

RESOLUTION NO. 5903-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-038-2017 FOR PROPERTY LOCATED AT THE NORTH SIDE OF 11TH STREET, BETWEEN BROOKHURST STREET AND KERRY STREET, AT 9841 11TH STREET, ASSESSOR'S PARCEL NOS. 098-120-29 AND 30.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session, assembled on November 2, 2017, hereby approves Site Plan No. SP-038-2017, subject to (i) 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-002-2017(B) by the Garden Grove City Council.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-038-2017, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Faircrest Real Estate, LLC (the "Applicant"), who proposes to develop a parcel, approximately 19,125 square feet in size, located on the north side of 11th Street, between Brookhurst Street and Kerry Street, at 9841 11th Street, Assessor's Parcel Nos. 098-120-29, 30, with a 10-unit multi-family apartment building (the "Project").
2. The Applicant has requested the following land use approvals to implement the Project: (1) General Plan Amendment No. GPA-002-2017(B) to change the land use designation from Civic/Institutional (C/I) to Medium Density Residential (MDR); (2) Site Plan No. SP-038-2017 to allow the construction of ten (10) units within a three-story apartment building with a 35 percent affordable housing density bonus for low-income households; and (3) pursuant to the State Law regarding density bonus affordable housing projects, approval of three waivers from the Multiple-Family Residential (R-3) development standards: 1) to allow the third-story configuration to be greater than fifty percent of the building footprint; 2) to deviate from the required 10'-0" distance separation between the units and the drive aisle located on the first, second, and third floors; and 3) to deviate from the required 11'-3" third-story side yard setback.
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 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 property has a General Plan Land Use designation of Civic/Institutional and is 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 November 2, 2017, and all interested persons were given an opportunity to be heard.
8. Concurrently with adoption of this Resolution, on November 2, 2017, the Planning Commission adopted Resolution No. 5902-17, 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-002-2017(B) for the Project. The facts and findings set forth in Planning Commission Resolution No. 5902-17 are hereby incorporated into this Resolution by reference.
9. The Planning Commission gave due and careful consideration to the matter during its meeting of November 2, 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 subject property is located on the north side of 11th Street, between Brookhurst Street and Kerry Street, at 9841 11th Street. The parcel has a General Plan Land Use designation of Civic/Institutional and is zoned R-3 (Multiple-Family Residential). The property is located in an area improved with single-family and multiple-family developments, a rehabilitation care facility, a convalescent center, and the Islamic Society of Orange County. The site consists of a net lot area of 19,125 square feet and is currently developed with two unoccupied and vacant residential dwelling units.

The Civic/Institutional Land Use designation was added for the first time in the current General Plan 2030, adopted in 2008. The designation is intended for educational uses, such as, elementary, middle, and high schools, colleges, universities, hospitals, and governmental facilities. The previous Open Space (OS) Land Use designation combined parks, school uses, golf courses, and other public

and private open space land under one designation. In the current General Plan, the City kept the Open Space designation for recreational areas, such as parks, right-of-ways, flood channels and introduced the Civic/Institutional designation for educational uses and government facilities, such as the Merton E. Hill Elementary School to the west, across Kerry Street. However, the properties within the block, including the property under this request, retain an R-3 zoning, which is not consistent with the Civic/Institutional General Plan designation. The previous Land Use designation of the properties, Medium Density Residential, was consistent with the R-3 zoning of the properties, prior to the adoption of the current General Plan 2030.

Planning staff reviewed the history of the General Plan designations and determined that the Civic/Institutional Land Use designation on the properties is the result of a mapping error in the current General Plan. Under a separate request, General Plan Amendment No. GPA-002-2017(A), the City is proposing that the surrounding properties' Land Use designation also be amended to Medium Density Residential. Under this request, the General Plan Amendment will correct the inconsistency between the Land Use designation and zoning of the subject property, return the parcel to its previous Land Use designation, and allow the property to be developed with a multi-family residential development.

The applicant is requesting Site Plan approval to develop a 10-unit, three-story apartment building with a 35 percent affordable housing density bonus for low-income households. The request includes a General Plan Amendment to change the General Plan Land Use designation of the property from Civic/Institutional to Medium Density Residential. In order to facilitate the proposed development, and to ensure that the development site has consistent General Plan Land Use and zoning designations, a General Plan Amendment is required for the parcel.

The proposed site design consists of one three-story building with a total of ten (10) units. One unit, twenty (20) parking spaces within a carport, storage areas, mailboxes, and utility closets will be located on the ground level. The remaining nine (9) units will be located on the two levels above. The project proposes five (5) sets of exterior stairs located along the west side of the site to access the units on the upper two levels. The site will be accessed from a proposed 25'-0" wide driveway from 11th Street. The driveway extends from the entrance of the property, and circulates to the rear of the lot. The driveway is used to access the covered parking spaces located on the west side of the property, and the trash enclosure located toward the rear of the property.

Pursuant to the State Density Bonus Law, the applicant is requesting three waivers from the R-3 zone development standards to allow the third-story configuration to be greater than fifty percent of the building footprint, to deviate from the required 10'-0" distance separation between the units and the drive aisle located on the first,

second, and third floors, and to deviate from the required 11'-3" third-story side yard setback.

FINDINGS AND REASONS:

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). Approval of the proposed Site Plan is contingent upon City Council approval of a General Plan Amendment 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. This 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 concessions are 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, and on and off-site circulation. The residential units have been parked per the State's Density Bonus Affordable Housing Law that establishes the maximum parking requirement for affordable housing developments. The site provides sufficient parking to accommodate the ten (10) multi-family residential units and visitors. The development site will be accessed from a proposed 25'-0" wide driveway from 11th Street. The driveway extends from the entrance of the property, and circulates to the rear of the lot. The driveway is used to access the covered parking spaces located on the west side of the property in a carport, and the trash enclosure located toward the rear of the property. The driveway has been designed in accordance with City standards, and is designed to provide the required access for trash trucks and emergency vehicles. In addition, an internal pedestrian walkway on the west side of the property that originates from 11th Street, with a gate and fence, will be used to provide access to the stairways and to the accessible unit on ground level.

The plans have been reviewed by the City's Traffic Engineering Division and it was determined that the project will have no adverse impacts to surrounding streets. 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 Public Work's Department has reviewed the plans and all appropriate conditions of approval have been incorporated. 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 multi-family 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 property is located in an area improved with single-family and multiple-family developments, a rehabilitation care facility, a convalescent center, and the Islamic Society of Orange County. Directly to the east is an intermediate care facility, a multi-family development to the west, and a rehabilitation care facility to the north. The proposed project is a three-story, multi-family apartment building. Although the surrounding multi-family developments consist of two-stories, the design integrates varying building parapet heights, recessed patios, and projecting architectural features that eliminate the appearance of a boxed-shaped design and integrates the design with the surrounding neighborhood. The building consists of a combination of faux

wood lap siding as an accent and smooth faux concrete square veneer in two shades of beige. The design proposes varied window sizes, fabricated metal awnings, sloped stucco shelves underneath windows on the east elevation, and tensioned steel guardrail along the outdoor decks and patios. The project is well-designed and 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 residential project has been designed for building appearance, building placement, landscaping, and other amenities to attain an attractive environment that will be an enhancement to the neighborhood. The residential project has been designed to comply with the spirit and intent of the R-3 zoning requirements for providing landscaping, amenities and the required active and private recreation areas. The project proposes landscaping in all required setbacks, as required by Title 9 of the Municipal Code. The project provides a 1,817 square foot active recreation area located at the rear of the lot, and 373 square feet of passive recreation area. The active recreation area is a multi-purpose area that consists of half a basketball court that may also be used for riding tricycles, rollerblading, and other group gatherings. The applicant also proposes benches for seating around the active recreation area. Additionally, private open space is provided for each unit in the form of open patios and decks. These elements contribute to creating an attractive environment for the occupants of the property. Through the conditions of approval for the project, the necessary protection and maintenance of all landscaping will be achieved.

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 possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030.
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-038-2017.

- 3. Approval of this Site Plan 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-002-2017(B).

Adopted this 2nd day of November, 2017

ATTEST:

/s/ ANDREW KANZLER
CHAIR

/s/ JUDITH MOORE
RECORDING SECRETARY

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS:
CITY OF GARDEN GROVE)

I, JUDITH MOORE, Secretary of the City of Garden Grove Planning Commission, do hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Garden Grove, California, at a meeting held on November 2, 2017, by the following vote:

AYES:	COMMISSIONERS:	(6)	BRIETIGAM, KANZLER, LAZENBY, LEHMAN, NGUYEN, TRUONG
NOES:	COMMISSIONERS:	(0)	NONE
ABSENT:	COMMISSIONERS:	(1)	SALAZAR

/s/ JUDITH MOORE
RECORDING SECRETARY

EXHIBIT "A"

Site Plan No. SP-038-2017

9841 11th Street

CONDITIONS OF APPROVAL

General Conditions

1. All Conditions of Approval set forth herein, or contained in Resolution No. 5903-17, 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, Faircrest Real Estate, 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. 3, 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-038-2017, so long as the improvements authorized and contemplated by Site Plan No. SP-038-2017 and these Conditions of Approval continue to exist on the Site.
2. Approval of this Site Plan shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
3. 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.
4. All conditions of approval shall be implemented at the applicant's expense, except where otherwise expressly specified in the individual condition.

Public Works Engineering Division

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

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

6. A geotechnical study prepared by a registered geotechnical engineer is required. The report shall analyze the liquefaction potential of the site and make recommendations. The report shall analyze sub-surface issues related to the past uses of the site, including sub-surface tanks and basement and septic facilities. Any soil or groundwater contamination shall be remediated prior to the issuance of a building permit in a manner meeting the approval of the City Engineer in concert with the Orange County Health Department. The report shall make recommendations for pavement design the interior streets and parking spaces. The report shall also test and analyze soil conditions for LID (Low Impact Development) principles and implementations, including potential infiltration alternatives, soil compaction, saturation, permeability and groundwater levels.
7. A separate street permit is required for work performed within the public right-of-way.
8. Grading/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.
9. Prior to the issuance of any grading or building permits or prior to recordation upon subdivision of land if determined applicable by the City Building Official, the applicant shall submit to the City for review and approval a Water Quality Management Plan that:
 - a. Addresses Site Design BMPs based upon the geotechnical report recommendations and findings such as infiltration minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas;
 - b. Incorporates the applicable Routine Source Control BMPs as defined in the DAMP;
 - c. Incorporates structural and Treatment Control BMPs as defined in the DAMP;
 - d. Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs;

- e. Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs;
 - f. Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs.
10. Prior to grading or building permit closeout and/or the issuance of a certificate of use or a certificate of occupancy, the applicant shall:
 - a. Demonstrate that all structural best management practices (BMPs) described in the Project WQMP have been constructed and installed in conformance with approved plans and specifications;
 - b. Demonstrate that applicant is prepared to implement all non-structural BMPs described in the Project WQMP;
 - c. Demonstrate that an adequate number of copies of the approved Project WQMP are available onsite;
 - d. Submit for review and approval by the City an Operations and Maintenance (O&M) Plan for all structural BMPs.
 11. 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.
 12. Prior to issuance of a grading permit, the applicant shall design overhead street lighting within the development in a manner meeting the approval of the City Engineer. Location of lighting poles shall be shown on the grading plan.
 13. The applicant / property owner shall provide a 3-foot public utility easement across lot frontage behind the property line.
 14. Prior to the issuance of the street improvements and grading permit, the applicant shall provide improvement bonds (Faithful Performance, Labor & Material and Monument Bond) acceptable to the City guaranteeing that all work constructed under said permits will be completed according to the approved plans, applicable laws, and in compliance with all terms specified in the permit(s). All bonds shall be in a form 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).

15. The applicant shall construct the driveway entrance to the development per City of Garden Grove Standard Plan B-121 with conforming ADA landing and pathways where public and private sidewalks intersect. All designs must conform to latest ADA standards.
16. No parallel curb parking shall be permitted anywhere on the site.
17. 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.
18. Orange County Storm Water Program manual requires all contractors to provide a dumpster onsite during construction unless an Encroachment Permit is obtained for placement in street.
19. 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.
20. All trash container areas shall meet the following requirement:
 - a. 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;
 - b. Provide solid roof or awning to prevent direct precipitation;
 - c. Connection of trash area drains to the municipal storm drain system is prohibited;
 - d. Potential conflicts with fire code and garbage hauling activities should be considered in implementing this source control;
 - e. See CASQA Storm Water Handbook Section 3.2.9 and BMP Fact Sheet SD-32 for additional information;
 - f. The trash shall be located to allow pick-up and maneuvering, including turnarounds, in the area of enclosures.
21. Grading fees shall be calculated based on the current fee schedule at the time of permit issuance.
22. The applicant shall remove the existing seastrand driveway approach within sidewalk area along 11th Street and construct street frontage improvements as identified below. All landscaping and public improvements installed within

the public rights-of-way shall be maintained by the applicant in a manner meeting the approval of the City Engineer and Planning Division.

11th Street

- a. Remove the existing substandard driveway approach, curb/gutter and sidewalk on 11th Street and construct new driveway approach to the site shall 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 Traffic Engineer and detailed on the plan showing all modifications.
- b. Applicant to coordinate the location of all new water meters to be placed in sidewalk area on Garden Grove Boulevard with Planning Department and Water Division.
- c. Any proposed new landscaping in public right of way shall be approved by Planning Division.

Public Works Environmental Compliance Division

23. The applicant shall comply will LID (Low Impact Development) measures.

Garden Grove Fire Department

24. Fire sprinkler system is required throughout the apartment building per the California Fire Code and adopted City standards (NFPA). NFPA 13D compliant system is required throughout with a density and configuration as required by that standard. Sprinkler systems shall meet further City water standards as determined by the fire and water departments (i.e., testable above ground double check valves, fire flow water meters if required).
25. Smoke/CO alarm system shall be provided and interconnected; interconnectivity shall exist with fire sprinkler system also, as per NFPA 72. Life safety and fire sprinkler alarm system shall comply with NFPA 72 requirements.
26. Fire hydrant(s) shall be provided on-site, number of hydrants and locations are subject to Fire Department and Water Services Department approval. The fire hydrant(s) shall be on a loop system approved by the Fire Department. The fire hydrants and an all-weather road, compliant with the California Fire Code, shall be installed and fully operational prior to any combustible material being delivered to the site.
27. All Fire related aspects of the proposed project shall comply with California Fire Codes and the California Building Codes 2016 Edition.

28. There shall provide clear access within the drive aisle and emergency vehicle turn-around area per California Fire Code 2016 Edition.

Building Services Division

29. The proposed building shall comply with the California Building Code Standards 2016 Edition.
30. The building shall meet Title 24 of the California Code of Regulations 2016 Edition.
31. The building shall comply with the California Energy Code 2016 Edition.
32. The building, including all carports, shall be fully sprinklered.
33. The building shall be provided with fire alarms.
34. Roof shall be solar ready per requirements of Section 110.10 of the California Energy Code 2016 Edition.
35. There shall be a minimum of one (1) long-term bicycle parking space per the California Green Building Code 2016 Edition.
36. There shall be a minimum of one (1) accessible residential unit, and it must be located on an accessible 4' wide minimum route to the public right-of-way.
37. There shall be a minimum of one (1) van accessible parking space.
38. The walls separating the units shall be of 1-hour construction.

Public Works Water Services Division

Water Conditions

39. New water service and master meter installation 2" and smaller, shall be installed by the City of Garden Grove at applicant's expense. Installation shall be scheduled upon payment of applicable fees, unless otherwise noted. Fire services and larger water services 3" and larger, shall be installed by applicant's contractor per City Standards.
40. Water meter shall be located within the 11th Street right-of-way. Fire services and large water services 3" and larger, shall be installed by contractor with Class A or C-34 license, per City water standards and inspected by approved Public Works inspection.
41. A Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed for meter protection. The landscape system shall also have RPPD

device. Installation shall be per City Standards and shall be tested by a certified backflow device tester immediately after installation. Cross connection inspector shall be notified for inspection after the installation is completed. Applicant 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. The applicant must open a water account upon installation of RPPD device.

42. Any new or existing water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.
43. City shall determine if existing water services(s) is/are usable and meets current City Standards. Any existing meter and service located within new driveway(s) shall be relocated at applicant's expense.
44. Fire service shall have above ground backflow device with a double check valve assembly. Device shall be tested immediately after installation and once a year thereafter by a certified backflow device tester and the results to be submitted to Public Works, Water Services Division. Device shall be on private property and is the responsibility of the applicant. The above-ground assembly shall be screened from public view as required by the Planning Division.
45. The applicant shall install an on-site private fire hydrant. Fire hydrant to be installed and charged prior to the building footings and foundations being formed.

Sewer Conditions

46. The applicant shall install new sewer lateral with clean out at right-of-way line. Lateral in public right-of-way shall be 6" min. dia., extra strength VCP with wedgelock joints.
47. The applicant shall abandon any existing unused sewer lateral(s) at street right-of-way on the property owner's side. The sewer pipe shall be capped with an expansion sewer plug and encased in concrete.

Planning Services Division

48. This approval is for the construction of a 10-unit, three-story apartment building with a 35 percent affordable housing density bonus for low-income households. The request includes a General Plan Amendment to change the General Plan Land Use designation of the property from Civic/Institutional (CI) to Medium Density Residential (MDR). Pursuant to the State Density Bonus Law, the applicant is requesting three waivers from the R-3 (Multiple-Family Residential) zone development standards to allow the third-story configuration to be greater than fifty percent of the building footprint, to deviate from the required 10'-0" distance separation between the units and

the drive aisle located on the first, second, and third floors, and to deviate from the required 11'-3" third-story side yard setback.

49. 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 the public right-of-way to the center line of the streets adjacent to the subject property), and within the perimeter of the site, shall be installed or relocated underground. All on-site and off-site utilities pertaining to the improvements proposed under this Site Plan shall be installed or relocated underground.
 - b. All above-ground utility equipment (e.g., electrical, gas, telephone, cable TV, water meters, electrical transformer) shall not be located in the street setback, within the common areas, or any parking areas, and shall be screened to the satisfaction of the Community and Economic Development Director. The applicant shall relocate the water meters and the electrical transfer outside of the front setback area.
 - 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 or wall-mounted mechanical equipment shall be screened from view from any place on or off the site.
 - e. No exterior piping, plumbing, or mechanical ductwork shall be permitted on any exterior façade and/or be visible from any public right-of-way or adjoining property; however, it may properly be screened from view.
50. The applicant shall submit a complete landscape plan governing the area of new construction. The plans shall be consistent with the plans submitted to the Planning Commission for review and approval, except as modified herein. The landscape irrigation plans shall include type, size, location and quantity of all plant material. The landscape plan shall include irrigation plans and staking and planting specifications. All landscape irrigation shall comply with the City's Landscape Ordinance and associated Water Efficiency Guidelines. The landscape plan is also subject to the following:
- a. The landscaping plan shall comply with all the landscaping requirements as specified in Title 9 of the City of Garden Grove Municipal Code.

- b. A complete, permanent, and automatic remote control irrigation system shall be provided for all landscape areas shown on the plan. Subsurface irrigation systems are encouraged. The irrigation plan for any trees planted in the setback areas adjacent to the sidewalks and in the parking lot shall have a deep-water irrigation system that shall be specified on the landscape plan. A detail of the deep-water irrigation system shall be provided for review. If sprinklers are used in other areas, they shall be low flow/precipitation sprinkler heads for water conservation.
- c. All above ground utilities (e.g., water backflow devices, electrical transformers, irrigation equipment, etc.) shall be shown on the landscaping plan and shall be screened from view by appropriate plantings.
- d. The plan shall provide a mixture of a minimum of ten percent (10%) of the trees at 48-inch box, ten percent (10%) of the trees at 36-inch box, fifteen percent (15%) of the trees at 24-inch box, and sixty percent (60%) of the trees at 15-gallon, the remaining five percent (5%) may be of any size. These trees shall be incorporated into the landscaped frontages of all streets. Where clinging vines are considered for covering walls, Boston Ivy shall be used.
- e. No trees shall be planted closer than five feet (5') from any public right-of-way. Trees planted within ten feet (10') of any public right-of-way shall be planted in a root barrier shield. All landscaping along the street frontages located adjacent to the driveway shall be of the low-height variety to ensure a safe sight clearance.
- f. The landscaping treatment along the 11th Street street frontages, including the area designated as public right-of-way, and all common areas, shall incorporate a mixture of groundcover, flowerbeds, shrubs, and trees to enhance the appearance of the property. The Community and Economic Development Department shall review the type and location of all proposed trees and plant materials.
- g. The landscape treatment shall incorporate landscaping that is compatible with the design of the building and the project location, and shall incorporate shade trees in pots, and other plants in raised planters to create a lush and pleasant environment. The project is encouraged to incorporate drought tolerant plants to enhance the appearance of the recreation area, but shall limit the use of succulents and other plants that will create a desert scape.
- h. The applicant and the property owner shall be responsible for coordinating the installation and permanent maintenance of all landscaping on the entire site, including the common landscaped areas. Said responsibility shall extend to the parkway landscaping, sidewalks, curbs, and pavement

of the site. All planting areas are to be kept free of weeds, debris, and graffiti.

51. All new lighting structures shall be placed so as to confine direct rays to the subject property. Lighting shall be directed, positioned, or shielded in such a manner so as to not unreasonably illuminate the windows of the units within the project and of the adjacent residences. All exterior lights shall be reviewed and approved by the Planning Services Division. Lighting adjacent to the residential properties to the west shall be restricted to low decorative type wall-mounted lights, or a ground lighting system. Lighting shall be provided throughout all parking area and drive areas.
52. Enhanced concrete treatment shall be provided within the front 20-feet of the driveway along 11th 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 two pedestrian paths 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 Division, and shall be shown on the final site plan, grading plan, and landscape plans.
53. 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 7:00 a.m. and not after 8:00 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.
54. The following parking requirements shall apply to the entire development site:
 - a. A total of twenty (20) parking spaces, two (2) per every residential unit, will be designed for the new residential development in the form of open carports.
 - b. There shall be no parking allowed along the drive-aisle, except within the designated parking areas. All curbs not designated as parking areas shall be painted red. The applicant shall post "No Parking" signs along the drive aisle.
55. The project shall comply with the following stipulations:

- a. The proposed development will allow the construction of seven (7) multi-family residential units and three (3) affordable residential housing units for low-income households.
- b. All twenty (20) parking spaces shall maintain the ability to park one (1) vehicle at all times. Carports shall not be converted to any other use.
- c. There shall be no business activities, day care, or garage sales conducted within or from the carports.
- d. Carports shall not be rented or leased separately from the dwelling units and shall not be made unavailable to the occupants of the units.
- e. Residents shall not park or store vehicles anywhere on the site except within the designated parking spaces; however, the parking spaces may be utilized by residents or guests for temporary parking.
- f. Best Management Practices shall be incorporated to deter 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.
- g. 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.
- h. All patios and decks shall remain open and shall not be enclosed at any time. There shall be no storage allowed in the balconies at any time.
- i. Parking and storage of boats, recreational vehicles, or commercial vehicles on the property is prohibited.
- j. Each unit shall have a private and secured storage area having a minimum of 300 cubic feet that complies with Section 9.18.100.030.H.2 of Title 9 of the Municipal Code. The storage may be located within the carport parking area as hanging cabinet storage provided it does not interfere with the parking.
- k. The maintenance of the drive aisle, storm drains, sewer system, and open space areas is the responsibility of the applicant and property owner, including the common recreation area, and the common landscape areas.
- l. Each unit shall be provided with an air conditioning condensing unit and/or system so that there are no wall-mounted, or window mounted units. If units are located on the roof, an architectural design of the roof areas shall be done to effectively screen such units from adjacent properties and the public right-of-way.

- m. All units within 100 feet from trash enclosure shall be equipped with trash compactors and shall provide a minimum of three cubic feet of space for the collection and storage of refuse and recyclable material.
 - n. Mailboxes shall be provided and installed by the applicant. The local postmaster shall approve the design and location.
 - o. No security fencing/gate shall be permitted for the project, including driveway fencing or pedestrian gates to secure the connecting walkways.
 - p. Each unit shall have phone jacks and cable-TV outlets in all rooms, except in the hallways, and bathrooms.
 - q. Private laundry rooms shall be provided in each unit.
56. The applicant shall comply with all provisions of the Community and Economic Development Department including, but not be limited to, the following:
- a. The facade of the building shall be designed with sound attenuation features including the use of dual pane windows, a minimum 4-inch decorative wide trim on all windows and doors, and limiting, when possible, the use of vents. These features shall be approved by the Community and Economic Development Department prior to the issuance of building permits.
 - b. Prior to the finalization of working drawings for Planning Division, Engineering Division, and Building Division Plan Check, the applicant shall submit to the Community and Economic Development Department detailed and dimensioned plot plans, floor plans, exterior elevations, and landscape plans which reflect the above Conditions of Approval. The plans shall indicate cross-sections of all streets within the development, landscape materials, wall materials, and building materials proposed for the project.
 - c. Mechanical equipment, including air conditioning units, Jacuzzi spa equipment, sump pump, etc., shall not be located closer than 5-feet to any side or rear property line and shall not be located in the front landscape setback. Air conditioning units may be placed adjacent to or in front of the dwelling units provided the location does not obstruct, impede, or hinder any vehicle traffic or pedestrian access to any unit, and is properly screened from view.
 - d. At no time shall any structure, fireplace, architectural feature, or otherwise, be closer than three feet to any property line. Any roof eaves or similar roof overhangs intruding into the three (3) foot setback requirement, shall comply with the C.B.C. concerning method of construction.

57. During construction, if paleontological or archaeological resources are found, all attempts will be made to preserve in place or leave in an undisturbed state in compliance with applicable laws and regulations.
58. Trash enclosures, including the required roof structure, shall match the design, color, and material type used for the residential buildings. The trash bins shall be kept inside the trash enclosure, and gates closed at all times except during disposal and pick-up. The property owner shall provide sufficient trash bins and pick-up to accommodate the site.
59. Any new or required block walls and/or retaining wall(s) shall be shown on the grading plans. Block walls shall be developed to City Standards or designed by a Registered Engineer and shall be measured from on-site finished grade. The applicant shall provide the following:
 - a. The project shall maintain a perimeter block wall along the north, west and east property lines, adjacent to the area of new construction, at a height of 6'-0," as measured from the highest point of the on-site finished grade adjacent to the wall, but at no time greater than 7'-0" in height.
 - b. All block walls shall observe the required vision clearance and line-of-sight requirements if located adjacent to a driveway. No walls greater than 36-inches in height shall be construction within the driveway vision clearance area. No block wall greater than 3'-0" in height shall extend beyond the front building plane elevation, and into the front setback area located along 11th Street.
 - c. Any new block walls shall be constructed of decorative split-face masonry with decorative caps, subject to the Community and Economic Development Department's approval, unless an attempt is being made to match an existing block wall pattern.
 - d. The applicant shall work with the existing property owners along the project's perimeter in designing and constructing any required perimeter block walls. This requirement is to avoid having double walls and to minimize any impact that it might cause to the existing landscaping on the neighbor's side as much as possible. The perimeter block wall shall be constructed and situated entirely within the subject property. In the event that the applicant cannot obtain approval from the property owners, the applicant shall construct the new wall with a decorative cap to be placed between the new and existing walls. In the event the location of a new wall adjacent to an existing wall or fence has the potential to affect the landscape planter, then the applicant shall work with City Staff to address this situation. The Community and Economic Development Director shall be authorized to approve minor alterations the size and/or location of the landscape planter to accommodate the placement of such wall.

60. 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 use of low-sodium parking lot lights, and to ensure compliance with Title 24.
61. The common recreation area improvements shall be reviewed and approved by the Community and Economic Development Department, Planning Division prior to issuance of building permits. The improvements to the common recreation area shall include the amenities identified on the approved plans that include half a basketball court and benches for seating, as well as tables and benches along the ground level pedestrian walkways and in the passive recreation areas. Lighting in the common recreation areas shall be provided at a maximum one-foot light candle during the hours of darkness, and shall be restricted to low decorative type wall-mounted lights or ground lighting systems.
62. Building color and material samples shall be submitted to the Planning Division for review and approval prior to issuance of building permits. The buildings shall include multi-toned stuccoed exteriors with faux wood lap siding; window and door trim; tensioned steel guardrail for the decks and patios; fabricated metal awnings; smooth faux concrete square veneer; sloped stucco shelves underneath the windows on the east elevation; and varied rooflines with built-up roofing. All front, side, and rear elevations shall maintain the same level of detailing. The carports shall be designed with the same architecture design and finishes of the residential buildings.
63. Prior to the issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the name and address of the development, and the developer's name, address, and a 24-hour emergency telephone number.
64. The applicant/property owner shall prepare a Density Bonus Housing Agreement pursuant to Ordinance 2668 and Section 9.12.030.070 (Density bonuses and other incentives for affordable housing) (Subsection I – "Density Bonus Housing Agreement") of Title 9. The Density Bonus Housing Agreement shall be submitted for review and approval by the City Attorney's office and the Community and Economic Development Department prior to the issuance of building permits. The approved Density Bonus Housing Agreement shall be recorded prior to issuance of a building permit for any structure in the housing development. The Density Bonus Housing Agreement shall run with the land and bind on all future owners and successors in interest. The Density Bonus Housing Agreement shall include, but not limited to, the following:

- a. The total number of units approved for the Housing Development, the number, location, and level of affordability of target units, and the number of density bonus units.
 - b. Standards for determining affordable rent or affordable ownership cost for the target units.
 - c. The location, unit size in square feet, and number of bedrooms of target units.
 - d. Provisions to ensure affordability for 55 years pursuant to Government Code section 65915 and otherwise in accordance with Subsection G of section 9.12.030.070.
 - e. A schedule for completion and occupancy of target units in relation to construction of non-restricted units.
 - f. A description of any concessions or incentives or waivers and modifications being provided by the City.
 - g. A description of remedies for breach of the agreement by either party. The City may identify tenants or qualified purchasers as third party beneficiaries under the agreement.
 - h. Procedures for qualifying tenants and prospective purchasers of target units.
 - i. Any other provisions to ensure implementation and compliance with section 9.12.030.070.
 - j. Procedures for establishing affordable rent, filling vacancies, and maintaining target units for eligible tenants.
 - k. Provisions requiring verification of household incomes.
 - l. Provisions requiring maintenance of records to demonstrate compliance with section 9.12.030.070.
 - m. The property owner shall restrict tenancy occupancy to a "2 + 1" formula, 2 persons per bedroom plus one additional person (ex: a two bedroom unit can only house five persons).
 - n. The property owner shall provide a professional caretaker, as defined and required by Title 25, Division 4, Article 5, Section 42 of the State Housing Law Regulations.
65. The applicant shall implement the Mitigation Monitoring and Reporting Program as identified in the Mitigated Negative Declaration, and shall provide

- updates about the implementation process to the City of Garden Grove Community and Economic Department until completion of the project.
66. A copy of the resolution approving Site Plan No. SP-038-2017, including these Conditions of Approval, shall be kept on the premises at all times.
 67. The permittee shall submit a signed letter acknowledging receipt of the decision approving Site Plan No. SP-038-2017, and his/her agreement with all conditions of the approval.
 68. 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-002-2017(B) and Site Plan No. SP-038-2017 (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.
 69. The Conditions of Approval set forth herein include certain development impact fees and other exactions. Pursuant to Government Code §66020(d), these Conditions of Approval constitute written notice of the amount of such fees. 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-038-2017, has begun.
 70. 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-038-2017 shall become null and void if the subject use or construction necessary and incidental thereto is not commenced within one (1) year of the expiration of the appeal and thereafter diligently advanced until completion of the project.