

GARDEN GROVE CITY COUNCIL

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE CONTINGENTLY APPROVING SITE PLAN NO. SP-127-2023 AND TENTATIVE TRACT MAP NO. TT-19273, FOR PROPERTIES LOCATED AT THE SOUTHEAST CORNER OF BROOKHURST STREET AND CENTRAL AVENUE, AT 13252 BROOKHURST STREET AND 10052 CENTRAL AVENUE (ASSESSOR'S PARCEL NOS. 099-031-01, 099-031-02, 099-031-08, and 099-031-09).

WHEREAS, Melia Homes, Inc., the applicant, submitted a request to develop a 1.22-acre site with a new multiple-family residential project consisting of thirty townhomes, along with associated site improvements, on a property located at the southeast corner of Brookhurst Street and Central Avenue at 13252 Brookhurst Street and 10052 Central Avenue, Assessor's Parcel No. 099-031-01, 099-031-02, 099-031-08, and 099-031-09, the "Project"; and

WHEREAS, the applicant has requested the following approvals to facilitate the proposed development: (i) a General Plan Amendment to amend the General Plan Land Use Designations of the properties from Light Commercial (LC) and Low Medium Density Residential (LMR) to Medium Density Residential (MDR) to facilitate the development of the residential project; (ii) a Zoning Amendment to change the zoning of the subject properties from C-1 (Neighborhood Commercial) and R-2 (Limited Multiple Residential) to R-3 (Multiple-Family Residential) to facilitate the development of the residential project; (iii) Site Plan approval to construct thirty (30) three-story townhomes along with associated site improvements; and (iv) Tentative Tract Map approval to create a one-lot subdivision for the purpose of selling each townhome as a condominium (collectively, the "Project"); and

WHEREAS, the project site is comprised of four (4) parcels with a combined area of approximately 1.22 acres and is located on the southeast corner of Brookhurst Street and Central Avenue; and

WHEREAS, the Property has a General Plan Land Use Designation of Light Commercial (LC) and Low Medium Density Residential (LMR) and is currently zoned C-1 (Neighborhood Commercial) and R-2 (Limited Multiple Residential); and

WHEREAS, the Property abuts an R-2 (Limited Multiple Residential) zoned property to the east, a C-2 (Community Commercial) zoned property to the south, a C-1 (Neighborhood Commercial) zoned property and R-2 zoned properties, across Central Avenue, to the north, and C-2 zoned properties, across Brookhurst Street, to the west; and

WHEREAS, the proposed development will consolidate the four parcels into a single property for the purposes of developing thirty (30) three-story townhome units including twenty-two (22) two-bedroom and eight (8) four-bedroom units; ranging in size from 1,302 square feet to 1,928 square feet; each unit will consist of a living

area, a kitchen, a dining area two (2) or four (4) bedrooms, three (3) to four (4) bathrooms; an attached two-car garage (standard or tandem), a balcony, and a front porch; and associated site improvements that will consist of a shared drive aisle, four (4) guest parking spaces, common recreation areas and associated amenities, and site landscaping improvements; and

WHEREAS, the Project has been designed to comply with the Development Standards of the R-3 zone set forth in Section 9.12.040 of the Garden Grove Municipal Code and other zoning and subdivision standards, which were in effect as of the date of submittal of the applicant's application; and

WHEREAS, approval of Site Plan No. SP-127-2023 and Tentative Tract Map No. TT- 19273 will not result in fewer residential units by income category than projected in the General Plan Housing Element; therefore the "No Net Loss" provisions of Government Code Section 65863 and Section 9.60.030 of the Garden Grove Municipal Code do not apply; and

WHEREAS, development of the proposed Project will not require the demolition or replacement of any occupied or vacant protected units pursuant to Subdivision (d) of Government Code Section 66300; and

WHEREAS, an Initial Study and proposed Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program have been prepared for the Project in accordance with the California Environmental Quality Act, California Public Resources Code Section 21000 *et seq.* ("CEQA"), and CEQA's implementing guidelines, California Code of Regulations, Title 14, Section 15000 *et seq.*; and

WHEREAS, following a public hearing held on December 7, 2023, the Garden Grove Planning Commission (1) adopted Resolution No. 6077-23 recommending the Garden Grove City Council approve General Plan Amendment No. GPA-001-2023 and Amendment No. A-036-2023; (2) adopted Resolution No. 6079-23 recommending the Garden Grove City Council adopt a Mitigated Negative Declaration and the associated Mitigation Monitoring and Reporting Program for the Project; and (3) adopted Resolution No. 6078-23 recommending the Garden Grove City Council approve Site Plan No. SP-127-2023 and Tentative Tract Map No. TT-19273, subject to specified Conditions of Approval; and

WHEREAS, pursuant to a legal notice, a Public Hearing regarding the Project and the Mitigated Negative Declaration was held by the City Council on February 13, 2024, and all interested persons were given an opportunity to be heard; and

WHEREAS, concurrently with the adoption of this Resolution, the City Council adopted Resolution No. _____, adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project, adopted Resolution No. _____, approving General Plan Amendment No. GPA-001-2023, and introduced and conducted first reading of an Ordinance approving Zoning Amendment A-036-2023; and

WHEREAS, the City Council gave due and careful consideration to the matter during its meeting of February 13, 2024, and considered all oral and written testimony presented; and

WHEREAS, the City Council of the City of Garden Grove hereby makes the following findings regarding Site Plan No. SP-127-2023 and Tentative Tract Map No. TT- 19273:

NOW, THEREFORE, the City Council of the City of Garden Grove does hereby resolve as follows:

1. The City Council finds that the above recitals are true and correct.
2. City Council Resolution No. ____ adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project is incorporated herein by reference with the same force and effect as if set forth in full herein.
3. The City Council of the City of Garden Grove hereby makes the following findings regarding Site Plan No. SP-127-2023:
 - a. The proposed development project is consistent, in compliance, and 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 proposed project includes the construction of thirty (30) residential townhomes that includes three (3) affordable housing units for "moderate income" households, along with associated site improvements. Pursuant to the State Density Bonus Law, the project is entitled to reduce parking ratios, one (1) incentive or concession, and waivers or modifications of development standards.

With the approval of General Plan Amendment No. GPA-001-2023 and Amendment No. A-036-2023, the subject site will have a General Plan land use designation of Medium Density Residential (MDR), and will be zoned R-3 (Multiple-Family Residential). The MDR land use designation is intended to create, maintain and enhance residential areas characterized by mostly traditional multi-family apartments, condominiums, and townhomes. The MDR land use designation is implemented by the R-3 zone, which is intended to provide for a variety of types and densities of multiple-family residential dwellings. This zone is intended to promote housing opportunities in close proximity to employment and commercial centers. With the exception of the reduced parking ratios and development standards required to be waived or modified pursuant to the State Density Bonus Law, the proposed project complies with all applicable objective development standards and provisions of the General Plan and Municipal Code.

The proposed project is also consistent with several goals and policies of the City's General Plan, including the following:

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 development of thirty (30) for-sale units will add to the mix of diverse housing types in the immediate neighborhood. The proposed townhome development will ensure maintenance of all common areas, such as the private street, guest parking areas, the common recreation area, and street frontage landscaping, which will be the responsibility of the 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.

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

The site is located within a mixed-use neighborhood characterized by large commercial plazas and multi-story residential and mixed-use buildings. Existing and approved new uses within the one-mile radius from the site consist of both commercial and high-density residential developments, including the Brookhurst Place at the northwest corner of Brookhurst Street and Garden Grove Boulevard (48 units/acre), a future new Mixed Use Building at the northeast corner of Brookhurst Street and Garden Grove Boulevard (28 units/acre), and the Garden Brook Senior Housing development at the south side of Garden Grove Boulevard just west of Brookhurst Street (78 units/acre). In addition, surrounding land use designations from the project site include Medium Density Residential, which allows a density of up to 32 units per acre, Residential/Commercial Mixed Use 1 (RC1), which allows up to 60 units per acre, and Residential/Commercial Mixed Use 3 (RC3), which allows up to 48 units per acre. Considering the site is surrounded by Land Use districts that allow higher residential density, the proposed R-3 that allows up to 32 units per acre is appropriate, as it will not only provide opportunities for new housing developments, but also create a transition between the lower density neighborhood to the east of the project site and the higher-density and mixed-use neighborhoods along Brookhurst Street.

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

The 1.22-acre site is proposed to be improved with thirty (30) townhome units, or 24.6 units per acre, which is within the allowable density of 32 units per acre pursuant to the proposed MDR General Plan land use designation. The proposed project is within the allowed density of the MDR land use designation

and similar in scale to the adjoining residential neighborhood. The proposed design will consist of three-story units, which are allowed by the proposed R-3 zoning. Thus, the project is similar both in land use intensity and physical scale of the adjoining residential neighborhood.

Policy 2.3 of the Housing Element: Provide density bonuses and other financial and regulatory incentives to facilitate the development of affordable housing.

The proposed project includes three (3) for-sale affordable units for "moderate-income" households in accordance with the State Density Bonus Law. To facilitate the development with these affordable units, the project incorporates State Density Bonus Law allowances of one (1) concession, five (5) waivers to deviate from development standards, reduced parking ratios, and tandem parking design. The proposed Zoning Map Amendment and the granting of all of the aforementioned incentives are needed to facilitate the construction of the proposed development and to support the creation of more affordable housing units in the City. Furthermore, the Project will contribute to meeting the City's Regional Housing Needs Allocation (RHNA).

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

Concurrently with the adoption of this Resolution, the City Council adopted Resolution No. _____, adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project.

- c. 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 30-unit townhome development will not have specific, adverse impacts on 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.

4. The City Council of the City of Garden Grove hereby makes the following findings regarding Tentative Tract Map No. TT- 19273:

- a. The proposed map is consistent with the General Plan.

The proposed project includes the construction of thirty (30) residential townhomes that include three (3) affordable housing units for "moderate income" households, along with associated site improvements. Pursuant to the

State Density Bonus Law, the project is entitled to reduce parking ratios, one (1) incentive or concession, and waivers or modifications of development standards.

With the approval of General Plan Amendment No. GPA-001-2023 and Amendment No. A-036-2023, the subject site will have a General Plan land use designation of Medium Density Residential (MDR), and will be zoned R-3 (Multiple-Family Residential). The MDR is intended to create, maintain and enhance residential areas characterized by mostly traditional multi-family apartments, condominiums, and townhomes. The MDR is implemented by the R-3 zone, which is intended to provide for a variety of types and densities of multiple-family residential dwellings. This zone is intended to promote housing opportunities in close proximity to employment and commercial centers. With the exception of the reduced parking ratios, and development standards required to be waived or modified pursuant to the State Density Bonus Law, the proposed project complies with all applicable objective development standards and provisions of the General Plan and Municipal Code.

The proposed project is also consistent with several goals and policies of the City's General Plan, including the following:

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 development of thirty (30) for-sale units will add to the mix of diverse housing types in the immediate neighborhood. The proposed townhome development will ensure maintenance of all common areas, such as the private street, guest parking areas, the common recreation area, and street frontage landscaping, which will be the responsibility of the 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.

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

The site is located within a mixed-use neighborhood characterized by large commercial plazas and multi-story residential and mixed-use buildings. Existing and approved new uses within the one-mile radius from the site consist of both commercial and high-density residential developments, including the Brookhurst Place at the northwest corner of Brookhurst Street and Garden Grove Boulevard (48 units/acre), a future new Mixed Use Building at the northeast corner of Brookhurst Street and Garden Grove Boulevard (28 units/acre), and the Garden Brook Senior Housing development at the south side of Garden Grove Boulevard just west of Brookhurst Street (78 units/acre).

In addition, surrounding land use designations from the project site include Medium Density Residential, which allows a density of up to 32 units per acre, Residential/Commercial Mixed Use 1 (RC1), which allows up to 60 units per acre, and Residential/Commercial Mixed Use 3 (RC3), which allows up to 48 units per acre. Considering the site is surrounded by Land Use districts that allow higher residential density, the proposed R-3 that allows up to 32 units per acre is appropriate, as it will not only provide opportunities for new housing developments, but also create a transition between the lower density neighborhood to the east of the project site and the higher density and mixed-use neighborhoods along Brookhurst Street.

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

The 1.22-acre site is proposed to be improved with thirty (30) townhome units, or 24.6 units per acre, which is within the allowable density of 32 units per acre pursuant to the proposed MDR General Plan land use designation. The proposed project is within the allowed density of the MDR land use designation and similar in scale to the adjoining residential neighborhood. The proposed design will consist of three-story units, which are allowed by the proposed R-3 zoning. Thus, the project is similar both in land use intensity and physical scale of the adjoining residential neighborhood.

Policy 2.3 of the Housing Element: Provide density bonuses and other financial and regulatory incentives to facilitate the development of affordable housing.

The proposed project includes three (3) for-sale affordable units for "moderate-income" households in accordance with the State Density Bonus Law. To facilitate the development with these affordable units, the project incorporates State Density Bonus Law allowances of one (1) concession, five (5) waivers to deviate from development standards, reduced parking ratios, and tandem parking design. The proposed Zoning Map Amendment and the granting of all of the aforementioned incentives are needed to facilitate the construction of the proposed development and to support the creation of more affordable housing units in the City. Furthermore, the Project will contribute to meeting the City's Regional Housing Needs Allocation (RHNA).

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

With the approval of General Plan Amendment No. GPA-001-2023, the proposed map will be consistent with the provisions of the General Plan. The applicant is requesting Tentative Tract Map No. TT-19273 approval to create a one-lot subdivision for the purpose of developing the site with thirty (30) for sale townhomes (24.6 units per acre). With the approval of General Plan Amendment No. GPA-001-2023, the subject site will have a General Plan Land Use Designation of MDR, which is intended to create, maintain and enhance

residential areas characterized by mostly traditional multi-family apartments, condominiums, and townhomes. The MDR Land Use Designation allows a density up to 32 units per acre. Thus, the project will be within the allowable density. In accordance with the State Subdivision Map Act, Tentative Tract Map No. TT-19273 will create a one-lot subdivision for the purpose of selling each townhome as a condominium. The shared driveway, common open space, on-site landscaping, and open guest parking will be managed and maintained by the Homeowner Association (HOA). With the approval of General Plan Amendment No. GPA-001-2023 and Amendment No. A-036-2023, 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.

- c. 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 1.22-acre site will consist of 30 units, which would be allowed under the proposed R-3 zone. The residential development has been designed per the R-3 zone development standards. As designed, the site is able to accommodate thirty (30) 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.

- d. 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.

Concurrently with the adoption of this Resolution, the City Council adopted Resolution No. _____, adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project.

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

With the approval of General Plan Amendment No. GPA-001-2023 and Amendment No. A-036-2023, the subject site will have a General Plan Land Use Designation of MDR, which is intended to create, maintain and enhance residential areas characterized by mostly traditional multi-family apartments, condominiums, and townhomes. The MDR Land Use Designation and R-3 zone allow a residential density up to 32 units per acre. The proposed project will consist of 30 units which is within the allowable density. The project has also been designed to comply with the Municipal Code R-3 zone development standards for multi-family developments. As designed, the site is able to

accommodate 30 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.

- f. 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 public health. The proposed subdivision has been designed to comply with the R-3 zone development standards of the Municipal Code. City Departments, including the Traffic Division, Water Division, Engineering Division and the Planning Services 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 public health.

- g. 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.

- h. 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 30 townhomes on the subject property, and to create a one-lot subdivision for the purpose of selling each townhome as a condominium. As designed, the subdivision is able to accommodate 30 units, along with the required parking, landscaping, private and common recreation areas, setbacks, and building height per the development 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.

- i. 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.

- j. The design, density, and configuration of the subdivision strike a balance between the effect of the subdivision on the housing needs of the region and public service needs.

The applicant is requesting approval of Tentative Tract Map No. TT-19273 to create a one-lot subdivision to sell each of the 30 proposed townhomes as a condominium. Approval of the map will allow the construction of 30 townhomes on a site that is currently vacant and unimproved. Approval of the proposed Tentative Tract Map will allow a construction of thirty (30) new residential units, which will contribute to meeting the City's Regional Housing Needs Allocation (RHNA).

The project site is located in an area with a mix of uses that include commercial services and residential services. The Orange County Fire Authority (OCFA) will provide services to the project area. As part of the reviewing process, OCFA has reviewed the proposed plan to ensure that design measures are incorporated appropriately to provide a safe environment.

Brookhurst Street and Central Avenue are adequate to accommodate the development. Existing utilities and drainage channels in the area are adequate to accommodate the development. The proposed development will install and maintain landscaping, allowing adequate drainage of storm water. Landscaping will also be added along Brookhurst and Central Avenue. The Public Works Department has reviewed the project, and has incorporated all the appropriate conditions of approval to minimize any adverse impacts.

Furthermore, the project area is in the Garden Grove Unified School District (GGUSD), which serves a 28-square mile area with 65 schools. Development of the project would generate a new student population on the project site, who would generally attend schools within the GGUSD. Provide the project is approved, the GGUSD impact fee will be collected prior issuance of the building permits. The fees are used for the construction and reconstruction of school facilities necessary as a result of new development.

- k. 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-19273 is to create a one-lot subdivision to sell each of the 30 proposed townhomes as a condominium. Approval of the map will allow the construction of 30 townhomes on a site that is currently vacant and unimproved. The project has been reviewed in relation to the housing needs and goals of the City and is compatible with the existing developments in the direct vicinity. The property is located in an area improved with a mix of commercial and residential uses. The proposed residential development will increase the number of available housings 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.

- l. 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.

- m. 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.

5. In addition to the foregoing, the City Council incorporates herein by this reference, the facts and findings set forth in the Planning Commission and City Council staff reports for the Project and in Planning Commission Resolution No. 6078-23.

6. The Site Plan and Tentative Tract Map possess characteristics that justify the request in accordance with Sections 9.60.020 (Review of Housing Development Projects) and 9.40.060 (Tentative Maps) of the Garden Grove Municipal Code.

7. Site Plan No. SP-127-2023 and Tentative Tract Map No. TT-19273 are hereby approved, subject to and contingent upon the adoption and effectiveness of an Resolution adopting General Plan No. GPA-001-2023 and ordinance approving Zoning Amendment No. A-036-2023 by the Garden Grove City Council.

8. 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-127-2023 and Tentative Tract Map No. TT-19273.

EXHIBIT "A"

**Site Plan No. SP-127-2023, and
Tentative Tract Map No. TT-19273**

13252 Brookhurst Street and 10052 Central 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 within 30 days of the approval.
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, Melia Homes, Inc., owners and/or developers of the project, Fraser Partner Properties, LLC for the property located at 13252 Brookhurst Street, and Linh Hoang and Thu Thuy Pham for the property located at 10052 Central Avenue, and the future owner(s) and tenants(s) of the property(ies), 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 Development Director pursuant to Condition No. 4, any changes to the Conditions of Approval require approval by the appropriate City hearing body.
3. Site Plan No. SP-127-2023 and Tentative Tract Map No. TT-19273 only authorize (i) the construction of thirty (30) three-story townhomes along with associated site improvements; and (ii) the creation of a one-lot subdivision for the purpose of selling each townhome as a condominium on a 1.22-acre lot located on the southeast corner of Brookhurst Street and Central Avenue, at 13252 Brookhurst Street and 10052 Central Avenue, as depicted on the plans submitted by the applicant and made part of the record of the December 7, 2023, Planning Commission 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 and Tentative Tract Map. 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 by the Community Development Director, in his or her discretion. Proposed modifications to the project and/or these Conditions of Approval determined by the Community 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 and approved by the City 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. The applicant shall implement the recommendations identified in the geotechnical study / report.
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) 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.
 - 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 eighteen-eighteen-inches (1'-6").
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 thirty feet (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 twenty-foot (20'-0") 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. Approved site plan from planning division shall be included as part of the grading improvements plan package.
10. All vehicular access drives to the site shall be provided in locations approved by the City Traffic Engineer. (See Traffic Engineering Policy TE-17)
11. The applicant shall coordinate with the 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 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 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. Any new drive approaches to the site shall be constructed in accordance with Garden Grove Standard B-121 as they conform to land use and roadway designation.
14. The grading plan shall depict an accessibility route for the ADA (Americans with Disabilities Act) pathway in conformance with the requirements of the Department of Justice standards, latest edition and section 1110A of the California Building Code.
15. 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 its implementing regulations, and any other applicable State recycling laws related to refuse, recyclables, and/or organics. Trash container areas shall be subject to the following, as applicable:

- 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 turnarounds, in the area of enclosures, and concrete aprons for roll-out areas.
- f. Pursuant to State mandated commercial organic recycling law, including AB 1826 and SB 1383 and its implementing regulations, 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 not necessarily 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 (MSW), recyclables, and organic green waste, and 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).
16. 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 with City of Garden Grove Standard B-504, B-505, B-506 & B-508 or designed by a professional registered engineer. In addition, the following shall apply:
 - a. The color and material of all proposed block walls, columns, and wrought iron fencing shall be approved by the Planning Services Division prior to installation.
 - b. Openings for drainage through walls shall be shown in section details and approved by the City Engineer. Cross-lot drainage is not allowed.
17. The applicant shall remove any existing substandard driveway approaches, curbs, sidewalks, ADA ramps, pavement sections, tree well and landscaping, and construct Central 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.
 - a. Existing substandard driveways on Central Avenue shall be removed and replaced with new curb, gutter, landscape, and sidewalk per City standards and specifications.
 - b. The new driveway approaches to the site on Central Avenue shall be constructed in accordance with Garden Grove Standard B-121.
 - c. The applicant shall install a red curb near driveway approaches on Central Avenue per approved site plan.
 - d. The applicant shall remove the existing improvements fronting the project on Central Avenue and construct new ten foot (10'-0") wide sidewalk panels in accordance with City of Garden Grove Standard B-105. The owner/contractor shall verify the placement limits of sidewalk concrete panels with public works inspectors prior to start of construction.
 - e. Central Avenue is currently under a street moratorium. Any utility trench backfilling fronting the project on Central Avenue is subject to fifteen feet (15'-0") of asphalt resurfacing (up to two inches (2") of asphalt

grind and cap) from the center line of proposed utility (water, gas, sewer, communication cables) in both directions and may extend the full width of the street as determined by the City Engineer.

- f. Construct curb and gutter when replacing any existing driveway approach along the property frontage on Central 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.
18. The applicant shall remove any existing substandard driveway approaches, curbs, sidewalks, ADA ramps, pavement sections, tree well and landscaping, and construct Brookhurst Street 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.
- a. The existing substandard driveway on Brookhurst Street shall be removed and replaced with a new curb, gutter, landscape, and sidewalk per City standards and specifications.
 - b. The applicant shall remove the existing damaged sidewalk panels fronting the project on Brookhurst Street 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 inspectors prior to start of construction.
 - c. Brookhurst Street is currently under a street moratorium. Any utility trench backfilling fronting the project on Brookhurst Street is subject to 15 feet of asphalt resurfacing (up to 2-inches of asphalt grind and cap) from the center-line of proposed utility (water, gas, sewer, communication cables) in both directions and may extend the full width of the street as determined by the City Engineer.
 - d. Construct curb and gutter when replacing the existing driveway approach along the property frontage on Brookhurst Street in accordance with City Standard Plan B-113.

- e. The new tree wells fronting the project on Brookhurst Street shall be constructed in accordance with Garden Grove Standard B-123 and B-127.
 - f. The applicant shall plant total of three Columbia Sycamore tree (36-inch box). The applicant shall coordinate with City's public works division prior to order and placement of trees on Brookhurst Street.
 - 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.
 - j. The applicant shall install a pedestrian access gate at the northwest corner of the project to allow for homeowners to access lots 1-8.
19. Any proposed new landscaping in public right-of-way shall be approved by Public Works Street Division and Planning Services Division and maintained by the owner for the life of the project.
 20. Driveway widths shall be in accordance with City's Traffic Engineering Policy TE-8 (Driveway Opening Policy).
 21. 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.
 22. 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.
 23. Private Property Tow Away Sign Design shall be in accordance with City's Traffic Engineering Policy TE-19.
 24. No Parking Fire Lane Sign Design shall be in accordance with City's Traffic Engineering Policy TE-20.
 25. The layout of open guest parking spaces shall be in accordance with City Standard B-311 & B-312.
 26. Except as authorized pursuant to the approved Site Plan pursuant to the State Density Bonus Law, off-street parking requirements for residential uses shall

be in accordance with the parking provisions in Chapter 9.12 of the Garden Grove Municipal Code and the City of Garden Grove's Traffic Engineering Policy TE-17 Development Review and Comments Sheet.

27. 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 turnaround space.

Permit Issuance

28. 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. Except as otherwise provided by law, the amount of said fees shall be calculated based on the City's current fee schedule at the time of permit issuance.
29. A separate street permit is required for work performed within the public right-of-way.
30. Grading fees shall be calculated based on the current fee schedule at the time of permit issuance.
31. 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.
32. 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, which shall be subject to the review and approval of the City Traffic Engineer.

Project Construction/Operation

33. The applicant shall coordinate with City's Public Works Department (Engineering, Water Services and Streets Division) and set up appointments for pre-construction inspections for all the on-site and off-site improvements prior to commencement of grading operation and mobilization.
34. 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.
35. The applicant and its contractor shall be responsible for protecting all existing horizontal and vertical survey controls, monuments, ties (centerline and corner) and benchmarks located within the limits of the project. If any of the

above require removal; relocation or resetting, the Contractor shall, prior to any construction work, and under the supervision of a California licensed Land Surveyor, establish sufficient temporary ties and benchmarks to enable the points to be reset after completion of construction. Any ties, monuments and benchmarks disturbed during construction shall be reset per Orange County Surveyor Standards after construction. The applicant and its 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 its 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).

36. 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 a.m. to 9 a.m. and 4 p.m. to 6 p.m.
37. 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 and Sewer Division

38. New water service installations two inches (2") and smaller, may be installed by the City of Garden Grove at owner's/developer's expense. Installation shall be scheduled upon payment of applicable fees, unless otherwise noted. Fire services and larger water services three inches (3") and larger, shall be installed by developer/owner's contractor per City Standards.
39. Water meters shall be located within the City right-of-way or within dedicated waterline easement. Fire services and large water services three inches (3") and larger shall be installed by contractor with Class A or C-34 license, per City water standards and inspected by approved Public Works inspection.
40. A Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed for meter protection, should a large meter serving multiple units be proposed. 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(s) must open a water account upon installation of RPPD device.

41. 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.
42. A composite utility site plan shall be part of the water plan approval.
43. Water system within private streets shall be constructed per City Standards by the developer and dedicated to the City. Bonding will be required.
44. There shall be a minimum fifteen-foot (15'-0") clearance of building footings from water main. Clearances less than fifteen feet (15'-0") shall be reviewed and approved by Water Engineering.
45. There shall be no structures or utilities built on or crossing water or sewer main easements.
46. New utilities shall have a minimum of five foot (5'-0") horizontal and a minimum one foot (1'-0") vertical clearance from water main and appurtenances.
47. There shall be a minimum clearance from sewer main and water main of ten feet (10'-0") from outside of pipe to outside of pipe.
48. Any new or existing water valve located within the new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.
49. If fire sprinkler system is required and individual water services are proposed off the public water main, the meter and service for each new unit shall be installed per City Standard B-719, which specifies a residential fire sprinkler connection (RFSC) on the backside of the meter.
50. If large meters for a private water system is proposed for the development, and fire protection is required, a separate fire service connection is required. The separate fire service and any private fire hydrant laterals shall have above ground backflow device with a double check valve assembly. Device shall be tested immediately after installation and once a year thereafter by a certified backflow device tester and the results to be submitted to Public Works, Water Services Division. Device shall be on private property and is the responsibility of the property owner. The above ground assembly shall be screened from public view as required by the Planning Services Division.

51. Existing water main size in Central Ave is six inches (6"). Coordinate with Orange County Fire Authority (OCFA) on fire flow demand for the proposed use. Existing water main may be undersized. Refer to provided utilities map.
52. No permanent structures, trees or deep-rooted plants shall be placed over sewer main or water main.
53. Location and number of fire hydrants shall be as required by Water Services Division and the Orange County Fire Authority (OCFA).
54. Applicant shall abandon any existing unused sewer lateral(s) at street right-of-way on the property owner's side. The sewer pipe shall be capped with an expansion sewer plug and encased in concrete. Only one sewer connection per lot is allowed.
55. Applicant 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 Service Division.
56. All perpendicular crossings of the sewer, including laterals, shall maintain a vertical separation of minimum twelve inches (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.
57. If water main is exposed during installation of sewer lateral, a twenty foot (20'-0") section of the water main shall be replaced with twenty foot (20'-0") PVC C-900 DR-14 class 305 water pipe, size in kind and centered at the crossing.

Orange County Fire Authority

58. 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.

59. All work shall comply with the latest edition of the California (CA) Building Standards Code (CBC) at the time of permit application.
60. A soils report per the latest edition of CBC Chapter 18 is required and shall be submitted at the time of building permit application.
61. A fire sprinkler system shall be provided per the latest edition of CBC Chapter 9.
62. Fire and sound rated constructions shall be provided between the units and shall comply with the latest edition of CBC Chapter 7.
63. Common use areas shall comply with the latest edition of CBC Chapter 11A.

64. Complete mechanical, plumbing and electrical plans shall be required.
65. Short- and long-term bicycle parking shall be provided pursuant to the applicable requirements of the building code.

Planning Services Division

66. The applicant shall submit detailed plans showing the proposed location of utilities and mechanical equipment to the Community 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 above-ground utility equipment (e.g. electrical, gas, telephone, cable TV) shall not be located within 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.
 - b. Street facing perimeter block walls, whether new or existing, 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.
 - c. 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.
 - d. 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.
67. 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 (40%) of the trees on a site shall consist of minimum size 24-inch box, and the remaining sixty percent (60%) 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. The applicant or the property owner shall be responsible for installing and maintaining the landscaping.
- 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. All landscape areas, including the areas located within the public rights-of-way along Brookhurst Street and Central Avenue that abut the subject property, are the responsibility of the applicant/property owner(s).
- g. Fifty percent (50%) of all required shrubs shall be a minimum size of five (5) gallons at time of planting.
- h. 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.
- i. 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.
- j. The landscape plan shall incorporate and maintain for the life of the project those means and methods to address water run-off also identified as Low Impact Development provisions, which address water run-off. This is also to be inclusive of any application of Water Quality Management Plans (WQMP), Drainage Area Management Plans (DAMP) and any other water conservation measures applicable to this type of development.
- k. 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.

- l. All above-ground utilities (e.g. water backflow devices, electrical transformers, irrigation equipment) shall be shown on the landscaping plan in order to ensure landscape screening will be provided.
 - m. Applicant shall comply with the provisions of Assembly Bill 1572 (2023) and any related implementing regulations adopted by the City pertaining to the prohibition on use of potable water for irrigation of nonfunctional turf.
- 68. All of the common recreational area, as identified on the approved site plan, shall be equipped with the list of amenities, as shown on the approved plan, subject to review by the Planning Services Division and Building and Safety Division prior to issuance of building permits for compliance with applicable standards.
 - a. The improvements to the outdoor recreational area shall include at a minimum, raised planters, tables, chairs, patio and lounge furniture, barbeque grills, benches, and landscaping.
 - b. Lighting in the common recreational areas shall be provided at a maximum one-foot light candle during the hours of darkness and shall be restricted to low decorative type wall-mounted lights or ground lighting systems.
- 69. The applicant shall analyze the feasibility of installing vertical guardrail design in lieu of the horizontal design within the second-story balcony.
- 70. The applicant shall prepare Covenants, Conditions, and Restrictions (CC&R's) for review and approval by the City Attorney's office and Community Development Department prior to building permit issuance. 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 Division. The CC&R's shall include the following stipulations and/or provisions:
 - a. All units shall maintain the ability to park two (2) 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 four (4) unassigned open, guest parking spaces, located along the southerly property line of 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 (HOA).

- 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.
- 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 Brookhurst Street and Central Avenue is the responsibility of the Homeowner's Association, including the common landscaped areas.
- j. Each unit shall have a minimum of 120 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 dimension of six feet (6'-0") in any direction and a minimum vertical clearance of eight feet (8'-0").
- 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, a BBQ area, and community gardens, subject to review by the Planning Services Division, and Building and Safety Division.
- n. There shall be no parking allowed along the shared drive aisle, except within the designated parking areas and striped 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. The maintenance of the shared driveway, 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.
- p. 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.
- q. Mailboxes shall be provided and installed by the applicant. The local postmaster shall approve the design and location.
- r. Each unit shall be provided with washer and dryer hook-ups.
- s. Each unit shall have phone jacks and cable-TV outlets in all rooms, except in the hallways and bathrooms.
- t. The Conditions of Approval for Site Plan No. SP-127-2023 and Tentative Tract Map No. TT-19273 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 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 Development Department.

- ii. Enforcement: The City is hereby made a party to this Declaration solely for purposes of enforcing its provisions and the Conditions of Approval of Site Plan No. SP-127-2023 and Tentative Tract Map No. TT-19273. The City, its agents, departments and employees shall have the unrestricted right and authority, but not the obligation, to enforce the provisions of this Declaration and the Conditions of Approval of Site Plan No. SP-127-2023 and Tentative Tract Map No. TT-19273. 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 for Site Plan No. SP-127-2023 and Tentative Tract Map No. TT-19273 approvals. However, the City shall not be liable for failing or refusing to enforce the provisions of these Declarations or the Conditions of Approval of \Site Plan No. SP-127-2023, and Tentative Tract Map No. TT-19273. 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 for Site Plan No. SP-127-2023, and Tentative Tract Map No. TT-19273 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 -for Site Plan No. SP-127-2023 and Tentative Tract Map No. TT-19273. 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 for Site Plan No. SP-127-2023, and Tentative Tract Map No. TT-19273 approvals, or to abate the violation thereof.

- v. Public Safety Access: The Police and Fire Department personnel may enter upon any part of the common area for the purpose of enforcing State and Local laws.
 - vi. Modification/Termination: This Declaration shall not be terminated or substantially amended without the prior written approval of the City of Garden Grove Community Development Department.
71. Should the applicant elect to build the project in more than one phase, then a phasing plan shall be submitted to the Community Development Department prior to releasing units for model purposes. The phasing plan shall include, but not be limited to, a site plan showing the phasing areas, protection of finished units, and protection for related safety issues concerning pedestrians and non-construction vehicles. The perimeter improvements including landscaping, walls, street improvements, and underground utilities, shall be completed in the first phase. The phasing plan shall be approved by the Community Development, OCFA, and Public Works Departments prior to issuance of building permits. Notwithstanding if the applicant elects to construct the Project in phases, the applicant shall record a single final map, not multiple phased final maps, and the CC&Rs shall apply to the entire property covered by the Tentative Tract Map at the time of recordation.
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.
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. Applicant and its contractor shall also comply with all applicable California Air Resources Board (CARB) regulations, including CARB's Regulation for In-Use Off-Road Diesel-Fueled Fleets.
74. 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.

75. The main drive aisle serves the entire project for vehicular circulation. The applicant shall utilize effective signage, and/or other acceptable means (i.e., a painted/marked red fire lane), to communicate to residents and guests that there shall be no parking in front of the parking structure or anywhere within the drive aisle. Additionally, the applicant shall ensure and enforce lease or other restrictions providing that there will be no long-term parking of vehicles in the guest parking spaces and that guest parking spaces shall not be reserved for any particular units.
76. There shall be no deliveries from or to the premises before 7:00 a.m. and after 10:00p.m., seven (7) days a week.
77. 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. All block walls shall comply with the requirements of Section 9.12.040.010.U of the Municipal Code. Where allowed, no walls greater than 36-inches (3'-0") in height shall be constructed within the driveway vision clearance area of the project's entrance.
 - b. Decorative masonry walls are required along the 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.
 - c. The applicant shall work with the existing property owners along the project perimeter in designing, constructing, and maintaining the required perimeter block walls. This requirement is to avoid having double walls and to minimize any impact that it might cause to the existing landscaping on the neighbor's side as much as possible. The perimeter block wall shall be constructed and situated entirely within the subject property. In the event that the applicant cannot obtain approval from the property owners, the applicant shall construct the new wall with a decorative cap to be placed between the new and existing walls. In the event the location of a new wall adjacent to an existing wall or fence has the potential to affect the landscape planter, then the applicant shall work with City Staff to address this situation. The Community 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.

78. All recreation areas, landscaping along the interior project street and entryway, landscaped areas in all common areas, and any landscaping within the public right-of-way shall be maintained by the applicant for the life of the project.
79. Construction plans and specifications shall state that in the event that potential paleontological resources are discovered during excavation, grading, or construction activities, work shall cease within 50 feet of the find until a qualified paleontologist (who meets the Society of Vertebrate Paleontology's (SVP, 2010) definition for qualified profession paleontologist) has evaluated the find. If a fossil is determined to be significant, the qualified paleontologist shall implement a paleontological salvage program to remove the resources from their location, following the guidelines of the SVP (2010). Any fossils encountered and recovered shall be prepared to the point of identification, catalogued, and curated at a public, non-profit institution with a research interest in the material and with retrievable storage, such as the Natural History Museum of Los Angeles County, if such an institution agrees to accept the fossils. If no institution accepts the fossil collection, they shall be donated to a local school in the area for educational purposes. Accompanying notes, maps, and photographs shall also be filed at the repository and/or school.

If any fossil remains are discovered, the paleontologist shall make a recommendation whether monitoring shall be required for the continuance of earth moving activities. Prior to commencement of grading activities, the City of Garden Grove Building and Safety Division, shall verify that all project grading and construction plans specify the requirements herein related to the unanticipated discovery of paleontological resources.

After completion of the salvage and curation of any resources, the qualified paleontologist shall prepare a report summarizing the results of the monitoring and salvage efforts, the methodology used in these efforts, as well as a description of the fossils collected and their significance. The report shall be submitted to the City Director of the City Community Development Department, or designee, and the Natural History Museum of Los Angeles County.

80. 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. Prior to issuance of grading or demolition permits that include vegetation and/or tree removal activities that will occur within the active breeding season for birds (February 1 through September 15), the project applicant (or their Construction Contractor) shall retain a qualified biologist (meaning a professional biologist that is familiar with local birds and their nesting behaviors) to conduct a nesting bird survey no more than 3 days prior to commencement of construction activities.

The nesting survey shall include the project site and areas immediately adjacent to the site that could potentially be affected by project-related construction activities, such as noise, human activity, and dust, etc. If active

nesting of birds is observed within 100 feet (ft) of the designated construction area prior to construction, the qualified biologist shall establish an appropriate buffer around the active nests (e.g., as much as 500 ft for raptors and 300 ft for non-raptors [subject to the recommendations of the qualified biologist]), and the buffer areas shall be avoided until the nests are no longer occupied and the juvenile birds can survive independently from the nests.

Prior to commencement of grading activities and issuance of any building permits, the City Community Development Director, or designee, shall verify that all project grading and construction plans are consistent with the requirements of the Migratory Bird Treaty Act and California Fish and Game Code Sections 3503.5, 3511, and 3515, as stated above, that pre-construction surveys have been completed (if needed) and the results reviewed by staff, and that the appropriate buffers (if needed) are noted on the plans and established in the field with orange snow fencing.

81. The project shall provide a trash enclosure that serves the entire development. The trash bins shall be kept inside the trash room at all times, except during disposal and pick-up. The HOA shall provide sufficient trash bins and pick-up to accommodate the site pursuant to Condition No. 15.
82. Prior to issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the name and address of the development, and the developer's name, address, and a 24-hour emergency telephone number.
83. Litter shall be removed daily from the project site, including adjacent public sidewalk and all parking areas under the control of the applicant. The areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.
84. There shall be no parking allowed along any drive-aisle blocking vehicular access to the garage of each unit, except within the designated parking areas. The applicant shall post "No Parking" signs along the drive aisle.
85. At applicant's request, applicant has been granted State Density Bonus allowances for reduced parking and the following one (1) concession and five (5) waivers from applicable development standards: (1) a concession to deviate from the open space amenity requirements (GGMC Section 9.12.040.050.J.7.d); (2) a waiver to reduce the distance separation between two buildings from ten feet (10'-0") to seven feet and six inches (7'-6") (GGMC Section 9.12.040.050.A.1); (3) a waiver to reduce the width of the active recreation area from thirty feet (30'-0") to fifteen feet (15'-0") (GGMC Section 9.12.040.050.J.7.d); (4) a waiver to allow a six-foot (6'-0") tall block wall to be constructed within the front setback along Brookhurst Street (GGMC Section 9.12.040.140.J); (5) a waiver to reduce the landscape setback along Brookhurst Street from fifteen feet (15'-0") to ten feet (10'-0") (GGMC Section 9.12.040.090.Q), and (6) a waiver to allow the private open space to be located within the front setback area (GGMC Section 9.12.040.020.D).

- a. To comply with the provisions of Government Code Section 65915, the applicant has offered to, and shall, reserve at least three (3) dwelling units in the project, consisting of two (2) PL1 units and one (1) PL2 unit, as identified on the approved plan, for sale to moderate-income households commencing with the issuance of the certificate of occupancy for the project. The specific units to be reserved shall be subject to City approval.
- b. The applicant shall comply with the requirement to sell the target units to "moderate-income" households at an affordable rate as required by the Garden Grove Municipal Code and State Law.
- c. Pursuant to State law, the Garden Grove Municipal Code, and the City's Density Bonus Agreement Guidelines, the record owner or owners of the subject property shall enter into a density bonus and/or affordable housing regulatory agreement with the City, which satisfies the criteria set forth in subdivision (c) of Government Code Section 65915 and Garden Grove Municipal Code Section 9.60.050. This agreement will require, among other things, that the initial buyer of each "moderate-income" unit enter into a regulatory agreement and other associated agreements with the City in a form prepared by the City to ensure compliance with all applicable legal requirements. In addition to a regulatory agreement, agreements buyers of the affordable units may be required to execute may include, without limitation, a promissory note, a deed of trust, an equity sharing agreement, and an option agreement.
- d. The regulatory agreement and associated agreements and documents shall be prepared by the City at the applicant/owner's expense, and the applicant and/or owner shall pay applicable fees pursuant to GGMC Section 9.60.050.G and reimburse the City for the actual fees and costs charged for the services of attorneys and/or other professional third-party consultants engaged by the City to provide consultation, advice, analysis, and/or review and/or preparation of documents in connection with preparation of the regulatory agreement, and, to the extent applicable, review of the initial marketing plan and management plan required as part of the regulatory agreement, determination of affordable housing costs and initial maximum sales prices, verification of initial buyer qualifications, review of annual compliance reports submitted pursuant to the regulatory agreement, and inspections and audits provided for in the regulatory agreement.
- e. Prior to preparation of the regulatory agreement, applicant and/or property owner shall execute a reimbursement agreement with the City, in a form approved by the City Attorney, and provide a deposit to the City in an amount sufficient to cover the estimated professional fees and costs to be incurred by the City for preparation of the agreement, as

determined by the Department Director, in his or her reasonable discretion.

- f. The regulatory agreement shall be approved by the City and recorded prior to approval of the Final Map. The regulatory agreement shall remain a senior, non-subordinate covenant and as an encumbrance running with the land for the full term thereof.
 - g. In no event shall the regulatory agreement be made junior or subordinate to any deed of trust or other documents providing financing for the construction or operation of the project, or any other lien or encumbrance whatsoever for the entire term of the required covenants.
86. The applicant shall submit a signed letter acknowledging receipt of the decision approving Site Plan No. SP-127-2023 and Tentative Tract Map No. TT-19273 and his/her agreement with all conditions of the approval.
87. All mitigation measures that are part of the Mitigated Negative Declaration that was adopted in conjunction with approval of General Plan Amendment No. GPA-001-2023, Zoning Amendment No. A-036-2023, Site Plan No. SP-127-2023, and Tentative Tract Map No. TT-19273 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.
88. Final Tentative Tract Map No. TT-19273 shall be approved by the City and recorded by the applicant prior to issuance of building permits for the proposed development.
89. The applicant shall, as a condition of Project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, or proceeding against the City, its officers, agents, employees and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body, or City staff action concerning General Plan Amendment No. GPA-001-2023, Zoning Amendment No. A-036-2023, Site Plan No. SP-127-2023, and/or Tentative Tract Map No. TT-19273127. 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.

90. 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-127-2023 and Tentative Tract Map No. TT-19273 shall be valid for a period of two (2) years from the effective date of this approval. Unless a time extension is granted pursuant to Section 9.32.030.D.9 of the Municipal Code, the rights conferred by Site Plan No. SP-127-2023 and Tentative Tract Map No. TT-19273 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-127-2023 and Tentative Tract Map No. TT-19273 shall expire if the building permits for the project expire.