

RESOLUTION NO. 6055-22

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING THAT THE CITY COUNCIL APPROVE SITE PLAN NO. SP-118-2022 AND TENTATIVE TRACT MAP NO. TT-19232, FOR PROPERTIES LOCATED AT 9071, 9081, AND 9091 LAMPSON AVENUE, ASSESSOR'S PARCEL NOS. 133-183-55, 56, 57, and 58.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on December 1, 2022, does hereby recommend that the City Council approve Site Plan No. SP-118-2022 and Tentative Tract Map No. TT-19232, for land located on the north side of Lampson Avenue, between Magnolia Street and Loreleen Street, at 9071, 9081, and 9091 Lampson Avenue, Assessor's Parcel Nos. 133-183-55, 56, 57, and 58, subject to (i) the Conditions of Approval attached hereto as "Exhibit A"; (ii) City Council adoption of a Mitigated Negative Declaration and Mitigation Monitoring Program for the Project, and adoption and effectiveness of an Ordinance approving Planned Unit Development No. PUD-018-2022 with R-1 (Single-Family Residential) base zoning.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-118-2022 and Tentative Tract Map No. TT-19232, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by PLC Garden Grove, LLC.
2. The applicant requests (a) adoption of Residential Planned Unit Development No. PUD-018-2022 for a 1.6-acre lot, located at 9071, 9081, and 9091 Lampson Avenue (Assessor's Parcel Nos. 133-183-55, 56, 57, and 58), and currently zoned R-1 (Single-Family Residential) to allow and facilitate the development of a small-lot subdivision residential project consisting of 13, two-story, detached homes; (b) approval of Site Plan No. SP-118-2022 to construct the 13, two-story, detached homes along with associated site improvements; and (c) approval of Tentative Tract Map No. TT-19232 to subdivide the subject property into 17 separate lots (collectively, the "Project"). In conjunction with the Site Plan approval, the applicant also requested Variance approval to deviate from the minimum lot size for a residential Planned Unit Development. Subsequent to the applicant's submittal of a complete application, the Land Use Code was amended to reduce the minimum lot size for a residential Planned Unit Development from three (3) acres to one (1) acre, eliminating the need for a Variance.
3. Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et. seq., and the CEQA guidelines, 14 California Code of Regulations Sec. 15000 et. seq., an initial study was prepared and it has been determined that the proposed Project qualifies for a Mitigated Negative Declaration because the proposed Project with implementation of the proposed mitigation measures cannot, or will not, have a significant effect on the environment. A Mitigation Monitoring and Reporting Program has been prepared

and is attached to the Mitigated Negative Declaration listing the mitigation measures to be monitored during project implementation. The Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program were prepared and circulated in accordance with CEQA and CEQA's implementing guidelines.

4. Concurrently with its adoption of this Resolution (6055-22), the Planning Commission adopted Resolution No. 6054-22 recommending that the City Council: (i) adopt the Mitigated Negative Declaration and the associated Mitigation Monitoring and Reporting Program for the Project; and (ii) approve Planned Unit Development No. PUD-018-2022. The facts and findings set forth in Resolution No. 6054-22 are hereby incorporated into this Resolution by reference.
5. The property has a General Plan Land Use designation of Low Density Residential and is currently zoned R-1 (Single-Family Residential). The subject 1.6-acre lot is currently vacant.
6. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.
7. Report submitted by City staff was reviewed.
8. Pursuant to a legal notice, a public hearing was held on December 1, 2022, and all interested persons were given an opportunity to be heard.
9. The Planning Commission gave due and careful consideration to the matter during its meeting of December 1, 2022, and considered all oral and written testimony presented regarding the Project, the initial study, and the Mitigated Negative Declaration.

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Sections 9.32.030 and 9.40.060, are as follows:

FACTS:

The project site is comprised of four (4) parcels with a combined area of approximately 69,713 square feet (1.6 acres) and is located on the north side of Lampson Avenue, between Magnolia Street and Loreleen Street. Although the site was previously developed with three (3) single-family dwellings, demolition permits were issued in August 2022 and the site is currently vacant. The subject site has a General Plan Land Use designation of Low Density Residential (LDR) and is zoned R-1 (Single-Family Residential). The property abuts R-1 zoned properties developed with single-family dwellings to the north, east, and south across Lampson Avenue, and an R-2 (Multiple-Family Residential) zoned property developed with a multi-family development to the west.

The applicant, PLC Garden Grove, LLC, is requesting (i) residential Planned Unit Development (PUD) zoning to facilitate the development of the small-lot subdivision project; (ii) Site Plan approval to construct 13, two-story, detached dwellings along with associated site improvements; and (iii) in accordance with the State Subdivision Tract Map, approval to subdivide the subject properties into 17 separate lots. The applicant proposes to construct a small-lot subdivision with lot sizes ranging from 3,427 to 4,414 square feet. The units will consist of a kitchen, a great room, a laundry room, storage space, five (5) bedrooms, three (3) or four (4) bathrooms, an attached two-car garage, and a front porch. Associated site improvements will consist of a private street, parallel visitor parking along the private street, two (2) visitor parking areas, driveways at each garage with additional parking spaces, a common recreation area, private open space areas at the rear yards of each unit, and site landscaping improvements. Proposed Tentative Tract Map No. TT-19232 would subdivide the subject property into 17 separate lots to facilitate the development of the project. Thirteen (13) lots will consist of the dwelling units, one (1) lot for the private street, and three (3) lots for the open space along the front 10'-0" setback and common recreation areas. The Project will have a residential density of 10 dwelling units per acre.

The Project has been designed to comply with the special requirements for small-lot subdivision set forth in Section 9.12.040.060 of the Garden Grove Municipal Code and other zoning and subdivision standards, which were in effect as of the date of application submittal, and prior to adoption of Ordinance No. 2939. The proposed provisions and standards of development for the Planned Unit Development would incorporate these standards and be implemented by the approved Site Plan and Tentative Tract Map.

Pursuant to Garden Grove Municipal Code Section 9.32.030.B., the City Council is the final decision maker with respect to the applicant's request, and the Planning Commission is the recommending body.

FINDINGS AND REASONS:

SITE PLAN (HOUSING DEVELOPMENTS)

1. The proposed development project is consistent, in compliance, and in conformity with the applicable, objective standards, provisions, conditions or requirements of the General Plan, Title 9, or other applicable ordinances or policies of the City.

The applicant is requesting Site Plan approval to construct a 13-unit residential small-lot subdivision project on an approximately 1.6-acre site. In conjunction with the request for Site Plan approval, the applicant is requesting Tentative Tract Map approval and residential Planned Unit Development with R-1 (Single-Family Residential) base zoning to facilitate the development of the small-lot subdivision project.

The proposed project was designed to comply with all applicable development standards for small-lot subdivisions in existence at the time a complete application was submitted, with the exception of meeting the minimum lot size for a residential PUD. Although approval of a Variance would have previously been required to deviate from the minimum lot size, the City Council amended the prior Code provisions reducing the minimum lot size for a residential PUD from three (3) acres to one (1) acre through the adoption of Ordinance No. 2939, which took effect on November 10, 2022.

The subject site has a General Plan land use designation of Low Density Residential (LDR), which is intended to create, maintain, and enhance residential areas characterized by detached, single unit structures, and single-family residential neighborhoods that: (i) provide an excellent environment for family life; (ii) preserve residential property values; (iii) provide access to schools, parks, and other community services; and (iv) provide a high-quality architectural design. The LDR land use designation allows for one (1) to 11 dwelling units per acre, or 17 dwelling units for the subject 1.6-acre site. Excluding the private street, the proposed project will provide a density of ten (10) dwelling units per acre, which is below the density allowed by the General Plan. The proposed project will consist of 13 detached single-family homes that satisfy each of these objectives and is within the permitted density for the LDR land use designation.

The Project has been designed to comply with the special requirements for small-lot subdivision set forth in Section 9.12.040.060 of the Garden Grove Municipal Code and other zoning and subdivision standards, which were in effect as of the date of application submittal, and prior to adoption of Ordinance No. 2939. The proposed provisions and standards of development for the Planned Unit Development would incorporate these standards and be implemented by the approved Site Plan and Tentative Tract Map.. In addition, the proposed project is consistent with the goals and policies of the General Plan, including:

- a. *Policy LU-2.2: Strive to provide a diverse mix of housing types, along with uniformly high standards of residential property maintenance to preserve residents' real estate values and their high quality of life.*

The proposed residential small-lot subdivision development will add to the mix of diverse housing types in the immediate neighborhood that is currently improved with multi-family and single-family dwellings. The proposed 13-unit housing project will provide detached, two-story residential dwellings, on a site where maintenance of all common areas, such as the private street, guest parking areas, the common recreation area, and street frontage landscaping, will be the responsibility of a Homeowner's Association to ensure proper maintenance that preserves

the residents' real estate values. Furthermore, the project will contribute to meeting the City's Regional Housing Needs Allocation (RHNA), as well as the Housing Element policies

- b. Policy LU-2.4: Assure that the type and intensity of land use shall be consistent with that of the immediate neighborhood.*

The immediate area consists of both multiple-family and single-family dwellings. The proposed 13-unit residential small-lot subdivision project was reviewed and determined to be within the allowed density and in compliance with the development standards of the Municipal Code for small-lot subdivisions and the LDR land use designation in the General Plan, which is 17 units maximum for the 1.6-acre site. Thus, the development is consistent with the type and intensity of land use of the immediate neighborhood.

- c. LU-IMP-2B: New development shall be similar in scale to the adjoining residential neighborhood to preserve its character.*

The 1.6-acre site is proposed to be improved with a 13-unit small-lot subdivision development, which is within the allowable density pursuant to the LDR General Plan land use designation, which is 17 units maximum. The proposed project was reviewed by the City staff and deemed to be within the allowed density and similar in scale to the adjoining residential neighborhood. The proposed design will consist of two-story units, which is compatible with the physical scale of the immediate neighborhood currently improved with multi-family and single-family dwellings ranging from one to two stories. Thus, the project is similar both in land use intensity and physical scale of the adjoining residential neighborhood.

- d. Goal LU-4: The City seeks to develop uses that are compatible with one another.*

The proposed two-story small-lot subdivision project is located in a residential neighborhood that is improved with multi-family and single-family dwellings. The properties in the direct vicinity of the project site are zoned R-1 or R-2 (Multiple-Family Residential), and have a LDR or Low Medium Density Residential (LMR) land use designations, respectively. The properties directly to the west are developed with two-story multi-family residential buildings. Thus, the proposed housing project is consistent with the development pattern of the surrounding residential uses.

- e. Policy H-3.7: Encourage infill housing development that is compatible in character with established residential neighborhoods.*

The 1.6-acre site is vacant and is comprised of four (4) parcels. The project site is located in a neighborhood improved with multi-family and single-family dwellings. As a vacant site that was previously developed with three (3) single-family dwellings, it offers an opportunity for in-fill housing development. The proposed 13-unit small-lot subdivision will consist of two-story detached units, which is compatible with the character of the immediate neighborhood. Furthermore, the project will contribute to meeting the City's Regional Housing Needs Allocation (RHNA), as well as the Housing Element policies.

2. The provisions of the California Environmental Quality Act have been complied with.

Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et. seq., and the CEQA guidelines, 14 California Code of Regulations Sec. 15000 et. seq., an initial study was prepared and it has been determined that the proposed Project qualifies for a Mitigated Negative Declaration because the proposed Project with implementation of the proposed mitigation measures cannot, or will not, have a significant effect on the environment. A Mitigation Monitoring and Reporting Program has been prepared and is attached to the Mitigated Negative Declaration listing the mitigation measures to be monitored during project implementation. The Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program were prepared and circulated in accordance with CEQA and CEQA's implementing guidelines. Therefore, the provisions of the California Environmental Quality Act have been complied with. Pursuant to Resolution No. 6054-22, the Planning Commission recommended that the City Council adopt a Mitigated Negative Declaration and the associated Mitigation Monitoring and Reporting Program for the Project.

3. The proposed development project does not have specific, adverse impacts, as defined in subdivision (j)(1)(A) of Government Code Section 65589.5, on public health and safety without any feasible method to satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval of the proposed project.

The proposed 13-unit residential small-lot subdivision development will not have specific, adverse impacts on the public health and safety. The proposed project is within the maximum allowable density, is compatible with surrounding uses, is similar in scale to the adjoining neighborhood, and is consistent with the land use type and intensity in the immediate neighborhood. Furthermore, the Project will contribute to meeting the City's Regional Housing Needs Allocation (RHNA), as well as the Housing Element policies.

TENTATIVE TRACT MAP

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

The proposed map is consistent with the provisions of the General Plan. The applicant is requesting Tentative Tract Map No. TT-19232 approval to subdivide the subject property to facilitate the development of a residential small-lot subdivision project consisting of 13 two-story units. The subject site has a General Plan land use designation of Low Density Residential (LDR), which is intended to create, maintain, and enhance residential areas characterized by detached, single unit structures, and single-family residential neighborhoods that: (i) provide an excellent environment for family life; (ii) preserve residential property values; (iii) provide access to schools, parks, and other community services; and (iv) provide a high-quality architectural design. The LDR land use designation allows for one (1) to 11 dwelling units per acre, or 17 dwelling units for the subject 1.6-acre site. The proposed project will consist of 13 units, which is within the density allowed by the LDR land use designation and the proposed Planned Unit Development (PUD) with R-1 (Single-Family Residential) base zoning. Therefore, the proposed development is consistent with the General Plan. Moreover, construction of the residential project will increase the number of available housing in the area, and further the goals of the Housing Element of the General Plan to meeting the City's Regional Housing Needs Allocation (RHNA).

In addition, the proposed map is consistent with the goals and policies of the General Plan, including:

- a. *Policy LU-2.2: Strive to provide a diverse mix of housing types, along with uniformly high standards of residential property maintenance to preserve residents' real estate values and their high quality of life.*

The proposed residential small-lot subdivision development will add to the mix of diverse housing types in the immediate neighborhood that is currently improved with multi-family and single-family dwellings. The proposed 13-unit housing project will provide detached, two-story residential dwellings, on a site where maintenance of all common areas, such as the private street, guest parking areas, the common recreation area, and street frontage landscaping, will be the responsibility of a Homeowner's Association to ensure proper maintenance that preserves the residents' real estate values. Furthermore, the project will contribute to meeting the City's Regional Housing Needs Allocation (RHNA), as well as the Housing Element policies

- b. *Policy LU-2.4: Assure that the type and intensity of land use shall be consistent with that of the immediate neighborhood.*

The immediate area consists of both multiple-family and single-family dwellings. The proposed 13-unit residential small-lot subdivision project was reviewed and determined to be within the allowed density and in compliance with the development standards of the Municipal Code for small-lot subdivisions and the LDR land use designation in the General Plan, which is 17 units maximum for the 1.6-acre site. Thus, the development is consistent with the type and intensity of land use of the immediate neighborhood.

- c. *LU-IMP-2B: New development shall be similar in scale to the adjoining residential neighborhood to preserve its character.*

The 1.6-acre site is proposed to be improved with a 13-unit small-lot subdivision development, which is within the allowable density pursuant to the LDR General Plan land use designation, which is 17 units maximum. The proposed project was reviewed by the City staff and deemed to be within the allowed density and similar in scale to the adjoining residential neighborhood. The proposed design will consist of two-story units, which is compatible with the physical scale of the immediate neighborhood currently improved with multi-family and single-family dwellings ranging from one to two stories. Thus, the project is similar both in land use intensity and physical scale of the adjoining residential neighborhood.

- d. *Goal LU-4: The City seeks to develop uses that are compatible with one another.*

The proposed two-story small-lot subdivision project is located in a residential neighborhood that is improved with multi-family and single-family dwellings. The properties in the direct vicinity of the project site are zoned R-1 or R-2 (Multiple-Family Residential), and have a LDR or Low Medium Density Residential (LMR) land use designations, respectively. The properties directly to the west are developed with two-story multi-family residential buildings. Thus, the proposed housing project is consistent with the development pattern of the surrounding residential uses.

- e. *Policy H-3.7: Encourage infill housing development that is compatible in character with established residential neighborhoods.*

The 1.6-acre site is vacant and is comprised of four (4) parcels. The project site is located in a neighborhood improved with multi-family and single-family dwellings. As a vacant site that was previously developed with three (3) single-family dwellings, it offers an opportunity for in-fill housing development. The proposed 13-unit small-lot subdivision will consist of two-story detached units, which is compatible with the

character of the immediate neighborhood. Furthermore, the project will contribute to meeting the City's Regional Housing Needs Allocation (RHNA), as well as the Housing Element policies.

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

The proposed map is consistent with the provisions of the General Plan. The applicant is requesting Tentative Tract Map No. TT-19232 approval to subdivide the subject property to facilitate the development of a residential small-lot subdivision project consisting of 13 two-story units. The subject site has a General Plan Land Use Designation of LDR, which is intended to create, maintain, and enhance residential areas characterized by detached, single unit structures, and single-family residential neighborhoods that: (i) provide an excellent environment for family life; (ii) preserve residential property values; (iii) provide access to schools, parks, and other community services; and (iv) provide a high-quality architectural design. The LDR land use designation allows for one (1) to 11 dwelling units per acre, or 17 dwelling units for the subject 1.6-acre site. In accordance with the State Subdivision Map Act, the applicant is requesting approval of Tentative Tract Map No. TT-19232 to subdivide the existing property into 17 separate lots to facilitate the development of the project. Thirteen (13) lots will consist of the dwelling units, one (1) lot for the private street, and three (3) lots for the open space along the front 10'-0" setback and common recreation areas. The proposed Tentative Tract Map is in conformance with the City's General Plan, the City's Subdivision Ordinance, the Municipal Code requirements, and the State's Subdivision Map Act.

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

The site is physically suitable for the type of development proposed by the developer and complies with the spirit and intent of the Municipal Code. The proposed 1.6-acre site will consist of a 13-unit small-lot subdivision, which would be allowed under the proposed PUD zoning, which will allow a small-lot subdivision with R-1 base zoning. The residential development has been designed per the Municipal Code development standards for small-lot subdivisions in effect at the time of application submittal. As designed, the site is able to accommodate 13 units, along with the required parking, landscaping, private and common recreation areas, setbacks, and building height. Therefore, the property is sufficient in size to accommodate the proposed development, and complies with all applicable provisions of the City of Garden Grove Municipal Code for small-lot subdivisions.

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

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

Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et. seq., and the CEQA guidelines, 14 California Code of Regulations Sec. 15000 et. seq., an initial study was prepared and it has been determined that the proposed Project qualifies for a Mitigated Negative Declaration because the proposed Project with implementation of the proposed mitigation measures cannot, or will not, have a significant effect on the environment. A Mitigation Monitoring and Reporting Program has been prepared and is attached to the Mitigated Negative Declaration listing the mitigation measures to be monitored during project implementation. The Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program were prepared and circulated in accordance with CEQA and CEQA's implementing guidelines.

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

The site is physically suitable for the density proposed by the developer. The General Plan land use designation of LDR is intended to create, maintain, and enhance residential areas characterized by detached, single unit structures, and single-family residential neighborhoods at one (1) to 11 dwelling units per acre. Under the proposed PUD with R-1 base zoning, the site can be improved with a small-lot subdivision development. The proposed project will consist of 13 units, which does not exceed the maximum number of units allowed by the General Plan LDR land use designation, which is 17 units. The project has also been designed to comply with the Municipal Code development standards for small-lot subdivisions. As designed, the site is able to accommodate 13 units, along with the required parking, landscaping, private and common recreation areas, setbacks, and building height. Therefore, the property is sufficient in size to accommodate the proposed development, and complies with all applicable provisions of the City of Garden Grove Municipal Code.

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

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

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

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

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

The proposed subdivision has been specifically designed to accommodate the proposed 13-unit residential small-lot subdivision project on the property, which has been designed to comply with the small-lot subdivision standards of the Municipal Code. With the proposed PUD with R-1 base zoning, the 1.6-acre site can be improved with a residential subdivision designed within the small-lot subdivision guidelines of the Municipal Code. As designed, the subdivision is able to accommodate 13 units, along with the required parking, landscaping, private and common recreation areas, setbacks, and building height per the small-lot subdivision standards of the Municipal Code. Therefore, the design and improvement of the proposed subdivision is suitable for the proposed use and the subdivision can be developed in compliance with the applicable provisions of the City of Garden Grove Municipal Code.

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

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

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

The applicant is requesting approval of Tentative Tract Map No. TT-19232 to subdivide the existing property into 17 separate lots to facilitate the development of the project. Thirteen (13) lots will consist of the dwelling units, one (1) lot for the private street, and three (3) lots for the open space along the front 10'-0" setback and common recreation areas. Approval of the map will allow construction of a two-story residential small-lot subdivision project consisting of 13 units on a site that is currently vacant. The project has been reviewed in relation to the housing needs and goals of the City and is compatible with the existing residential developments in the direct vicinity. The property is located in an area improved with existing single-family and multi-family uses. The 13-unit small-lot subdivision project has been designed under the maximum allowed density in the LDR land use designation, which is 11 dwelling units per acre, or 17 units for the project site. The proposed residential development will increase the number of available housing in the area, and further the goals of the Housing Element of the General Plan. Moreover, the project complies with the density requirements of the General Plan, as well as the Municipal Code development standards for small-lot subdivisions.

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

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN 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 and Tentative Tract Map possess characteristics that would justify the request in accordance with Municipal Code Sections 9.32.030.3 (Site Plan), Section 9.40.060 (Tentative Maps), and 9.60.020 (Review of Housing Development Projects).
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-118-2022 and Tentative Tract Map No. TT-19232.

Adopted this 1st day of December 2022

ATTEST:

/s/ JOSH LINDSAY
VICE 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 December 1, 2022, by the following vote:

AYES:	COMMISSIONERS:	(4)	ARESTEGUI,	CUNNINGHAM,	LEHMAN,
			LINDSAY		
NOES:	COMMISSIONERS:	(0)	NONE		
ABSENT:	COMMISSIONERS:	(2)	PEREZ, RAMIREZ		

/s/ JUDITH MOORE
RECORDING SECRETARY

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

A decision becomes final if it is not timely appealed to the City Council. Appeal deadline is December 22, 2022.

EXHIBIT "A"

Site Plan No. SP-118-2022

Tentative Tract Map No. 19232

9071, 9081, and 9091 Lampson Avenue

CONDITIONS OF APPROVAL

General Conditions

1. The applicant and each owner of the property shall execute, and the applicant shall record a "Notice of Agreement with Conditions of Approval and Discretionary Permit of Approval," as prepared by the City Attorney's Office, on the property. Proof of such recordation is required prior to issuance of building permits.
2. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to each of the following: the project applicant, owner and developer of the project, PLC Garden Grove, LLC, and the future 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 authorized to be approved by the Community and Economic Development Director pursuant to Condition No. 4, any changes of the Conditions of Approval require approval by the appropriate City hearing body.
3. Site Plan No. SP-118-2022 and Tentative Tract Map No. 19232 only authorize approval to a two-story, 13-unit small lot subdivision project on an approximately 1.6-acre lot, located on the north side of Lampson Avenue, between Magnolia Street and Loreleen Street, at 9071, 9081, and 9091 Lampson Avenue (Assessor's Parcel Nos. 133-183-55, 56, 57, and 58), as depicted on the plans submitted by the applicant and made part of the record of the December 1, 2022, Planning Commission proceedings, and the [INSERT DATE], City Council proceedings. Approval of this Site Plan and Tentative Tract Map shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
4. The approved site plan and floor plan are an integral part of the decision approving this Site Plan. There shall be no additional changes in the design of the site plan and floor plan without the approval of the City. 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

Site Plan No. SP-118-2022 and Tentative Tract Map No. 19232
Conditions of Approval

by the Community and Economic Development Director, in his or her discretion. Proposed modifications to the project and/or these Conditions of Approval determined by the Community and Economic Development Director not to be minor in nature shall be subject to approval of new and/or amended land use entitlements by the applicable City hearing body.

5. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.

Public Works Engineering Division

Project Design

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 per the requirements of the Orange County Health Department and the mitigation requirements of governing regulatory requirements. The report shall make recommendations for foundations and pavement structural section design of interior streets and parking spaces. The report shall also test and analyze soil conditions for LID (Low Impact Development) principles and the implementation of water quality for storm water runoff, including potential infiltration alternatives, soil compaction, saturation, permeability and groundwater levels.
7. Prior to the issuance of any grading or building permits, the applicant shall submit to the City for review and approval a final design Water Quality Management Plan that:
 - a. Addresses required mitigation Site Design Best Management Practices (BMPs) based upon the latest Santa Ana Regional Water Quality Control Board (SARWQCB) approved Drainage Area Management Plan (DAMP) as identified in the geotechnical report recommendations and findings, including, but not limited to, infiltration minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas as required by the latest adopted County of Orange Technical Guidance Document (TGD).
 - b. BMP's shall be sized per the requirements of the latest Technical Guidance Documents.
 - c. Incorporates the applicable Routine Source Control BMPs as defined in the DAMP.

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- d. Incorporates structural and Treatment Control BMPs as defined in the DAMP.
 - e. Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs.
 - f. Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs.
 - g. Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs.
 - h. Provides a hydrological analysis with scaled map as well as hydrologic and hydraulic calculations to size storm drains per the Orange County RDMD standards.
8. Parkway culverts shall be designed per City of Garden Grove Standard Plan B-209. Storm drain lateral pipe connections to City maintained storm drains within City right-of-way shall be RCP with a minimum diameter of 18-inches.
 9. Grading plans prepared by a registered Civil Engineer are required. As required under Section 107 of the California Building Code (CBC), the grading plan shall be based on a current survey of the site, including a boundary survey, topography on adjacent properties up to 30'-0" 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 showing all existing utility facilities, easements and proposed utility facilities. All on-site improvements shall be tied by horizontal dimensional control to the property boundary as established by survey. A minimum uninterrupted 20-foot wide throat access to the site is required from the street for the multi residential projects and shall meet the requirements of the California Fire Code throughout the site. Vehicle maneuvering, as demonstrated by Auto Turn along private streets and access ways, shall be demonstrated on the grading plan. Street improvement plans shall conform to all format and design requirements of the City Standard Drawings & Specifications. In addition, in order to ensure that damage does not occur at surrounding structures during project construction activities, all demolition and grading plans shall incorporate the mitigation measures set forth in Mitigation Measure NOI-2, described in the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the project.
 10. All vehicular access drives to the site shall be provided in locations approved by the City Traffic Engineer (Policies and Procedures – TE-17).
 11. The applicant shall coordinate with Planning Services Division and Orange County Fire Authority to identify proper emergency vehicle access to the site

and shall provide the Engineering Division a copy of the approval letters upon first submittal of the grading and street improvement plans.

12. The applicant shall complete the following for the tract map:
 - a. Prior to recordation of a final parcel or 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.
 - b. Prior to recordation of a final parcel or 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.
 - c. Prior to issuance of a grading permit, the applicant shall submit to the Planning Services Division an updated title report along with copies of the recorded instruments listed in the title report, reference maps used to prepare legal description and the plat for review and approval of the parcel map.
 - d. All subdivision mapping shall be concurrently reviewed by the City Engineering Division and the County of Orange Survey Department. The applicant shall forward all plan check comments received from the County of Orange Survey Department to the City of Garden Grove's Engineering Division upon receipt from the county.
13. Prior to the issuance of the street improvement encroachment permit and grading permit, provide subdivision completion bonds for all work constructed under the street improvements and grading permit for review and approval by the City Engineer, City Attorney, and City Finance Department (Risk Management). Alternate forms of security may be considered, solely at the discretion of the City Engineer and with the concurrence of the City Attorney and City Finance Department (Risk Management).
14. Any new drive approaches to the site shall be constructed in accordance with Garden Grove Standard B-120 (Option #2) as they conform to land use and roadway designation.
15. Prior to issuance of a grading permit, the applicant shall design overhead street lighting within the frontage of the development in conformance with City

specifications and the approval of the City's Lighting Administrator. Location of lighting poles shall be shown on all the improvement plans and grading plan.

16. The grading plan shall depict an accessibility route for the ADA pathway in conformance with the requirements of the Department of Justice standards, latest edition and section 1110A of the California Building Code.
17. All trash container areas shall meet the following requirements per City of Garden Grove Standard B-502 and State mandated commercial organic recycling Law, including AB 1826, SB 1383, and any other applicable State recycling laws related to refuse, recyclables, and/or organics:
 - a. Paved with an impervious surface, designed not to allow run-on mixing of drainage from adjoining areas, designed to divert drainage from adjoining roofs and pavements to be directed around the area for trash roll out, and screened or walled to prevent off-site transport of trash by water or wind.
 - b. Provide solid roof or awning to prevent direct precipitation into the enclosure.
 - c. Connection of trash area drains to the municipal storm drain system is prohibited. Drainage from the enclosure may be directed to a conforming grease or contaminant interceptor.
 - d. Potential conflicts with fire code access requirements and garbage pickup routing for access activities shall be considered in implementation of design and source control. See CASQA Storm Water Handbook Section 3.2.9 and BMP Fact Sheet SD-32 for additional information.
 - e. The trash enclosure and containers shall be located to allow pick-up and maneuvering, including turn-arounds, in the area of enclosures, and concrete aprons for roll-out areas.
 - f. Pursuant to state mandated commercial organic recycling Law-AB 1826 and SB 1383, the applicant is required to coordinate storage and removal of the organics waste with local recycling/trash company.
 - g. Pursuant to applicable state mandated laws, the applicant is required to contact and coordinate with the operations manager of the local recycling/trash company (Republic Services, 800-700-8610) to ensure the trash enclosure includes the appropriate size and number of containers for the disposal of items such as, but may not limited to, municipal solid waste (MSW), recyclables, and organic green waste.
 - h. Based on the amount of waste disposed, per week, the applicant shall coordinate with the local recycling/trash company to ensure the adequate frequency of trash pick-up is serviced to the site for municipal solid waste

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- (MSW), recyclables, and organic green waste, including any other type of waste.
- i. The applicant shall ensure large bulk items, intended for coordinated and scheduled pick-up by the local recycling/trash company, are not placed in areas that encroach into drive aisles, parking spaces, pedestrian pathways, or areas in the front of the property including areas public right-of-way (e.g., street, sidewalk), during and after construction. Any large bulk items shall be out of public vantage points.
 - j. The requirements for the trash enclosure and design criteria are bound and coordinated with the Water Quality Management Plan (WQMP), when required, as depicted on the project grading plan, which shall be incorporated into the WQMP by narrative description, exhibits and an Operation and Maintenance Plan (O&M).
18. Any new or required block walls and/or retaining walls shall be shown on the grading plans, both in plan-view and cross sections. Cross sections shall show vertical and horizontal relations of improvements (existing and proposed) on both sides of property lines. Required wall heights shall be measured vertically from the highest adjacent finished grade. Block walls shall be designed in accordance to City of Garden Grove Standard B-504, B-505, B-506 and B-508 or designed by a professional registered engineer. In addition, the following shall apply:
- a. Any block walls shall be decorative and utilize stucco finish, slump stone or split-face block, and shall include trailing vines, hedges planted along the base of the exterior face, or other landscaping treatments that deter graffiti.
 - b. Openings for drainage through walls shall be shown in section details and approved by the City Engineer. Cross-lot drainage is not allowed.
19. The applicant shall remove any existing substandard driveway approaches, curbs, sidewalks, ADA ramps, pavement sections, tree well and landscaping, and construct Lampson Avenue frontage improvements as identified below. All landscape, irrigation, sidewalk, and lighting improvements installed within the public rights-of-way shall be maintained by the applicant and shall require the approval of the City Engineer, Street Division, and Planning Services Division, and shall be maintained by the applicant for the life of the project.
- a. Existing substandard driveways on Lampson Avenue shall be removed and replaced with new curb, gutter, landscape, and sidewalk per City standards and specifications.

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- b. The new driveway approach to the site on Lampson Avenue shall be constructed in accordance with Garden Grove Standard B-120 (Option #3).
 - c. The applicant shall remove the existing damaged sidewalk panels fronting the project on Lampson Avenue and replace it with new sidewalk panels in accordance with City of Garden Grove Standard B-106. The owner/contractor shall verify the removal and replacement sections of the sidewalk concrete panels with public works inspector prior to start of construction.
 - d. The new tree wells fronting the project on Lampson Avenue shall be constructed in accordance with Garden Grove Standard B-123 and B-127.
 - e. The applicant shall plant total of three Southern Magnolia (*Magnolia grandiflora*). The applicant shall coordinate with City's Public Works Division prior to order and placement of trees on Lampson Avenue.
 - f. Construct curb and gutter when replacing any existing driveway approach along the property frontage on Lampson Avenue in accordance with City Standard Plan B-114.
 - g. The applicant shall locate all existing public utilities across the property frontage and within the property boundary of the project prior to commencement of grading operation and mobilization.
 - h. The applicant shall coordinate with the Planning Services Division and Public Works Street Division before placing any type of tree within public right-of-way and proposed landscape area.
 - i. Street signs shall be installed as required and approved by the City Traffic Engineer.
20. Any proposed new landscaping in public right-of-way shall be approved by the Planning Services Division and maintained by the owner for the life of the project.
 21. Driveway widths shall be in accordance with City's Traffic Engineering Policy TE-8 (Driveway Opening Policy).
 22. Sight Distance Standards shall be in accordance with City's Traffic Engineering Policy TE-13. All structures and walls shall be designed to ensure proper vision clearance for cars entering or leaving the driveway and parking areas. No structure, wall or fence shall cause an exceedance of the applicable site distance standards set forth in City Traffic Engineering Policy TE 13.

23. The Site Plan shall comply with the completed Development Review and Comment Sheet prepared pursuant to City's Traffic Engineering Policy TE-17 and provided to the applicant.
24. Private Property Tow Away Sign Design shall be in accordance with City's Traffic Engineering Policy TE-19.
25. No Parking Fire Lane Sign Design shall be in accordance with City's Traffic Engineering Policy TE-20.
26. Parking lot layout shall be in accordance with City Standard B-311 and B-312.
27. Off-street parking requirements for residential uses shall be in accordance with the City of Garden Grove's Traffic Engineering Policy TE-17.
28. A minimum five-foot-by-five-foot-wide maneuvering area shall be provided at the end of a dead-end parking aisle and shall consist of a ten-foot-by-nineteen-foot-wide turn-around space.

Permit Issuance

29. The applicant shall be subject to Traffic Mitigation Fees (Garden Grove City Council Resolution 9401-16), In-Lieu Park Fees Drainage Facilities Fees, Water Assessment Fees, and other applicable mitigation fees identified in Chapter 9.44 of the Garden Grove Municipal Code, along with all other applicable fees duly adopted by the City. The amount of said fees shall be calculated based on the City's current fee schedule at the time of permit issuance.
30. A separate street permit is required for work performed within the public right-of-way.
31. Grading fees shall be calculated based on the current fee schedule at the time of permit issuance.
32. The applicant shall identify a temporary parking site(s) for construction crew and construction trailers office staff prior to issuance of a grading permit. No construction parking is allowed on local streets. Construction vehicles should be parked off traveled roadways in a designated parking area. Parking areas, whether on-site or off-site, shall be included and covered by the erosion control plans.
33. Prior to issuance of a grading permit, the applicant shall submit and obtain approval of a worksite traffic control plan for all the proposed improvements within public right-of-way, and shall be subject to the review and approval of the City Traffic Engineer.

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34. In accordance to City of Garden Grove Municipal Code (Chapter 9.48.030), the applicant is required to underground all existing and proposed on-site and off-site utility facilities fronting the project which the developer is developing or redeveloping. All existing improvements and utilities shall be shown as part of the grading submittal package in the topography section and labeled as existing utility. In accordance to City of Garden Grove Municipal Code (9.48.050), the applicant may elect to pay the City an in-lieu fee to offset the developer's fair share of the costs of undergrounding the off-site utilities.
35. 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. The assigned WDID number must appear on the cover sheet of the project grading plan.

Project Construction/Operation

36. The applicant shall coordinate with City's Public Works Department (Engineering, Water Services and Streets Division) and setup appointments for pre-construction inspections for all the on-site and off-site improvements prior to commencement of grading operation and mobilization.
37. In accordance with the Orange County Storm Water Program manual, the applicant and/or its contractors shall provide dumpsters on-site during construction unless an Encroachment Permit is obtained for placement in street.
38. The applicant and his contractor shall be responsible for protecting all existing horizontal and vertical survey controls, monuments, ties (centerline and corner) and benchmarks located within the limits of the project. If any of the above require removal; relocation or resetting, the Contractor shall, prior to any construction work, and under the supervision of a California licensed Land Surveyor, establish sufficient temporary ties and benchmarks to enable the points to be re-set after completion of construction. Any ties, monuments and bench marks disturbed during construction shall be re-set per Orange County Surveyor Standards after construction. Applicant and his contractor shall also re-set the tie monuments where curb or curb ramps are removed and replaced or new ramps are installed. The Applicant and his contractor shall be liable for, at his expense, any resurvey required due to his negligence in protecting existing ties, monuments, benchmarks or any such horizontal and vertical

- controls. Temporary Benchmarks shall not be used for Vertical control. Benchmarks shall be to the National Geodetic Vertical Datum (NGVD).
39. Heavy construction truck traffic and hauling trips, and any required lane closures shall occur outside peak travel periods. Peak travel periods are considered to be from 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.
 40. 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 the applicant is prepared to implement and maintain all non-structural BMPs described in the Project WQMP.
 - c. Demonstrate that an adequate number of copies of the approved Project WQMP are available on-site.
 - d. Submit for review and approval by the City an Operations and Maintenance (O&M) Plan for all structural BMPs.

Public Works Water Services Division

41. New water service installations and fire services shall be installed by developer/owner's contractor per City Standards. Water connections shall be off the 8" PVC water main across Lampson Avenue.
42. Water meters shall be located within the City right-of-way or within the dedicated waterline easement.
43. A Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed for meter protection. The landscape system shall also have RPPD device. Any carbonation dispensing equipment shall have a RPPD device. Installation shall be per City Standards and shall be tested by a certified backflow device tester immediately after installation. Cross connection inspector shall be notified for inspection after the installation is completed. Owner shall have RPPD device tested once a year thereafter by a certified backflow device tester and the test results to be submitted to Public Works, Water Services Division. Property owner must open a water account upon installation of RPPD device.
44. It shall be the responsibility of owner/developer to abandon any existing private water well(s) per Orange County Health Department requirements. Abandonment(s) shall be inspected by Orange County Health Department inspector after permits have been obtained.

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45. A composite utility site plan shall be part of the water plan approval.
46. Water system within private streets shall be constructed per City Standards by developer and dedicated to the City. Bonding will be required.
47. There shall be a minimum 15-foot clearance of building footings from water main. Clearances less than 15 feet shall be reviewed and approved by Water Engineering.
48. There shall be no structures or utilities built on or crossing water or sewer main easements.
49. New utilities shall have a minimum 5-foot horizontal and a minimum 1-foot vertical clearance from water main and appurtenances.
50. There shall be a minimum clearance from sewer main and water main of 10 feet from outside of pipe to outside of pipe.
51. All perpendicular crossings of proposed water main, shall maintain a vertical separation of minimum 12" above non-potable water sources (sewer, storm drain), outer diameter to outer diameter. All exceptions to the above require a variance from the State Water Resources Control Board.
52. Pothole required to confirm separations as part of design.
53. Any new or existing water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.
54. Any existing water services are to be abandoned at the main.
55. If fire sprinkler system is required, the meter and service for the new lot shall be installed per City Standard B-719, which specifies a residential fire sprinkler connection (RFSC) on the backside of the meter.
56. If separate fire service is required, service shall have above ground backflow device with a double-check valve assembly. Any private fire hydrant lateral shall also 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 property owner. The above ground assembly shall be screened from public view as required by the Planning Services Division.
57. 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.

58. No permanent structures, trees or deep-rooted plants shall be placed over sewer main or water main.
59. Location and number of fire hydrants shall be as required by Water Services Division and the Orange County Fire Authority (OCFA).
60. Contractor shall abandon any existing unused private sewer system 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. Only one sewer connection per lot is allowed.
61. Owner shall install new private sewer main with clean out at right-of-way line and laterals on-site. The sewer main connection in public right-of-way shall be 6" min. dia., extra strength VCP with wedgelock joints and inspected by GGSD. All on site sewer and appurtenances to be installed per the California Plumbing Code and inspected by the Building and Safety Division.
62. All perpendicular crossings of the sewer, including laterals, shall maintain a vertical separation of min. 12" below the water main, outer diameter to outer diameter. All exceptions to the above require a variance from the State Water Resources Control Board.

Orange County Fire Authority

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

Building and Safety Division

64. All work shall comply with the latest edition of the California (CA) Building Standards Code (CBC) at time of permit application.
65. A soils report per the latest edition of CBC Chapter 18 is required and shall be submitted at time of building permit application.
66. Each dwelling shall be provided with a solar system.
67. Each dwelling unit shall be equipped with a future ready Electric Vehicle (EV) charger.
68. An automatic fire sprinkler system shall be provided in each dwelling unit.
69. Fire rated exterior walls and eave projections shall comply with the latest edition of the California Residential Code (CRC) Table R302.1(2).

Planning Services Division

70. The applicant shall submit detailed plans showing the proposed location of utilities and mechanical equipment to the Community and Economic Development Department, Planning Services Division for review and approval prior to submitting plans into the Building and Safety Division Plan Check process. The project shall also be subject to the following:
- a. All on-site and off-site utilities (off-site refers to the areas within public right-of-way to the center line of the streets adjacent to the subject property) within the perimeter of the site and to the centerline of the adjacent streets shall be installed or relocated underground. All on-site and off-site utilities pertaining to the improvements proposed under this Site Plan shall be installed or relocated underground.
 - b. All above-ground utility equipment (e.g. electrical, gas, telephone, cable TV) shall not be located in the street setback, within the common areas, or any parking areas, and shall be screened by densely planted and maintained landscaped hedges or a fence or wall. Ground-mounted equipment shall not exceed the maximum allowable height for a wall, fence, or hedge.
 - c. Clinging vines shall be installed within the landscape planters along the perimeter block walls to deter graffiti.
 - d. Roof-mounted mechanical equipment shall be screened by parapet walls, rooftop architectural features such as a tower equal to the height of the equipment, or low walls surrounding the equipment and shall be painted to match the color of the building materials.
 - e. No exterior piping, plumbing, or mechanical ductwork shall be permitted on any exterior façade and/or be visible from any public right-of-way or adjoining property. Roof rain gutters are permitted. The rain gutters shall follow the natural architecture lines of the building.
 - f. Mechanical equipment (e.g., heating, ventilation, and air conditioning (HVAC) equipment) shall have a sound rating of less than 66.6 A-weighted decibels (dBA) when measured at more than 35 feet from the project property line to assure compliance with the City's Noise Ordinance, and the building plans shall so indicate. Should HVAC equipment be louder or closer than as described above, the applicant shall retain an acoustical engineer to model noise levels and confirm that noise levels would comply with City exterior noise standards, prior to issuance of a certificate of occupancy. In this circumstance, a follow-up noise study shall be prepared by a licensed acoustical engineer and submitted to the Community and Economic Development Director for approval.

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71. All landscaping shall be consistent with the landscape requirements of Title 9 of the Municipal Code. The developer shall submit a complete landscape plan governing the entire development. The landscape irrigation plans shall include type, size, location and quantity of all plant material. The landscape plan shall include irrigation plans and staking and planting specifications. All landscape irrigation shall comply with the City's Landscape Ordinance and associated Water Efficiency Guidelines. The landscape plan is also subject to the following:
- a. A complete, permanent, automatic remote control irrigation system shall be provided for all landscaping areas shown on the plan. The sprinklers shall be of drip or micro-spray system sprinkler heads for water conservation.
 - b. Forty percent of the trees on a site shall consist of minimum size 24-inch box, and the remaining 60 percent shall be of minimum size 15 gallons. These trees shall be incorporated into the landscaped frontages of all streets. Where clinging vines are considered for covering walls, Boston Ivy shall be used.
 - c. All landscape areas, including the areas located within the public rights-of-ways along Lampson Avenue that abuts the subject property, are the responsibility of the applicant/property owner(s).
 - d. No trees shall be planted closer than five feet (5'-0") from any public right-of-way. Trees planted within ten feet (10'-0") of any public right-of-way shall be planted in a root barrier shield. All landscaping along street frontages adjacent to driveways shall be of the low-height variety to ensure safe sight clearance. All trees planted on the subject property, whether for screening the project from the neighboring lots or for aesthetic or selling/marketing purposes, shall have an irrigation system installed in order maintain the trees.
 - e. All trees shall be double-staked in accordance with City standards.
 - f. Enhanced landscape treatment shall be provided in the 10'-0" wide site perimeter setback between the block wall and the street frontage property line. The enhanced landscaping within this area shall include trees, shrubs, vines, and flowering ground covers and turf in a hierarchical design order.
 - g. The landscape treatment along the street frontage, including the area designated as public right-of-way, shall incorporate the landscape area between the sidewalk and the development wall with ground cover, shrubs and bushes, and trees that highlight the project's entrance as well as enhance the exterior appearance along Lampson Avenue. The

- plant material for the entrance shall be the type to inhibit graffiti such as vines and dense growing shrubs and bushes, and shall be maintained.
- h. Clinging vines shall be installed within the landscape planters along the perimeter block walls to deter graffiti.
 - i. Fifty percent (50%) of all required shrubs shall be a minimum size of five (5) gallons at time of planting.
 - j. Live groundcover shall be planted and maintained where shrubbery is not sufficient to cover exposed soil. Mulch may be used in place of groundcover where groundcover will not grow or where groundcover will cause harm to other plants, but not more than 30% of the groundcover area shall have the mulch substitute.
 - k. Groundcover plants shall be planted at a density and spacing necessary for them to become well established and provide surface coverage within 18 months of planting.
 - l. The landscape plan shall incorporate and maintain for the life of the project those means and methods to address water run-off also identified as Low Impact Development provisions, which address water run-off. This is to also be inclusive of any application of Water Quality Management Plans (WQMP), Drainage Area Management Plans (DAMP) and any other water conservation measures applicable to this type of development.
 - m. At the time of irrigation installation, the irrigation system shall comply with all applicable provisions of the City's Water Conservation Ordinance, the City's Municipal Code landscape provisions, and all applicable state regulations.
 - n. All above-ground utilities (e.g. water backflow devices, electrical transformers, irrigation equipment) shall be shown on the landscaping plan in order to ensure proper landscape screening will be provided.
72. Hours and days of construction and grading shall be as set forth in the City of Garden Grove Municipal Code Chapter 8.47 as adopted, except that:
- a. Monday through Friday – not before 7:00 a.m. and not after 5:00 p.m.
 - b. Saturday – not before 8:00 a.m. and not after 5:00 p.m. All construction activity on Saturday shall be limited to interior construction only.
 - c. Sunday and Federal Holidays – no construction shall occur.

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73. Construction activities shall adhere to SCAQMD Rule 403 (Fugitive Dust) that includes dust minimization measures, the use of electricity from power poles rather than diesel or gasoline powered generators, and the use methanol, natural gas, propane or butane vehicles instead of gasoline or diesel powered equipment, where feasible. Also, use of solar, low emission water heaters, and low sodium parking lot lights, shall be required to ensure compliance with Title 24.
74. The applicant shall prepare Covenants, Conditions, and Restrictions (CC&R's) for review and approval by the City Attorney's office and Community and Economic Development Department prior to the issuance of building permits. The approved CC&R's shall be recorded at the same time that the subdivision map is recorded and two copies (a hard copy and an electronic copy) of the recorded CC&R's shall be provided to the Planning Services Division. The CC&R's shall include the following stipulations and/or provisions:
- a. All units shall maintain the ability to park two cars within the garages at all times. Unless otherwise permitted by State Law, garages shall not be converted to any other use.
 - b. There shall be no business activities, day care, or garage sales conducted within or from the garages.
 - c. Parking spaces in the garages shall be made available to the occupants of the unit at all times.
 - d. Residents shall not park or store vehicles anywhere on the site except within the designated parking spaces in the garages for their dwelling unit. However, the 12 unassigned open, on-street, guest parking spaces, located throughout the development, may be utilized by residents or guests for temporary parking. Any issues arising from the use, application, or restriction of such open parking spaces shall be at the resolve of the Homeowner's Association.
 - e. All graffiti vandalism shall be abated within the premises. Best management practices shall be implemented to prevent and abate graffiti vandalism within the premises throughout the life of the project, including, but not limited to, timely removal of all graffiti, the use of graffiti resistant coatings and surfaces, the installation of vegetation screening of frequent graffiti sites, and the installation of signage, lighting, and/or security cameras, as necessary. Graffiti shall be removed/eliminated as soon as reasonably possible after it is discovered, but not later than 72 hours after discovery.
 - f. Each residence shall be utilized as one (1) dwelling unit. No portion of any residence shall be utilized or rented as a separate dwelling unit.

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- g. The CC&R's shall include provisions providing the owners or tenants a means of contacting persons responsible for site maintenance, repairs, trash pick-up, and other related matters for a development of this type. This shall also include scheduling of maintenance of such items as the recreation area, landscape area maintenance, etc. This also includes ensuring tree overhangs do not block or hinder any vehicles such as street sweepers, trash trucks, fire trucks, etc., from maneuvering around the cul-de-sac.
- h. Storage of boats, recreational vehicles, or commercial vehicles on the property is prohibited.
- i. The CC&R's shall include stipulations that maintenance of the private drive aisles, storm drain, sewer system, and open space areas within the interior of the development, and the landscape setback areas outside the development walls adjacent to Lampson Avenue is the responsibility of the Homeowner's Association, including the common landscaped areas.
- j. Each unit shall have a minimum of 200 cubic feet of storage space, which may be provided in the garage parking areas, and typical closet space within the unit shall not count toward this requirement.
- k. Each unit shall maintain a private open space area with minimum dimensions of 15 feet by 20 feet. This area shall be open and unobstructed from the ground to the sky.
- l. All recreation areas, landscaping along the front and side yards of each unit, the project site entryway, landscaped areas in all common areas, and any landscaping within the public right-of-way shall be maintained for the life of the project and such maintenance provisions shall be included in the CC&R's.
- m. The common recreation areas, as identified on the approved site plan, shall be equipped with outdoor furniture and playground equipment, subject to review by the Planning Services Division, and Building and Safety Division.
- n. There shall be no parking allowed along the private street, except within the designated parking areas and stripped parallel parking spaces. All curbs not designated as parking areas shall be painted red. The applicant shall post "No Parking" signs along the drive aisle.
- o. 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.
- p. The maintenance of the private street, storm drains, sewer system, and open space areas is the responsibility of the applicant and property

owner(s), including the common recreation areas, and the common landscape areas.

- q. 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.
- r. Mailboxes shall be provided and installed by the applicant. The local postmaster shall approve the design and location.
- s. Each unit shall be provided with washer and dryer hook-ups.
- t. The Conditions of Approval for Site Plan No. SP-118-2022 and Tentative Tract Map No. TT-19232 shall be incorporated into the CC&Rs, and provisions corresponding to any applicable Conditions of Approval shall be included in the CC&Rs.
- u. The following provisions shall be included within the CC&R's (in substantially the same form as below or as otherwise approved by the City Attorney):
 - i. Compliance with Stormwater Quality Regulations. The Homeowner's Association shall implement, and fund implementation of, the Operation and Maintenance ("O&M") Plan for the Property, which was approved by the City as part of the Water Quality Management Plan ("WQMP") required for development of the Property, and shall operate and maintain the Best Management Practices ("BMPs") described in the O&M Plan for the Property, which includes:
 1. Description of all post-construction BMPs (non-structural and structural),
 2. Description of the Property owner's(s') responsibilities and required training of persons performing BMP implementation, operation and maintenance,
 3. Implementation frequency and operating schedule,
 4. Inspection/maintenance frequency and schedule,
 5. Specific maintenance activities,
 6. Required permits from resource agencies, if any,

7. Forms to be used in documenting implementation, operation and maintenance activities,
8. Recordkeeping requirements.

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

The Property shall be, and the Homeowner's Association shall ensure that the Property is, used and maintained in full compliance with the provisions of the O&M Plan and Chapter 6.40 (Stormwater Quality) of the Garden Grove Municipal Code, as it may be amended. The City shall have the right to inspect the Property for the purpose of verifying compliance with this provision. The City of Garden Grove shall be an intended third-party beneficiary to this provision. The City shall have the right and authority, but not the obligation, to enforce this provision by any legal or equitable means, or by any method available to the Property owners as provided elsewhere in the Declaration, against the Declarant, Homeowner's Association, Owners, their successors and assigns, or other persons in possession of the Property. This provision shall not be amended or terminated without the written approval of the City of Garden Grove Community and Economic Development Department.

- ii. Enforcement: The City is hereby made a party to this Declaration solely for purposes of enforcing its provisions and the Conditions of Approval of Planned Unit Development No. PUD-018-2022, Site Plan No. SP-118-2022, and Tentative Tract Map No. TT-19232. The City, its agents, departments and employees shall have the unrestricted right and authority, but not the obligation, to enforce the provisions of this Declaration and the Conditions of Approval of Planned Unit Development No. PUD-018-2022, Site Plan No. SP-118-2022, and Tentative Tract Map No. TT-19232. In the enforcement of this Declaration, the City shall not be limited to the procedures or processes described in this Declaration and may use any remedy provided under law or equity, including the City's Municipal Code. The City, its agents, departments and employees may further refuse to issue any building, electrical or plumbing permit that may be in violation of these Declarations or Planned Unit Development No. PUD-018-2022, Site Plan No. SP-118-2022, and Tentative Tract Map No. TT-19232 approvals. However, the City shall not be liable for failing or refusing to enforce the provisions of these Declarations or the Conditions of Approval of Planned Unit Development

No. PUD-018-2022, Site Plan No. SP-118-2022, and Tentative Tract Map No. TT-19232. The alternative dispute resolution provisions set forth in Section / Article [SECTION] of this Declaration shall not apply to or legally bind the City.

- iii. Assessments: The City may levy special assessments against the properties in connection with its actions to enforce the conditions of this Declaration or Planned Unit Development No. PUD-018-2022, Site Plan No. SP-118-2022, and Tentative Tract Map No. TT-19232 approvals, or to abate the violation thereof. The City shall have the same power as the Association to levy special assessments pursuant to the provisions of [SECTION] of this Declaration in the event that it incurs expenses in the enforcement of the conditions of these Declarations or Planned Unit Development No. PUD-018-2022, Site Plan No. SP-118-2022, and Tentative Tract Map No. TT-19232 approvals. Notice of intention to make such assessment shall be mailed by the City to the Owner of each affected [LOT/UNIT] affording the Owner thirty (30) days' notice to satisfy or reimburse the City's expenditure. In the event of the failure of any Owner of any affected [LOT/UNIT] to reimburse the City within thirty (30) days, notice of such assessment shall be mailed by the City to said Owner, and said assessment shall thereafter be due as a separate debt to the City within thirty (30) days following the mailing of such notice. Any such delinquent assessment may be and may become a lien upon the interest of the defaulting Owner in the Lot upon the execution by the City and the recording in the Orange County Recorder's office of a notice of delinquent assessment under the same conditions that the Association could record the same pursuant to the provisions of [SECTION]. The City may foreclose on such notice of delinquent assessment in the same manner and with the same power as the Association could foreclose on such notice pursuant to the provisions of [SECTION]. It is the intent of Declarant, which intent shall be binding upon all of Declarant's successors in interest in the Properties, that the City shall be deemed an interest holder pursuant to the provisions of these Declarations in order to enforce the rights which have been given to the City generally in these Declarations and specifically pursuant to this Section.
- iv. Attorney Fees: The City shall be entitled to recover its attorney's fees incurred in connection with its actions to enforce the conditions of these Declarations or Planned Unit Development No. PUD-018-2022, Site Plan No. SP-118-2022, and Tentative Tract Map No. TT-19232 approvals, or to abate the violation thereof.

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- v. Public Safety Access: The Police and Fire Department personnel may enter upon any part of the common area for the purpose of enforcing State and Local laws.
 - vi. Modification/Termination: This Declaration shall not be terminated or substantially amended without the prior written approval of the City of Garden Grove Community and Economic Development Department.
75. All lighting structures shall be placed so as to confine direct rays to the subject property. All exterior lights shall be reviewed and approved by the Planning Services Division. Lighting adjacent to residential properties shall be restricted to low decorative type wall-mounted lights, or a ground lighting system. Lighting shall be provided throughout all private drive aisles and entrances to the development per City standards for street lighting. Lighting in the common areas shall be directed, positioned, or shielded in such manner so as not to unreasonably illuminate the window area of nearby residences.
76. All units shall be equipped with a minimum of three cubic feet of space for the collection and storage of refuse and recyclable material. All exterior collection areas shall be located within a screened yard.
77. Decorative stamped concrete or pavers shall be provided within the front 20-feet for the driveway along Lampson Avenue. The final design and configuration shall be shown on the final site plan, grading plan, and landscape plans.
78. Second-story windows, balconies, and decks on side and rear building sides shall be located to avoid direct views from those windows, balconies, and decks into any immediately opposite windows and private recreation areas of residential dwelling units on adjacent properties. Where second-story windows are oriented toward an adjacent property's private recreation area, one or more of the following measures shall be provided:
- a. High-windows with a minimum sill height of six feet, as measured from the finished floor.
 - b. View-obscuring treatment such as wing walls.
 - c. Obscure, opaque, or frosted fixed (non-slider) windows.
 - d. A row of screening/canopy trees evenly spaced shall be placed along the property line(s), which shall be of a minimum height that blocks any direct views. Screening/canopy trees shall be maintained in perpetuity.
79. All new block walls, and/or retaining wall(s), including existing block walls to remain, if any, shall be shown on the grading plans. Block walls shall be

developed to City Standards or designed by a Registered Engineer and shall be measured from on-site finished grade. The applicant shall provide the following:

- a. Decorative masonry walls are required along the north, south, east, and west property lines and shall be constructed to a minimum height of 6'-0", as measured from highest point of finished grade. The block walls shall be decorative and utilize stucco finish, slump stone or split-face block, and shall include trailing vines, hedges planted along the base of the exterior face, or other landscaping treatments that deter graffiti.
 - b. The applicant shall work with the existing property owners along the project perimeter in designing and constructing the required perimeter block walls. This requirement is to avoid having double-walls and minimize any impact that it might cause to the existing landscaping on the neighbor's side as much as possible. The perimeter block wall shall be constructed and situated entirely within the subject property. In the event that the applicant cannot obtain approval from the property owners, the applicant shall construct the new wall with a decorative cap to be placed between the new and existing walls. In the event the location of a new wall adjacent to an existing wall or fence has the potential to affect the landscape planter, then the 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.
80. During construction, if paleontological or archaeological resources are found, all attempts will be made to preserve in place or leave in an undisturbed state in compliance with applicable law. In the event that fossil specimens or cultural resources are encountered on the site during construction and cannot be preserved in place, the applicant shall contact and retain, at applicant's expense, a qualified paleontologist or archaeologist, as applicable, acceptable to the City to evaluate and determine appropriate treatment for the specimen or resource, and work in the vicinity of the discovery shall halt until appropriate assessment and treatment of the specimen or resource is determined by the paleontologist or archeologist (work can continue elsewhere on the project site). Any mitigation, monitoring, collection, and specimen/resource treatment measures recommended by the paleontologist/archaeologist shall be implemented by the applicant at its own cost.
81. The applicant shall comply with the Migratory Bird Treaty Act (MBTA), and Sections 3503, 3503.5 and 3515 of the California Fish and Game regulations, which require the protection of active nests of all bird species, prior to the removal of any on-site landscaping, including the removal of existing trees.

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82. All mitigation measures that are part of the Mitigated Negative Declaration that was adopted in conjunction with approval of Planned Unit Development No. PUD-018-2022, Site Plan No. SP-118-2022, and Tentative Tract Map No. TT-19232 shall be implemented. In addition, the project is subject to the Mitigation Monitoring and Reporting Program adopted by the City Council as part of the Mitigated Negative Declaration. In order to assist the City to verify that all required project mitigation measures and project design features are complied with in a timely manner, a project-specific mitigation-monitoring program for monitoring all applicable project-related mitigation measures shall be prepared by the developer/applicant and approved by the Planning Services Division prior to issuance of building permits. Said mitigation monitoring program shall be implemented during project construction through completion. The developer/applicant shall provide the City with a report demonstrating adherence to all mitigation measures quarterly or otherwise upon request.
83. Final Tentative Tract Map No. TT-19232 shall be approved by the City and recorded by the applicant prior to issuance of building permits for the proposed development.
84. A copy of the resolution approving Site Plan No. SP-118-2022 and Tentative Tract Map No. TT-19232, including these Conditions of Approval, shall be kept on the premises at all times.
85. The applicant shall submit a signed letter acknowledging receipt of the decision approving Site Plan No. SP-118-2022 and Tentative Tract Map No. TT-19232 and his/her agreement with all conditions of the approval.
86. 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 Planned unit Development No. PUD-018-2022, Site Plan No. SP-118-2022 and Tentative Tract Map No. TT-19232. The applicant shall pay the City's defense costs, including attorney fees and all other litigation related expenses, and shall reimburse the City for court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award, which may issue against the City including but not limited to any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein.
87. In accordance with Garden Grove Municipal Code Sections 9.32.160 and 9.40.070.A, respectively, the rights granted pursuant to Site Plan No. SP-118-2022 and Tentative Tract Map No. TT-19232 shall be valid for a period of two years from the effective date of this approval. Unless a time extension

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is granted pursuant to Section 9.32.030.D.9 of the Municipal Code, the rights conferred by Site Plan No. SP-118-2022 and Tentative Tract Map No. TT-19232 shall become null and void if the subject development and construction necessary and incidental thereto is not commenced within two (2) years of the expiration of the appeal period and thereafter diligently advanced until completion of the project. In the event construction of the project is commenced but not diligently advanced until completion, the rights granted pursuant to Site Plan No. SP-118-2022 and Tentative Tract Map No. TT-19232 shall expire if the building permits for the project expire.