

RESOLUTION NO. 5809-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE, AND APPROVING TENTATIVE TRACT MAP NO. TT-17702-2014 FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF GARDEN GROVE BOULEVARD AND BROOKHURST STREET AT 12791 THROUGH 12861 BROOKHURST STREET, 10071 THROUGH 10151 GARDEN GROVE BOULEVARD, AND 12882 BROOKHURST WAY, ASSESSOR PARCEL NUMBERS 089-661-03, 089-661-04, 089-661-05; 089-071-05, 089-071-06, 089-071-07, 089-071-08, 089-071-11, 089-071-12, 089-071-13, 089-071-14, 089-071-24, AND 089-071-25).

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on March 6, 2014, does hereby approve Tentative Tract Map No. 17702 for land located at the northwest corner of Garden Grove Boulevard and Brookhurst Street at 12791 through 12861 Brookhurst Street (west side of Brookhurst Street only), 10071 through 10151 Garden Grove Boulevard (north side of Garden Grove Boulevard only), and 12882 Brookhurst Way (APN: 089-661-03, 04, 05; 089-071-05, 06, 07, 08, 11, 12, 13, 14, 24, & 25)), subject to the Conditions of Approval attached hereto as "Exhibit A".

BE IT FURTHER RESOLVED that the City has determined that the subdivision of the site pursuant to the proposed Tract Map is within the scope of the Mitigated Negative Declaration adopted by the Garden Grove City Council on November 24, 2009, in conjunction with the approvals of Planned Unit Development No. PUD-123-09 and Development Agreement No. DA-123-09, and that, pursuant to Public Resources Code Section 21166 and Section 15162 of the CEQA Guidelines, no further environmental review is required.

BE IT FURTHER RESOLVED in the matter of Tentative Tract Map No. TT-17702-2014, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The case was initiated by New Age Brookhurst, LLC, which is the "Developer" entitled to purchase and develop the property subject to the proposed tract map pursuant to that certain Disposition and Development Agreement with the former Garden Grove Agency for Community Development.
2. The applicant is requesting approval to subdivide 13.94 acres of land into 8 numbered lots and 15 lettered lots in order to create a subdivision of land for condominium purposes in order to implement the land and building improvements approved under Planned Unit Development No. PUD-123-09. The proposed Tentative Tract Map shows an overall development plan of 674 dwelling units; 65,000 square feet of Commercial space; 271,979 square feet of open space; and, 1,832 parking spaces. Development is anticipated to occur in at least two phases with Phase 1 development as Lots 1 & 2 and Lots B, C, D, & E; and the entire remaining area as Phase 2. The proposed Tract Map identifies up to seven (7) phases, and the applicant has indicated it intends to file multiple phased Final Maps.

3. On November 24, 2009, the Garden Grove City Council adopted Ordinance No 2759 approving Planned Unit Development No. PUD-123-09, changing the zoning designation from C-2 (Community Commercial) and Planned Unit Development No. PUD 102-88 to Planned Unit Development No. PUD 123-09 for the site, in addition to Ordinance No. 2760 adopting a Development Agreement between the City and the Garden Grove Agency for Community Development for the site. The City Council as the Lead Agency pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 et seq., adopted a Mitigated Negative Declaration (the "Mitigated Negative Declaration") prior to adopting Ordinance No. 2759 and Ordinance No. 2760, that concluded that the proposed project, subject to the applicable mitigation measures, would not have a significant effect on the environment and that a mixed-use development of equal intensity and density was evaluated in the General Plan 2030 Update Environmental Impact Report certified in August 2008 (State Clearinghouse No. 2008041079). The Planning Commission has reviewed and considered the Mitigated Negative Declaration.

The proposed subdivision of land pursuant to Tentative Tract Map No. TT-17702 is consistent with and implements Planned Unit Development No. PUD-123-09 and the Development Agreement, and is subject to the mitigation measures and Mitigation Monitoring Program adopted in conjunction with the Mitigated Negative Declaration, and is within the scope of the project evaluated pursuant to the Mitigated Negative Declaration.

The Planning finds that none of the circumstances triggering further environmental review have occurred since the adoption of the Mitigated Negative Declaration: (i) there are no substantial changes in the Project requiring major revisions of the Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (ii) there are no substantial changes with respect to the circumstances under which the Project is being undertaken which will require major revisions of the Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified effects; and (iii) there is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Mitigated Negative Declaration was adopted showing that: (a) the Project will have one or more significant effects not discussed in the Mitigated Negative Declaration; (b) significant effects previously examined will be substantially more severe than shown in the Mitigated Negative Declaration; (c) mitigation measures or alternatives previously found not feasible would in fact be feasible, and would substantially reduce one or more significant effects of the Project, but the mitigation measures or alternatives have not been adopted; or (d) mitigation measures or alternatives considerably different from those analyzed in the Mitigated Negative Declaration would substantially reduce one or more significant effects on the environment, but the mitigation measures or

alternatives have not been adopted. Accordingly, no further environmental review is required.

4. The property has a General Plan Land Use designation of Mixed Use and is currently zoned Planned Unit Development No. PUD-123-09 (a Mixed-Use PUD zone). Approximately half of the 13.9 acre site is currently improved with automotive related businesses such as sales, service, repair and storage, and the other half of the site is vacant, all of which has been the condition and use of the site for over 25 years.
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 March 6, 2014, and all interested persons were given an opportunity to be heard.
8. The Planning Commission gave due and careful consideration to the matter during its meeting of March 6, 2014; and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission are as follows:

FACTS:

The property consists of an approximately 13.94-acre site owned by the City of Garden Grove as Successor Agency to the Garden Grove Agency for Community Development, which is located within the area commonly referred to as the Brookhurst Triangle that is bounded by Brookhurst Street, Garden Grove Boulevard, and Brookhurst Way. The project site does not include the parcel at the northern tip of the triangular site, nor the parcel at the southwest corner of the triangular site.

The property is located in an area improved with commercial/office uses, and residential uses. Across Brookhurst Street to the east, are office and commercial uses, to the south across Garden Grove Boulevard are commercial uses along with a mixed-use commercial/residential development that is currently under construction, and to the west across Brookhurst Way are commercial uses and multi-family residential.

The Planned Unit Development zoning allows for the development of the 13.9-acre Brookhurst Triangle site with up to 200,000 square feet of commercial/office space and up to 700 residential dwelling units. The proposed mixed-use development is that which is identified in the General Plan Update as Focus Area F and is designated for a combination of commercial, office, and residential uses. The General Plan specifically identified the Brookhurst Triangle under Focus Area F.

The subject site is subject to a Development Agreement approved by the City Council on November 24, 2009 pursuant to Ordinance No. 2760. The Development Agreement is expressly binding on successors in interest and future owners of the property.

The proposed Tentative Tract Map is for the subdivision of the 13.94 acres of land into 8 numbered lots and 15 lettered lots in order to create a subdivision of land for condominium purposes in order to implement the land and building improvements approved under Planned Unit Development No. PUD-123-09.

FINDINGS AND REASONS:

TENTATIVE TRACT MAP:

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

1. The proposed Tentative Tract Map is consistent with the objectives, policies, general land uses, and programs specified in the General Plan, which encourages land subdivision in order to facilitate new development. The subject parcel is of an appropriate size and configuration to allow for the construction of the contemplated mixed-use development consisting of multi-family residential and commercial uses. The proposed tract map and contemplated project is consistent with the General Plan Land Use designation of Residential Commercial Mixed-Use and Focus Area F of the General Plan Land Use Element, which is inclusive of the subject property.
2. The design and improvement of the proposed subdivision is consistent with the Residential Commercial Mixed-Use General Plan designation allowing for a proposal with apartment units, condominium units, commercial space, open space, and on-site circulation in an urban setting. The proposed improvements are also consistent with the maximum intensity and density set forth in Focus Area F of the General Plan Land Use Element, which is inclusive of the subject property. Policies from the General Plan include improving the economic viability of the area by emphasizing appropriate development of vacant properties and consolidation of parcels. The project will improve the site and the economic viability of the Garden Grove Boulevard corridor. The approved design meets the spirit and intent of the Municipal Code for mixed-use subdivision.
3. The site is physically suitable for a residential/commercial mixed-use project as Garden Grove Boulevard has transitioned from its past importance as a primary route to Los Angeles to a corridor with more residential planned unit developments and more neighborhood-serving commercial uses.
4. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably

injure fish or wildlife or their habitat, and the requirements of the California Environmental Quality Act ("CEQA") have been satisfied. The project site was approved under PUD-123-09 for the development of a mixed-use development that included an adopted Mitigated Negative Declaration that allowed for the subdivision of the site thereby facilitating the development of the site as planned under PUD-123-09. The adopted Mitigated Negative Declaration for PUD-123-09 was done in accordance with the requirements and provisions of the California Environmental Quality Act (CEQA).

5. The site is physically suitable for the density of the proposed development. The City's General Plan anticipated mixed-use developments of residential units combined with commercial/office uses. The proposed development is within the density and intensity limits permitted under the General Plan Land Use Designation of MU (Mixed Use) and Focus Area F. As stated in the General Plan, housing on the Garden Grove Boulevard corridor provides convenient access to jobs and activities, and supplies a resident clientele to support commercial sales and services along this thoroughfare. Based on the General Plan Update Housing Element, the estimated number of persons per household is 3.247. This estimate of persons per household does not exceed the population growth for the region. Therefore, the site is physically suitable for the proposed density.
6. The design of the subdivision will not cause serious public health problems. The conditions of approval of on-site and off-site improvements will safeguard the public health.
7. The design of the subdivision is not in conflict with the easements of record or easements established by court judgment acquired by the public-at-large for access through or use of property within the subdivision; if such easements exist, then alternate easements for access or for use will be provided and these will be substantially equivalent to the ones previously acquired by the public. The property is not subject to a Williamson Act contract, an open space easement, or a conservation easement.
8. The design and improvements of the proposed subdivision are suitable for the proposed 674 dwelling units; 66,196 square feet of Commercial space; 271,979 square feet of open space; and, 1,832 parking spaces and the subdivision can be developed in compliance with applicable zoning regulations. The proposed improvements are expressly intended to implement the provisions of Planned Unit Development No. PUD-123-09.
9. The design of the subdivision does provide to the extent feasible, for future passive and natural heating and cooling opportunities.
10. The design, density, and configuration of the subdivision provides 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 existing structures and the lot sizes of the subdivision are substantially the same as the lot sizes within this area.

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

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

- 1. That Tentative Tract Map No. TT-17702 does possess characteristics that justify the request in accordance with the Garden Grove General Plan and the Garden Grove Municipal Code.
- 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 Tentative Tract Map No. TT-17702

Adopted this 6th day of March, 2014

ATTEST:

/s/ GARY LAZENBY
CHAIR

/s/ JUDITH MOORE
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 March 6, 2014, by the following vote:

AYES: COMMISSIONERS: (6) ALEJANDRO, BRIETIGAM, LAZENBY,
MARGOLIN, NGUYEN, SILVA
NOES: COMMISSIONERS: (0) NONE
ABSTAIN: COMMISSIONERS: (1) ZAMORA

/s/ JUDITH MOORE
SECRETARY

PLEASE NOTE: Any request for court review of this decision must be filed within 90 days of the date this decision was final (See Code of Civil Procedure Section 1094.6).

A decision becomes final if it is not timely appealed to the City Council. Appeal deadline is March 27, 2014.

EXHIBIT "A"

Tentative Tract Map No. TT-17702 - 2014

Brookhurst Triangle

CONDITIONS OF APPROVAL

**The following Conditions of Approval shall be binding on and enforceable against, and, whenever used herein, the terms "applicant" or "developer" shall mean and refer to, each of the following: the project applicant, New Age Brookhurst LLC, Kam Sang Company, Inc., the future owner(s) (other than the City of Garden Grove or the City of Garden Grove as Successor Agency to the Garden Grove Agency for Community Development) and tenant(s) of the property developed subject to the Tentative Tract Map, and each of their respective successors and assigns. The mitigation measures identified in the Mitigation Monitoring Program adopted in conjunction with the Mitigated Negative Declaration adopted in conjunction with approval of Planned Unit Development No. PUD-123-09 are attached to and made part of these Conditions of Approval and shall be implemented during construction and installation of all improvements on the subject site.

GENERAL CONDITIONS

1. The applicant shall record a "Notice Of Agreement With Conditions of Approval and Discretionary Permit," as prepared by the City Attorney's Office, on the property. Proof of such recordation is required prior to the recordation of any Final Map. All conditions of approval are required to be adhered to for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval of the Planning Commission.
2. Approval of this Tentative Tract Map shall not be construed to mean any waiver of: Applicable and appropriate zoning regulations, or any Federal, State, County, and City laws and regulations. Unless otherwise expressly specified, all other requirements of the Garden Grove Municipal Code shall apply. The applicant shall obtain, and abide by, any necessary permits or licenses required to prepare, process and receive Final Map approval including recordation of this map, in compliance with all applicable laws.
3. The approved floor plan, plot plan, building design and colors, parking and circulation of the new subdivision, are integral parts of the decision approving this Tentative Tract Map application. There shall be no change in the design of the plans and the operation of the residential development without the approval of the Community Development Department. Any change in the approved plans or use of the property, that requires

subsequent discretionary review pursuant to law, shall require obtaining the proper entitlement(s) for such action.

4. The applicant shall submit signed letters acknowledging receipt of the decision approving Tentative Tract Map No. TT-17702, and agreement with all conditions of approval.

Fire Department Conditions

5. Fire access roads shall be maintained at a minimum width clearance of 20 feet and a height clearance of 13.5 feet.
6. Vehicle parking shall only be in designated areas, no fire lane shall be blocked or impeded at any time that deters emergency access. All parking structures shall be equipped with a repeater radio system to allow emergency radio usage in any part of any of the parking structures.
7. Submit fire access road on 2006 Auto Cad program and submit to the City's Traffic Engineering Division to ensure that fire apparatus are able to execute turns on the new proposed roadways.
8. An all-weather access road and required fire hydrants shall be put in place prior to the delivery of any combustible material to the site.
9. The new proposed fire hydrants shall be tied into the proper water line(s) and shall be put in place prior to the delivery of any combustible material to the site and the fire hydrant(s) shall have a flow of 1500 gpm at 20 psi. The fire hydrant(s) shall adhere to the City Public Works standards. A list of all materials and piping shall be submitted along with the Underground Plans to the Fire Department prior to building permit issuance.

Engineering Services Division Conditions

10. The applicant shall be subject to Traffic Mitigation Fees.
11. A geotechnical study prepared by a registered geotechnical engineer is required. The report shall analyze the liquefaction potential of the site and make recommendations. The report shall analyze sub-surface issues related to the past uses of the site, including sub-surface tanks and basement and septic facilities. Any soil or groundwater contamination shall be remediated prior to the issuance of a building permit in a manner meeting the approval of the City Engineer in concert with the Orange County Health Department. The report shall make recommendations for pavement design of the interior streets/drive aisles and parking spaces. The report shall also test and analyze soil conditions for LID (Low Impact

Development) principles and implementations, including soil compaction, saturation, permeability and groundwater levels.

12. A separate street permit is required for work performed within the public right-of-way.
13. 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 adjacent properties, 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. All fees collected at the time of permit issuance shall be based on the fee schedule in effect at that time.
14. Prior to the issuance of any grading or building permits or prior to recordation upon subdivision of land if determined applicable by the City Building Official, the applicant shall submit to the City for review and approval a Water Quality Management Plan that:
 - Addresses Site Design BMPs such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas
 - Incorporates the applicable Routine Source Control BMPs as defined in the DAMP
 - Incorporates Treatment Control BMPs as defined in the DAMP
 - Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs
 - Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs
 - Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs.

The WQMP may be approved on a phase by phase basis provided all the necessary treatment area can be incorporated within the boundaries of that given phase.

15. Prior to grading or building permit closeout and/or the issuance of a certificate of use or a certificate of occupancy, the applicant shall:
 - Demonstrate that all structural best management practices (BMPs) described in the Project WQMP have been constructed and installed in conformance with approved plans and specifications
 - Demonstrate that applicant is prepared to implement all non-structural BMPs described in the Project WQMP
 - Demonstrate that an adequate number of copies of the approved Project WQMP are available onsite

Exhibit "A"

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Tract Map No. TT-17702

Conditions of Approval

- Submit for review and approval by the City an Operations and Maintenance (O&M) Plan for all structural BMPs
16. 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.
17. All trash container areas shall meet the following requirements:
- Paved with an impervious surface, designed not to allow run-on from adjoining areas, designed to divert drainage from adjoining roofs and pavements diverted around the area, screened or walled to prevent off-site transport of trash: and
 - Provide solid roof or awning to prevent direct precipitation.
 - Connection of trash area drains to the municipal storm drain system is prohibited.
 - Potential conflicts with fire code and garbage hauling activities should be considered in implementing this source control.
 - See CASQA Stormwater Handbook Section 3.2.9 and BMP Fact Sheet SD-32 for additional information.
 - The trash enclosures shall be located to allow pick-up and maneuvering, including turnarounds, in the area of the enclosures.
18. **TIES TO HORIZONTAL CONTROL:** Prior to recordation of a final tract map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. The surveyor/engineer shall submit record information to the City on Auto Cad DWG format.
19. **DIGITAL MAP SUBMISSION:** Prior to recordation of a final tract map, the surveyor/engineer preparing the map shall submit to the County Surveyor a digital graphics file of said map in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. The surveyor/engineer shall submit record information to the City on Auto Cad DWG format.

FINAL

20. Prior to recordation of a final tract map, the applicant shall provide corner cut-offs at the two proposed driveways on Brookhurst Street and the one proposed driveway on Garden Grove Blvd. in accordance with City Standard Plan B-107.
21. Prior to the issuance of a precise grading permit, the applicant shall post subdivision bonds commensurate with the applicable project phase to secure on-site and off-site improvements in a manner meeting the approval of the City Engineer. Said bonds shall accompany the final tract map to City Council for acceptance/approval.
22. The applicant shall construct the following improvements concurrent with the project phasing as designated below. The applicant shall be responsible for the maintenance of the landscape in the public right-of-way along Brookhurst Street, Brookhurst Way and Garden Grove Blvd. in a manner meeting the approval of the City Engineer. All handicapped ramps shall be constructed in accordance with City Standard Plan B-108.

Phase I

- a. Prior to occupancy, the applicant shall design and construct raised median improvements on Brookhurst Street to facilitate ingress and egress at the Project Entrance (Lot B) in a manner meeting the approval of the City Traffic Engineer. Said improvements shall include a 100-foot northbound left turn pocket with a 90-foot taper and removal/reconstruction of the northerly median nose in accordance with OCPW Standard Plan 1119. The applicant shall also restrict left turns out of Lot B in a manner meeting the approval of the City Traffic Engineer.
- b. Prior to occupancy, the applicant shall design and construct raised island improvements on northbound Brookhurst Way at Stanford Avenue to prevent left turn movements in a manner meeting the approval of the City Traffic Engineer.
- c. Prior to occupancy, the applicant shall remove the existing sidewalk along Brookhurst Street adjacent to Lots 1 and 2 and construct an 8-foot wide meandering sidewalk on private property per City Standard Plan B-106. Landscaping shall be provided in the public-right-of way in a manner meeting the approval of the Planning Services Manager.
- d. Prior to occupancy, the applicant shall remove the existing sidewalk and driveway approaches along Brookhurst Way adjacent to Lot 1 and construct new a new 6-foot curb separated sidewalk per City Standard Plan B-106. The remaining 6 feet of right-of-way shall be landscaped in a manner meeting the approval of the Planning Services Manager. A

striping plan is required for Brookhurst Way to facilitate the proposed angled parking and the relocation of the centerline striping.

- e. The new driveway to the site from Brookhurst Way shall be constructed per City Standard Plan B-121. The existing power pole shall be removed or relocated by the applicant to facilitate this construction.
- f. Prior to recordation of a final tract map, the applicant shall dedicate 10 feet of right-of-way on Brookhurst Way along the property frontage, fronting Parcel 089-661-05 and partially fronting Parcel 089-661-04, in order to provide a continuous 40-foot half road right-of-way width.

Phase II

- a. Prior to occupancy, the applicant shall remove the power poles (12) in the public right-of-way along the east side of Brookhurst Way, from Garden Grove Blvd. to Stanford Avenue, and underground the utilities, in a manner meeting the approval of the City Engineer. The applicant shall be reimbursed for the design and construction costs for those poles (4) not directly fronting the project site by the City.
- b. Prior to occupancy, the applicant shall remove the existing sidewalk and driveway approaches along Brookhurst Way adjacent to Lot 3 and construct new a new 6-foot curb separated sidewalk per City Standard Plan B-106. The remaining 6 feet of right-of-way shall be landscaped in a manner meeting the approval of the Planning Services Manager. A striping plan is required for Brookhurst Way to facilitate the proposed angled parking and the relocation of the centerline striping.
- c. Prior to occupancy, the applicant shall install new streetlights along the east side of Brookhurst Way, from Garden Grove Blvd. to Stanford in a manner meeting the approval of the City Engineer. The applicant shall be reimbursed for the design and construction costs for those streetlights not directly fronting the project site by the City.
- d. The applicant shall dedicate 10 feet of right-of-way on Brookhurst Way along the property frontage, fronting Parcel 089-661-05 and partially fronting Parcel 089-071-24, in order to provide a continuous 40-foot half road right-of-way width.

Phase III

- a. Prior to occupancy, the applicant shall remove the existing sidewalk and driveway approaches along Brookhurst Way adjacent to Lot 4 and construct new a new 6-foot curb separated sidewalk per City Standard Plan B-106. The remaining 6 feet of right-of-way shall be landscaped in a

manner meeting the approval of the Planning Services Manager. A striping plan is required for Brookhurst Way to facilitate the proposed angled parking and the relocation of the centerline striping.

- b. The new driveway to the site from Brookhurst Way shall be constructed per City Standard Plan B-121.

Phase IV

- a. Prior to occupancy, the applicant shall design and construct a traffic signal at the intersection of Brookhurst Street and the Project Entrance (Lot K), in a manner meeting the approval of the City Traffic Engineer.
- b. Prior to occupancy, the applicant shall design and construct raised median improvements on Brookhurst Street to facilitate ingress and egress at the Project Entrance (Lot K) in a manner meeting the approval of the City Traffic Engineer. Said improvements shall include a 150-foot northbound left turn pocket with a 90-foot taper. The median opening just to the south serving 12982 Brookhurst Street shall be removed and new raised median shall be constructed rendering the access right in/right out only. The south bound dual left turn pocket on Brookhurst Street at Garden Grove Blvd. shall be reconstructed/extended to provide a dual 150-foot left turn pocket with a 150-foot taper.
- c. Prior to occupancy, the applicant shall remove the existing sidewalk along Brookhurst Street adjacent to Lot 5 and construct an 8-foot wide meandering sidewalk on private property per City Standard Plan B-106. Landscaping shall be provided in the public-right-of way in a manner meeting the approval of the Planning Services Manager.

Phase V

- a. Prior to occupancy, the applicant shall design and construct raised median improvements on Garden Grove Blvd. to facilitate ingress and egress at the Project Entrance (Lot L) in a manner meeting the approval of the City Traffic Engineer. Said improvements shall include the removal of the existing raised median and the construction of a left-in-only median opening per OCPW Standard Plan 1118. A 100-foot eastbound left turn pocket with a 90-foot taper shall be constructed.
- b. Prior to occupancy, the applicant shall remove the existing sidewalk along Garden Grove Blvd. adjacent to Lot 6 and construct an 8-foot wide meandering on private property per City Standard Plan B-106. Landscaping shall be provided in the public-right-of way in a manner meeting the approval of the Planning Services Manager.

Phase VI

- a. Prior to occupancy, the applicant shall remove the existing sidewalk along Garden Grove Blvd. adjacent to Lot 7 and construct an 8-foot wide meandering sidewalk on private property per City Standard Plan B-106. Landscaping shall be provided in the public-right-of way in a manner meeting the approval of the Planning Services Manager.

Phase VII

- a. Prior to occupancy, the applicant shall remove the existing sidewalk along Brookhurst Street and Garden Grove Blvd. adjacent to Lot 8 and construct an 8-foot wide meandering sidewalk on private property per City Standard Plan B-106. Landscaping shall be provided in the public-right-of way in a manner meeting the approval of the Planning Services Manager.
23. Prior to the issuance of any grading or building permits for projects that will result in soil disturbance of one acre or more of land, the applicant shall demonstrate that coverage has been obtained under California's General Permit for Stormwater Discharges Associated with Construction Activity by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number. Projects subject to this requirement shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). A copy of the current SWPPP shall be kept at the project site and be available for City review on request.
24. Any new or required block walls and/or retaining walls shall be shown on the grading plans. Block walls shall be designed in accordance to City standards or designed by a professional registered engineer.

Public Works Water Services Division

25. Developer to install 8" C-900 PVC, Class 200, water main and all appurtenance per City Standards within. Water meters and boxes shall be installed by City forces upon payment of applicable fees and after new water system (including water services) pass all bacteriological and pressure tests. Prior to issuance of building permits, Developer shall verify that sufficient water supply is available to serve the improvements.
26. Water system within private streets shall be constructed per City Standards by developer and dedicated to the City. Bonding will be required.
27. Water meters shall be located within the City right-of-way or within dedicated waterline easement. 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 and approved by a Public Works inspector.

28. A Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed the landscape system. Installation of RPPD shall be per City Standards and shall be tested by a certified backflow device tester immediately after installation. Cross connection inspector shall be notified for inspection after the installation is completed. Owner shall have RPPD device tested once a year thereafter by a certified backflow device tester and the test results to be submitted to Public Works, Water Services Division. Property owner must open a water account upon installation of RPPD device.
29. It shall be the responsibility of owner/developer to abandon any existing private water well(s) per Orange County Health Department requirements. Orange County Health Department inspector shall inspect Abandonment(s) after permits have been obtained.
30. A composite utility site plan shall be part of the water plan approval.
31. Owner shall dedicate all rights to underground water without the right to surface entry.
32. Any new or existing water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.
33. City shall determine if existing water services(s) is/are usable and meets current City Standards. Any existing meter and service located within new driveway(s) shall be relocated at owner's expense.
34. Fire service connections shall have above ground backflow device with a double check valve assembly per City Standard B-773. Device to be tested by a certified backflow device tester immediately after installation and once a year thereafter, and the results to be submitted to Public Works, Water Services Division. Device shall be on private property and is the responsibility of the property owner. The above ground assembly shall be screened from public view as required by the Planning Division.
35. No permanent, structures, trees or deep-rooted plants shall be placed over sewer main or water main.
36. A UPC fixture unit count shall be submitted for meter size verification if additional plumbing fixtures are added to existing structure.

37. Location and number of fire hydrants shall be per submitted and approved design plan.
38. Food grinders (garbage disposal devices) are prohibited per Ordinance 6 of the Garden Grove Sanitary District Code of Regulations.
39. Developer shall install new sewer lateral with clean out at right-of-way line as it pertains to the project. Lateral in Public Right-of-Way shall be 6" minimum diameter extra strength VCP with wedgelock joints. On site sewer main, laterals and appurtenances shall meet California Plumbing Code (CPC) 2013 requirements.
40. 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.

Community Development Department Conditions

41. Prior to the issuance of any certificates of occupancy for Phase I, the applicant shall prepare and provide to the City for review and approval, Conditions, Covenants, and Restrictions, maintenance agreement, or other recordable document acceptable to the City ("CC&R's") for the subject site. Two copies of the recorded CC&Rs shall be provided to the City's Planning Division. In accordance with the provisions of PUD-123-09, the CC&Rs shall be all inclusive of the entire development and shall include, without limitation, all PUD-123-09 development standards, the mitigation measures referenced in PUD-123-09 and these Conditions of Approval, operation and maintenance provisions for the entire site, including the Urban Pedestrian Trail and those areas noted within the boundaries of the project site, and other provisions acceptable to the City applicable to both the residential dwelling units and the office and commercial spaces. In the event the applicant files multiple phased Final Maps, the CC&Rs may provide for annexation of property to be covered by future phased Final Maps and related necessary amendments to the CC&R's, provided that the CC&Rs are ultimately inclusive of the entire developed site. All such subsequent annexations and/or amendments shall be subject to review and approval of the City. In addition to the foregoing, the CC&Rs shall include the following: Provisions for common maintenance of all landscape areas, including landscaping and landscape lighting within the public right-of-way, driveways, and parking areas.
 - a. Provisions for reciprocal access and parking between properties, as applicable.

- b. Best Management Practices shall be incorporated to detour and/or abate any graffiti vandalism throughout the project and the life of the project.
- c. Provisions providing for the tenant/property owner(s) a means of contacting persons responsible for site maintenance, repairs, trash pick-up, and other related matters for a development of this type. 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.
- d. The Conditions of Approval for Tentative Tract Map No. TT-17702-2014 shall be incorporated into the CC&Rs, and provisions corresponding to any applicable Conditions of Approval shall be included in the CC&Rs.
- e. 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/Property Owner'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 Development Department, and is incorporated herein by

this reference. The Association shall maintain a copy of the current WQMP at a location on the Property.

The Property shall be, and the Homeowner's / Property Owner'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 Development Department.

- ii. Enforcement: The City is hereby made a party to these CC&Rs solely for purposes of enforcing its provisions, the Conditions of Approval of Tentative Tract Map No. TT-17702-2014, and the provisions of Planned Unit Development No. PUD-123-09. The City, its agents, departments and employees shall have the unrestricted right and authority, but not the obligation, to enforce the provisions of these CC&Rs, the Conditions of Approval of Tentative Tract Map No. TT-17702-2014, and the provisions of Planned Unit Development No. PUD-123-09. In the enforcement of these CC&Rs, the City shall not be limited to the procedures or processes described in these CC&Rs 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 CC&Rs, the Conditions of Approval of Tentative Tract Map No. TT-17702-2014, and the provisions of Planned Unit Development No. PUD-123-09. However, the City shall not be liable for failing or refusing to enforce the provisions of these CC&Rs, the Conditions of Approval of Tentative Tract Map No. TT-17702-2014, and the provisions of Planned Unit Development No. PUD-123-09. The alternative dispute resolution provisions set forth in Section / Article [SECTION] of these CC&Rs 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 these CC&Rs, the Conditions of Approval of Tentative Tract Map No. TT-17702-2014, and the provisions of Planned Unit Development No. PUD-123-09, or to abate the violation thereof. The City shall have the same power as the Association [*or other appropriate entity*] to levy special assessments pursuant to the provisions of [SECTION] of these CC&Rs in the event that it incurs expenses in the enforcement of the conditions of these CC&Rs, the Conditions of Approval of Tentative Tract Map No. TT-17702-2014, or the provisions of Planned Unit Development No. PUD-123-09. 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. Attorneys' Fees: The City shall be entitled to recover its attorneys' fees incurred in connection with its actions to enforce the conditions of these CC&Rs, the Conditions of Approval of Tentative Tract Map No. TT-17702-2014, and the provisions of Planned Unit Development No. PUD-123-09, 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

and/or portion of the property generally held open to the public for the purpose of enforcing State and Local laws.

42. Modification/Termination. These CC&Rs shall not be terminated or substantially amended without the prior written approval of the City of Garden Grove Community Development Department.
43. The Applicant shall comply with all terms of Development Agreement No. DA-123-09, including, but not limited to, payment of all fees set forth therein. Applicant's express agreement to comply with all terms of Development Agreement No. DA-123-09, including, but not limited to, payment of all fees set forth therein, shall be a condition of approval of the Final Map.
44. 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 Tentative Tract Map No. TT-17702 or Development Plans pursuant to Planned Unit Development No. PUD-123-09 and/or Development Agreement No. DA-123-09 (collectively, the "Project entitlements"). The applicant shall pay the City's defense costs, including attorney fees and all other litigation related expenses, and shall reimburse the City for court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award, which may issue against the City including but not limited to any award of attorney fees to a party challenging such project approval. Notwithstanding the foregoing, in the event any legal action or proceeding is filed against the City and/or applicant, seeking to attack, set aside, void or annul any of the Project entitlements, applicant shall have the right and obligation to either: (1) defend the City with legal counsel mutually selected by the applicant and the office of the City Attorney; or (2) request that the City rescind the entitlement approvals, in which case the applicant would have no obligation to defend or indemnify the City; however, applicant shall reimburse the City for any costs incurred or assessed against the City as a result of the filing of such legal action or proceeding, provided the City acts promptly to rescind the entitlements.
45. The applicant shall be subject to In-Lieu Park Fees and/or the dedication of land for the purpose of providing parks and recreational facilities for future inhabitants of said subdivision in accordance with Garden Grove Municipal Code Section 9.40.140.C.

46. The applicant shall submit a complete landscape and irrigation plan. The plan shall be submitted to, and be approved by, the Community Development Department, Planning Services Division prior to the issuance of building permits. The landscaping plan shall comply with all the landscaping requirements as specified in Title 9 of the City of Garden Grove Municipal Code.
47. A complete, permanent, 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 the trees planted in the setback areas, adjacent to the sidewalks, shall have a deep-water irrigation system that shall be specified on the landscape plan. If sprinklers are used, they shall be low flow/precipitation sprinkler heads for water conservation.
48. Landscaping treatment shall be installed within the front setback areas. The landscaping shall incorporate a mixture of groundcover, flowerbeds, shrubs, and trees. The landscaping shall be done in a manner to reduce, deter and/or prevent graffiti. The Community Development Department shall review the type and location of all proposed trees.
49. The Landscape plan shall incorporate the elements and define the urban pedestrian trail in and around the subject site as each phase is developed. Said plan is subject to the Community Development Department approval and shall incorporate several elements. These elements are benches, markers to delineate the path as well as indicating distances, and shall be well lighted but not to cause light and glare problems for surrounding problems. The plan shall also show incorporation of the new urban pedestrian trail with the existing sidewalks to the north of the subject site on both Brookhurst Street and Brookhurst Way.
50. A new block wall shall be constructed along the northerly property line/boundary of the development. The new wall shall be decorative such as split face block and shall have matching cap treatment, color and texture, and continuity in height with the first phase building architecture of phase 1.
51. All construction drawings are subject to the latest edition of the California Building Code.
52. All USA markings in the public right-of-way shall be removed at the completion of the project. The site shall be maintained free of graffiti throughout the duration of the project.
53. To enhance the lighting effect of the interior of all parking structures, interior columns and walls shall be painted light warm colors (white/light colors) to further lighten these interior spaces.

Exhibit "A"

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Tract Map No. TT-17702

Conditions of Approval

54. The Conditions of Approval set forth herein include certain development impact fees and other exactions. Pursuant to Government Code §66020(d), these Conditions of Approval constitute written notice of the amount of such fees. The applicant is hereby notified that the 90-day protest period, commencing from the date of approval of Tentative Tract Map No. TT-17702, has begun.