (Plate 1) included in the <i>Preliminary Geotechnical Investigation</i>. The geotechnical consultant should be provided with appropriate survey staking during grading to document that depths and/or locations of recommended overexcavation are adequate.</p> <p>Sidewalls for overexcavations greater than 5 feet in height should be no steeper than 1:1 (H:V) and should be periodically slope-boarded during their excavation to remove loose surficial debris and facilitate mapping. Flatter excavations may be necessary for stability.</p> <p>The grading contractor will need to consider appropriate measures necessary to excavate adjacent existing improvements adjacent to the site without endangering them due to caving or sloughing.</p> <p><i>Fill Suitability.</i> Soil materials excavated during grading are generally considered suitable for use as compacted fill provided they do not contain significant amounts of trash, vegetation, construction debris and oversize material.</p> <p><i>Oversized Material.</i> Oversized material greater than 8 inches that may be encountered during grading should be reduced in size or removed from the site.</p> <p><i>Benching.</i> Where compacted fills are to be placed on natural slope surfaces inclining at 5:1 (H:V) or greater, the ground should be excavated to create a series of level benches, which are at least a minimum height of 4 feet, excavated into competent bedrock.</p> <p><i>Import Soils for Grading.</i> In the event import soils are needed to achieve final design grades, all potential import materials should be free of deleterious/oversize materials, very low in expansion, and approved by the project geotechnical consultant prior to commencement of delivery onsite.</p> <p><i>Cut/Fill Transitions and Differential Fill Thicknesses.</i> To mitigate distress to structures and walls, related to the detrimental effect of differential settlement, the cut portions should be eliminated from cut/fill transition areas in order that the entire structure or wall is founded on a uniform bearing material. This should be accomplished by overexcavating the "cut" portions and shallow fill portions 4 feet or more below proposed pad grade or 3 feet below proposed footings, whichever is deeper, and replacing the excavated materials as properly compacted fill. Recommended depths of overexcavation are provided in the <i>Preliminary Geotechnical Investigation</i>.</p> <p><i>Fill Placement.</i> Fills should be placed in lifts no greater than 8 inches in uncompacted thickness, watered or air-dried as necessary to achieve a uniform moisture content of at least optimum</p>		

Mitigation	Responsible Party	Timing
<p>moisture content, and then compacted in place to relative compaction of 90 percent or more. Fills should be maintained in a relatively level condition. The laboratory maximum dry density and optimum moisture content for each change in soil type should be determined in accordance with ASTM Test Method D1557.</p> <p><i>Shrinkage/Bulking and Subsidence.</i> Volumetric changes in earth quantities will occur when excavated onsite soils are replaced as properly compacted fill. The <i>Preliminary Geotechnical Investigation</i> includes a table containing an estimate of the shrinkage and bulking factors for the various geologic units present onsite. These estimates are based on in-place densities of the various materials and on the estimated average degree of relative compaction that will be achieved during grading.</p> <p>Subsidence due to recompaction of the bottom of overexcavations, prior to fill placement and placement of proposed fills, is estimated to be approximately 0.15 feet to 0.25 feet.</p> <p>The estimates of shrinkage/bulking and subsidence included in the <i>Preliminary Geotechnical Investigation</i> are intended as an aid for Project engineers in determining earthwork quantities. These are preliminary rough estimates which may vary with depth of removal, stripping losses, field conditions at the time of grading, etc. However, these estimates should be used with some caution since they are not absolute values. Contingencies should be made for balancing earthwork quantities based on actual shrinkage/bulking and subsidence that occurs during the grading operations.</p> <p><i>Slope Stability.</i> No grading plans has been developed and provided for review, however, based on the <i>Preliminary Geotechnical Investigation</i> review of the 40-scale site plan, the existing site topography, and current knowledge of the existing area of the proposed development, cut slopes and fill slopes may not be necessary in the final design.</p> <p><i>Temporary Excavations.</i> Temporary excavations varying up to a height of approximately 7 feet below existing grades will be necessary to accommodate the recommended overexcavation of the unsuitable soil materials. Based on the physical properties of the onsite soils, temporary excavations exceeding 5 feet in height should be cut back at a ratio of 1:1 (H:V) or flatter, for the duration of the overexcavation and recompaction of unsuitable soil material. Temporary slopes excavated at the above slope configurations are expected to remain stable during grading operations. However, the temporary excavations should be observed by a representative of the Project geotechnical consultant for any evidence of potential instability. Depending on the results of these observations, revised slope configurations may be necessary.</p> <p>Other factors which should be considered with respect to the stability of the temporary slopes</p>		

Mitigation	Responsible Party	Timing
<p>include construction traffic and storage of materials on or near the tops of the slopes, landscaping irrigation, construction scheduling, presence of nearby walls or structures on adjacent properties, and weather conditions at the time of construction. Applicable requirements of the California Construction and General Industry Safety Orders, the Occupational Safety and Health Act of 1970, and the Construction Safety Act should also be followed.</p> <p>Additional site testing and final design evaluation shall be conducted by the Project geotechnical consultant to refine and enhance these requirements. The Applicant shall require the Project geotechnical consultant to assess whether the requirements in the <i>Preliminary Geotechnical Investigation</i> need to be modified or refined to address any changes in the Project that occur prior to the start of grading. If the Project geotechnical consultant identifies modifications or refinements to the requirements, the Project Applicant shall require appropriate changes to the final Project design and specifications and shall submit any revised geotechnical reports to the Land Development Section of the Engineering Division, or designee, for approval prior to issuance of any grading or construction permits.</p> <p>The Land Development Section of the Engineering Division, or designee, shall review grading plans prior to the start of grading to verify that the requirements developed during the geotechnical design evaluation have been appropriately incorporated into the Project plans. Design, grading, and construction shall be performed in accordance with the requirements of the City Building Code and the California Building Code (CBC) applicable at the time of grading, as well as the recommendations of the Project geotechnical consultant as summarized in a final report subject to review by the City's Building Official, or designee, prior to the start of grading activities. On-site inspection during grading shall be conducted by the Project geotechnical consultant and the Land Development Section of the Engineering Division to ensure compliance with geotechnical specifications as incorporated into Project plans.</p>		
<p><b>3.7 GREENHOUSE GAS EMISSIONS</b></p> <p>The proposed Project would not result in significant adverse impacts related to greenhouse gas emissions. No mitigation would be required.</p>		
<p><b>3.8 HAZARDS AND HAZARDOUS MATERIALS</b></p>		
<p><b>MIM-HAZ 1: Predemolition Surveys.</b> Prior to commencement of demolition activities, the City of Garden Grove (City) Building Official, or designee, shall verify that predemolition surveys for asbestos-containing materials (ACMs) and lead-based paints (LBPs) (including sampling and analysis of all suspected building materials) and inspections for polychlorinated biphenyl (PCB)-containing electrical fixtures and other suspect hazardous building materials have been performed. All inspections, surveys, and analyses shall be performed by appropriately licensed and qualified individuals in accordance with applicable regulations (i.e., American Society for Testing and Materials [ASTM] E 1527-05, and 40 Code</p>	<p>City of Garden Grove Building Official, or designee.</p>	<p>Prior to issuance of demolition activities.</p>

Mitigation	Responsible Party	Timing
<p>of Federal Regulations [CFR], Subchapter R, Toxic Substances Control Act [TSCA], Part 716). If the predemolition surveys do not find ACMs, LBPs, PCB-containing electrical fixtures, or other hazardous building materials, the inspectors shall provide documentation of the inspection and its results to the City Building Official, or designee, to confirm that no further abatement actions are required.</p> <p>If the predemolition surveys find evidence of ACMs, LBPs, or PCB-containing electrical fixtures, or other hazardous building materials, all such materials shall be removed, handled, and properly disposed of by appropriately licensed contractors according to all applicable regulations during demolition of structures (40 CFR, Subchapter R, TSCA, Parts 745, 761, and 763). Air monitoring during these predemolition surveys shall be completed, as applicable, by appropriately licensed and qualified individuals in accordance with applicable regulations both to ensure adherence to applicable regulations (e.g., South Coast Air Quality Management District [SCAQMD]) and to provide safety to workers and the adjacent community.</p> <p>The City shall provide documentation (e.g., all required waste manifests, sampling, and air monitoring analytical results) to the County of Orange (County) Environmental Health Division showing that abatement of any ACMs, LBPs, PCB-containing electrical fixtures, or other hazardous building materials identified in these structures has been completed in full compliance with all applicable regulations and approved by the appropriate regulatory agency(ies) (40 CFR, Subchapter R, TSCA, Parts 716, 745, 761, 763, and 795 and California Code of Regulations [CCR] Title 8, Article 2.6). An Operating &amp; Maintenance (O&amp;M) Plan shall be prepared for any ACM, LBP, PCB-containing fixtures, or other hazardous building materials to remain in place and will be reviewed and approved by the County Environmental Health Division.</p> <p><b>MM-HAZ-2: Contingency Plan.</b> Prior to commencement of grading activities, the Director of the County Environmental Health Division, or designee, shall review and approve a contingency plan that addresses the procedures to be followed should on-site unknown hazards or hazardous substances be encountered during demolition and construction activities. The plan shall indicate that if construction workers encounter underground tanks, gases, odors, uncontained spills, or other unidentified substances, the contractor shall stop work, cordon off the affected area, and notify the Garden Grove Fire Department (GGFD). The GGFD responder shall determine the next steps regarding possible site evacuation, sampling, and disposal of the substance consistent with local, State, and federal regulations.</p>	<p>Director of the Orange County Environmental Health Division, or designee.</p>	<p>Prior to the commencement of grading activities.</p>
<p><b>3.9 HYDROLOGY AND WATER QUALITY</b></p> <p>The proposed Project would not result in significant adverse impacts related to hydrology and water quality. No mitigation would be required.</p>		
<p><b>3.10 LAND USE/PLANNING</b></p>		

Mitigation	Responsible Party	Timing
The proposed Project would not result in significant adverse impacts related to land use/planning. No mitigation would be required.		
<b>3.11 MINERAL RESOURCES</b>		
The proposed Project would not result in significant adverse impacts related to mineral resources. No mitigation would be required.		
<b>3.12 NOISE</b>		
<p>MIM- NOI-1: During grading and construction, the City of Garden Grove (City) Building Official, or designee, shall verify that the following measures are implemented to reduce construction noise and vibrations, emanating from the proposed Project:</p> <ul style="list-style-type: none"> <li>• During all Project site demolition, excavation and grading on-site, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturer standards.</li> <li>• The contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the Project site.</li> <li>• Equipment shall be shut off and not left to idle when not in use.</li> <li>• The contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise/vibration sources and sensitive receptors nearest the Project site during all Project construction.</li> <li>• The contractor shall limit the use of heavy equipment or vibratory rollers and soil compressors along the Project boundaries to the greatest degree possible.</li> </ul>	City of Garden Grove Building Official, or designee.	During grading and construction activities.
<b>3.13 POPULATION AND HOUSING</b>		
The proposed Project would not result in significant adverse impacts related to population or housing. No mitigation would be required.		
<b>3.14 PUBLIC SERVICE</b>		
The proposed Project would not result in significant adverse impacts related to public services. No mitigation would be required.		
<b>3.15 RECREATION</b>		
The proposed Project would not result in significant adverse impacts related to recreation. No mitigation would be required.		
<b>3.16 TRANSPORTATION/TRAFFIC</b>		
The proposed Project would not result in significant adverse impacts related to transportation or traffic. No mitigation would be required.		
<b>3.17 TRIBAL CULTURAL RESOURCES</b>		
The proposed Project would not result in significant adverse impacts related to tribal cultural resources. No mitigation would be required.		
<b>3.18 UTILITIES/SERVICE SYSTEMS</b>		
The proposed Project would not result in significant adverse impacts related to utilities/service systems. No mitigation would be required.		