

## AGENDA



Garden Grove City  
Council  
  
Tuesday, November 28,  
2017  
  
6:30 PM  
  
Community Meeting  
Center, 11300 Stanford  
Avenue, Garden Grove,  
CA 92840

**Steven R. Jones**  
Mayor  
**Phat Bui**  
Mayor Pro Tem - District 4  
**Kris Beard**  
Council Member - District 1  
**John R. O'Neill**  
Council Member - District 2  
**Thu-Ha Nguyen**  
Council Member - District 3  
**Stephanie Klopfenstein**  
Council Member - District 5  
**Kim B. Nguyen**  
Council Member - District 6

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**Meeting Assistance:** Any person requiring auxiliary aids and services, due to a disability, to address the City Council, should contact the City Clerk's Office 72 hours prior to the meeting to arrange for accommodations. Phone: (714) 741-5040.

**Agenda Item Descriptions:** Are intended to give a brief, general description of the item. The City Council may take legislative action deemed appropriate with respect to the item and is not limited to the recommended action indicated in staff reports or the agenda.

**Documents/Writings:** Any revised or additional documents/writings related to an item on the agenda distributed to all or a majority of the Council Members within 72 hours of a meeting, are made available for public inspection at the same time (1) in the City Clerk's Office at 11222 Acacia Parkway, Garden Grove, CA 92840, during normal business hours; (2) on the City's website as an attachment to the City Council meeting agenda; and (3) at the Council Chamber at the time of the meeting.

**Public Comments:** Members of the public desiring to address the City Council are requested to complete a **pink speaker card** indicating their name and address, and identifying the subject matter they wish to address. This card should be given to the City Clerk prior to the start of the meeting. General comments are made during "Oral Communications" and should be limited to matters under consideration and/or what the City Council has jurisdiction over. Persons wishing to address the City Council regarding a Public Hearing matter will be called to the podium at the time the matter is being considered.

**Manner of Addressing the City Council:** After being called by the Mayor, you may approach the podium, it is requested that you state your name for the record, and proceed to address the City Council. All remarks and questions should be addressed to the City Council as a whole and not to individual Council Members or staff members. Any person making impertinent, slanderous, or profane remarks or who becomes boisterous while addressing the City Council shall be called to order by the Mayor. If such conduct continues, the Mayor may order the person barred from addressing the City Council any further during that meeting.

**Time Limitation:** Speakers must limit remarks for a total of (5) five minutes. When any group of persons wishes to address the City Council on the same subject matter, the Mayor may request a

spokesperson be chosen to represent the group, so as to avoid unnecessary repetition. At the City Council's discretion, a limit on the total amount of time for public comments during Oral Communications and/or a further limit on the time allotted to each speaker during Oral Communications may be set.

**PLEASE SILENCE YOUR CELL PHONES DURING THE MEETING.**

## AGENDA

ROLL CALL: COUNCIL MEMBER BEARD, COUNCIL MEMBER O'NEILL, COUNCIL MEMBER T. NGUYEN, COUNCIL MEMBER KLOPFENSTEIN, COUNCIL MEMBER K. NGUYEN, MAYOR PRO TEM BUI, MAYOR JONES

### INVOCATION

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

#### 1. PRESENTATIONS

- 1.a. Community Spotlight in recognition of the 2017 Miss Garden Grove, Missy Mendoza and her courts of honor.

#### 2. ORAL COMMUNICATIONS (to be held simultaneously with other legislative bodies)

### RECESS

### CONDUCT OTHER LEGISLATIVE BODIES' BUSINESS

### RECONVENE

#### 3. CONSENT ITEMS

*(Consent Items will be acted on simultaneously with one motion unless separate discussion and/or action is requested by a Council Member.)*

- 3.a. Approval of an agreement with Environmental Impact Services Consulting Group to provide preparation and processing of California Environmental Quality Act compliance documents, and approval of a Reimbursement Agreement with Garden Grove Hotel, LLC. (Cost: \$81,532.00) (*Action Item*)
- 3.b. Authorize the issuance of a purchase order to Allstar Fire Equipment Inc. for personal protective equipment for firefighters. (Cost: \$158,309.53) (*Action Item*)
- 3.c. Adoption of a Resolution adopting Fiscal Year 2016-17 Measure M2 Annual Expenditure Report. (*Action Item*)
- 3.d. Approval of a Bus Bench License Agreement with Focus Media Group, Inc. for installation and operation of and advertising on non-sheltered bus benches. (*Action Item*)

- 3.e. Adoption of a Resolution adopting a separate bus bench security deposit fee. (*Action Item*)
- 3.f. Receive and file minutes from the meeting held on November 14, 2017. (*Action Item*)
- 3.g. Approval of warrants. (*Action Item*)
- 3.h. Approval to waive full reading of Ordinances listed. (*Action Item*)

#### 4. PUBLIC HEARINGS

(*Motion to approve will include adoption of each Resolution unless otherwise stated.*)

- 4.a. Adoption of a Resolution approving General Plan Amendment No. GPA-003-2017 and adoption of a Mitigated Negative Declaration for property located at 12111 Buaro Street, Garden Grove. (*Action Item*)
- 4.b. Adoption of a Resolution amending the 2015 Urban Water Management Plan. (*Action Item*)

#### 5. ITEMS FOR CONSIDERATION

- 5.a. Adoption of a Resolution approving the submittal of Traffic Signal Synchronization Improvement Projects to the Orange County Transportation Authority for funding under the Comprehensive Transportation Funding Program. (Estimated Cost: \$464,972) (*Action Item*)

#### 6. ORDINANCES PRESENTED FOR SECOND READING AND ADOPTION

- 6.a. Ordinance No. 2888 presented for second reading and adoption  
Entitled:  
An Ordinance of the City Council of the City of Garden Grove approving Amendment No. A-021-2017, to amend portions of Chapters 9.04 (Definitions) and 9.18 (Mixed Use Regulations and Development Standards) of Title 9 of the City of Garden Grove Municipal Code pertaining to uses within the Civic Center Mixed Use Zones that involve Entertainment and/or Alcohol Sales or Consumption and Permissible Encroachments within Setbacks. (*Action Item*)

#### 7. MATTERS FROM THE MAYOR, CITY COUNCIL MEMBERS, AND CITY MANAGER

- 7.a. Discussion of theft and scavenging of recycling materials from residential garbage containers as requested by the City Council. (Continued from the November 14, 2017, meeting.) (*Action Item*)

#### 8. ADJOURNMENT

The next Regular City Council Meeting will be held on Tuesday, December

12, 2017, at 5:30 p.m. at the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.



**City of Garden Grove**

**INTER-DEPARTMENT MEMORANDUM**

To:	Scott C. Stiles	From:	Lisa L. Kim
Dept.:	City Manager	Dept.:	Community and Economic Development
Subject:	Approval of an agreement with Environmental Impact Services Consulting Group to provide preparation and processing of California Environmental Quality Act compliance documents, and approval of a Reimbursement Agreement with Garden Grove Hotel, LLC. (Cost: \$81,532.00) ( <i>Action Item</i> )		
		Date:	11/28/2017

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**OBJECTIVE**

The purpose of this report is to request City Council approval of an agreement with Environmental Impact Services Consulting Group to provide preparation and processing of California Environmental Quality Act – compliance documents, and to approve a Reimbursement Agreement with Garden Grove Hotel, LLC.

**BACKGROUND**

In December 2016, the Garden Grove Hotel, LLC (Developer) acquired the property located at 13650 Harbor Boulevard (Site) from the City under an approved Purchased and Sale Agreement with the intention to develop the Site with a hotel. Significant progress with the Developer and staff to develop preliminary plans that would meet the City's and California Building Code requirements is near completion.

**DISCUSSION**

In October 2017, the Developer submitted preliminary plans to develop a 124-room hotel at the Site. Based on the proposed development and the required general plan and zone amendment to facilitate the development, the City drafted and issued a Request for Proposal for the preparation and processing of California Environmental Quality Act (CEQA) compliance documents to analyze the Project's potential impacts in accordance with CEQA.

Environmental Impact Services was selected to prepare the necessary CEQA documents for the Project. The proposed scope of work outlines anticipated tasks to prepare a Mitigated Negative Declaration or an Environmental Impact Report subject to the determination of the Initial Study. The estimated cost shall not exceed \$81,532. The entire amount of the contract and all related costs shall be reimbursed by the Developer pursuant to a Reimbursement Agreement. Upon completion of the CEQA documents for the Project, it will be considered by the Planning Commission and City Council. Due to the nature of the work that is performed, such tasks are contracted with a consultant that specialize in analyzing development impacts related to CEQA. As the local land use agency, the City oversees the work, but the cost of the CEQA documents are paid by the Developer.

#### FINANCIAL IMPACT

Approval of the Professional Services Agreement with Environmental Impact Services will have no net cost to the City. The Developer will deposit funds with the City. The funds would be administered through a Reimbursement Agreement between the City and the Developer, which requires the Developer to pay all costs associated with preparation of the CEQA documents.

#### RECOMMENDATION

It is recommended that the City Council:

- Approve the Professional Services Agreement with Environmental Impact Services in the amount of \$81,532, to prepare and process the California Environmental Quality Act – compliance documents for the Project site located at 13650 Harbor Boulevard, Garden Grove;
- Approve the Reimbursement Agreement between the City and Garden Grove Hotel, LLC for the cost of Professional Services Agreement with Environmental Impact Services; and
- Authorize the City Manager to execute the agreements on behalf of the City and to make minor modifications as appropriate.

By: Paul Guerrero, Sr. Program Specialist

#### ATTACHMENTS:

Description	Upload Date	Type	File Name
Professional Services Agreement	11/21/2017	Backup Material	DOC-20171121-13_14_55.pdf
Reimbursement Agreement	11/22/2017	Backup Material	DOC-20171121-13_35_31.pdf

## PROFESSIONAL SERVICES AGREEMENT

**THIS AGREEMENT** is made this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by the **CITY OF GARDEN GROVE**, a municipal corporation, ("CITY") and **ENVIRONMENTAL IMPACT SCIENCES** herein after referred to as "CONTRACTOR".

### RECITALS

The following recitals are a substantive part of this Agreement:

1. This Agreement is entered into pursuant to Garden Grove Council Resolution No. 9212-14 (January 28, 2014).
2. CITY desires to utilize the services of CONTRACTOR to **provide preparation and processing of California Environmental Quality Act (CEQA) compliance documents for the proposed 13650 Harbor Boulevard Hotel Project.**
3. CONTRACTOR is qualified by virtue of experience, training, education and expertise to accomplish services.

### AGREEMENT

THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. **Term and Termination.** The term of the agreement shall remain in effect until completion of the services to be provided by CONTRACTOR hereunder, unless earlier terminated by CITY. This agreement may be terminated by the CITY without cause. In such event, the CITY will compensate CONTRACTOR for work performed to date in accordance with proposal which is attached as Attachment "A" and is hereby incorporated by reference. Contractor is required to present evidence to support performed work.
2. **Services to be Provided.** The services to be performed by CONTRACTOR shall consist of tasks as set forth in the Proposals. The Proposals are attached as Attachment "A" (preparation and processing of California Environmental Quality Act (CEQA) compliance documents for the proposed 13650 Harbor Boulevard Hotel Project), and is incorporated herein by reference. The Proposal and this Agreement do not guarantee any specific amount of work.
3. **Compensation.** CONTRACTOR shall be compensated as follows:
  - 3.1 **AMOUNT.** Total Compensation under this agreement shall not exceed (NTE) amount of Eighty One Thousand Five Hundred Thirty Two

Dollars (\$81,532.00), payable in arrears and in accordance with combined proposals in Attachment "A".

- 3.2 Payment. For work under this Agreement, payment shall be made per invoice for work completed. For extra work not a part of this Agreement, a written authorization by the Community and Economic Development Director will be required, and amendment to the budget will be requested before proceeding, and payment shall be based on the **Billing Rates for Environmental Impact Services** which is attached as Attachment "A".
- 3.3 Records of Expenses. CONTRACTOR shall keep complete and accurate records of all costs and expenses incidental to services covered by this Agreement. These records will be made available at reasonable times to CITY.
- 3.4 Termination. CITY and CONTRACTOR shall have the right to terminate this agreement, without cause, by giving thirty (30) days written notice of termination. If the Agreement is terminated by CITY, then the provisions of paragraph 3 would apply to that portion of the work completed.

#### **4. Insurance requirements.**

- 4.1 COMMENCEMENT OF WORK. CONTRACTOR shall not commence work under this Agreement until all certificates and endorsements have been received and approved by the CITY. All insurance required by this Agreement shall contain a Statement of Obligation on the part of the carrier to notify the CITY of any material change, cancellation, or termination at least thirty (30) days in advance.
- 4.2 WORKERS COMPENSATION INSURANCE. During the duration of this Agreement, CONTRACTOR and all subcontractors shall maintain Workers Compensation Insurance in the amount and type required by law, if applicable.
- 4.3 INSURANCE AMOUNTS. CONTRACTOR shall maintain the following insurance for the duration of this Agreement:
  - (a) Commercial general liability in an amount of \$1,000,000.00 per occurrence (**claims made and modified occurrence policies are not acceptable**); Insurance companies must be acceptable to CITY and have a Best's Guide Rating of A-, Class VII or better, as approved by the CITY.

- (b) Automobile liability in an amount of \$1,000,000.00 combined single limit **(claims made and modified occurrence policies are not acceptable)**; Insurance companies must be acceptable to CITY and have a Best's Guide Rating of A-, Class VII or better, as approved by the CITY.
- (c) Professional liability in an amount not less than \$1,000,000. Insurance companies must be admitted and licensed In California and have a Best's Guide Rating of A-Class VII or better, as approved by the City. If the policy is written on a "claims made" basis, the policy shall be continued in full force and effect at all times during the term of the agreement, and for a period of three (3) years from the date of the completion of services provided. In the event of termination, cancellation, or material change in the policy, professional/consultant shall obtain continuing insurance coverage for the prior acts or omissions of professional/consultant during the course of performing services under the term of the agreement. The coverage shall be evidenced either by a new policy evidencing no gap in coverage, or by obtaining separate extended "tail" coverage with the present or new carrier.

An **On-Going and Completed Operations Additional Insured Endorsement** for the policy under section 4.3 (a) shall designate CITY, it's officers, officials, employees, agents, and volunteers as additional insureds for liability arising out of work or operations performed by or on behalf of the CONTRACTOR. CONTRACTOR shall provide to CITY proof of insurance and endorsement forms that conform to CITY's requirements, as approved by the CITY.

An Additional Insured Endorsement for the policy under section 4.3 (b) shall designate CITY, it's officers, officials, employees, agents, and volunteers as additional insureds for automobiles, owned, leased, hired, or borrowed by the CONTRACTOR. CONTRACTOR shall provide to CITY proof of insurance and endorsement forms that conform to CITY's requirements, as approved by the CITY.

For any claims related to this Agreement, CONTRACTOR's insurance coverage shall be primary insurance as respects CITY, it's officers, officials, employees, agents, and volunteers. Any insurance or self-insurance maintained by the CITY, it's officers, officials, employees, agents, and volunteers shall be excess of the CONTRACTOR's insurance and shall not contribute with it.

*If CONTRACTOR maintains higher insurance limits than the minimums shown above, CONTRACTOR shall provide coverage for the higher insurance limits otherwise maintained by the CONTRACTOR.*

5. **Non-Liability of Officials and Employees of the CITY.** No official or employee of CITY shall be personally liable to CONTRACTOR in the event of any default or breach by CITY, or for any amount which may become due to CONTRACTOR.
6. **Non-Discrimination.** CONTRACTOR covenants there shall be no discrimination against any person or group due to race, color, creed, religion, sex, marital status, age, handicap, national origin, or ancestry, in any activity pursuant to this Agreement.
7. **Independent Contractor.** It is agreed to that CONTRACTOR shall act and be an independent contractor and not an agent or employee of the CITY, and shall obtain no rights to any benefits which accrue to CITY'S employees.
8. **Compliance with Law.** CONTRACTOR shall comply with all applicable laws, ordinances, codes, and regulations of the federal, state, and local government. CONTRACTOR shall comply with, and shall be responsible for causing all contractors and subcontractors performing any of the work pursuant to this Agreement to comply with, all applicable federal and state labor standards, including, to the extent applicable, the prevailing wage requirements promulgated by the Director of Industrial Relations of the State of California Department of Labor. The City makes no warranty or representation concerning whether any of the work performed pursuant to this Agreement constitutes public works subject to the prevailing wage requirements.
9. **Notices.** All notices shall be personally delivered or mailed to the below listed address, or to such other addresses as may be designated by written notice. These addresses shall be used for delivery of service of process.
  - a. Environmental Impact Sciences  
26051 Via Concha  
Mission Viejo, CA 92691  
Attention: Peter Lewandowski
  - b. (Address of CITY) (with a copy to):  
City of Garden Grove                      Garden Grove City Attorney  
11222 Acacia Parkway                      11222 Acacia Parkway  
Garden Grove, CA 92840                      Garden Grove, CA 92840
10. **CONTRACTOR'S PROPOSAL.** This Agreement shall include CONTRACTOR'S proposal or bid which shall be incorporated herein by reference. In the event of any inconsistency between the terms of the proposal and this Agreement, this Agreement shall govern.

11. **Licenses, Permits, and Fees.** At its sole expense, CONTRACTOR shall obtain a Garden Grove Business License, all permits, and licenses as may be required by this Agreement.
12. **Familiarity with Work.** By executing this Agreement, CONTRACTOR warrants that: (1) it has investigated the work to be performed; (2) it has investigated the site of the work and is aware of all conditions there; and (3) it understands the facilities, difficulties, and restrictions of the work under this Agreement. Should Contractor discover any latent or unknown conditions materially differing from those inherent in the work or as represented by CITY, it shall immediately inform CITY of this and shall not proceed, except at CONTRACTOR'S risk, until written instructions are received from CITY.
13. **Time of Essence.** Time is of the essence in the performance of this Agreement.
14. **Limitations Upon Subcontracting and Assignment.** The experience, knowledge, capability, and reputation of CONTRACTOR, its principals and employees were a substantial inducement for CITY to enter into this Agreement. CONTRACTOR shall not contract with any other entity to perform the services required without written approval of the CITY. This Agreement may not be assigned voluntarily or by operation of law, without the prior written approval of CITY. If CONTRACTOR is permitted to subcontract any part of this Agreement, CONTRACTOR shall be responsible to CITY for the acts and omissions of its subcontractor as it is for persons directly employed. Nothing contained in this Agreement shall create any contractual relationship between any subcontractor and CITY. All persons engaged in the work will be considered employees of CONTRACTOR. CITY will deal directly with and will make all payments to CONTRACTOR.
15. **Authority to Execute.** The persons executing this Agreement on behalf of the parties warrant that they are duly authorized to execute this Agreement and that by executing this Agreement, the parties are formally bound.
16. **Indemnification.** To the fullest extent permitted by law, CONTRACTOR shall defend, and hold harmless CITY and its elective or appointive boards, officers, agents, and employees from any and all claims, liabilities, expenses, or damages of any nature, including attorneys' fees, for injury or death of any person, or damages of any nature, including interference with use of property, arising out of, or in any way connected with the negligence, recklessness and/or intentional wrongful conduct of CONTRACTOR, CONTRACTOR'S agents, officers, employees, subcontractors, or independent contractors hired by CONTRACTOR in the performance of the Agreement. The only exception to CONTRACTOR'S responsibility to protect, defend, and hold harmless CITY, is due to the sole negligence, recklessness and/or wrongful conduct of CITY, or any of its elective or appointive boards, officers, agents, or employees.

This hold harmless agreement shall apply to all liability regardless of whether any insurance policies are applicable. The policy limits do not act as a limitation upon the amount of indemnification to be provided by CONTRACTOR.

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(Agreement Signature Block On Next Page)



**IN WITNESS THEREOF**, these parties have executed this Agreement on the day and year shown below.

Date: \_\_\_\_\_

**"CITY"**  
**CITY OF GARDEN GROVE**

By: \_\_\_\_\_  
**City Manager**

**ATTESTED:**

\_\_\_\_\_  
**City Clerk**

Date: \_\_\_\_\_

**"CONTRACTOR"**  
**Environmental Impact Sciences**

By: P. Lewandowski

Name: PETER LEWANDOWSKI

Title: PRINCIPAL

Date: 10/30/17

Tax ID No. 545-86-1462

Contractor's License: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

If CONTRACTOR is a corporation, a Corporate Resolution and/or Corporate Seal is required. If a partnership, Statement of Partnership must be submitted to CITY.

**APPROVED AS TO FORM:**

[Signature]  
Garden Grove City Attorney

11-17-17  
Date

**Attachment "A"**  
**Preparation and Processing of California Environmental Quality Act (CEQA)**  
**Compliance Documents for the Proposed 13650 Harbor Boulevard**  
**Hotel Project**

## PROPOSAL

### PREPARATION AND PROCESSING OF CEQA-COMPLIANCE DOCUMENTS

#### HARBOR BOULEVARD HOTEL PROJECT

13650 Harbor Boulevard, Garden Grove, California



Lead Agency:  
**City of Garden Grove**  
**Community Development Department**  
11222 Acacia Parkway  
Garden Grove, California 92840

Project Proponent:  
**BN Hotel Group, LLC**  
1848 Commercial Drive  
Harvey, Louisiana 70058

Prepared by:  
**Environmental Impact Sciences**  
26051 Via Concha  
Mission Viejo, California 92691

October 4, 2017  
Revised October 24, 2017

# **PROPOSAL**

## **PREPARATION AND PROCESSING OF CEQA-COMPLIANCE DOCUMENTS**

### **HARBOR BOULEVARD HOTEL PROJECT**

13650 Harbor Boulevard  
Garden Grove, California

Lead Agency:

**City of Garden Grove**  
**Community Development Department**  
11222 Acacia Parkway  
Garden Grove, California 92840  
(714) 741-5312

Project Proponent:

**BN Hotel Group, LLC**  
1848 Commercial Drive  
Harvey, Louisiana 70058  
(504) 371-6666

Prepared by:

**Environmental Impact Sciences**  
26051 Via Concha  
Mission Viejo, California 92691  
(949) 837-1195

October 4, 2017

Revised October 24, 2017

October 4, 2017  
Revised October 24, 2017

Paul Guerrero, Senior Program Specialist  
**City of Garden Grove**  
**Community Development Department**  
11222 Acacia Parkway  
Garden Grove, California 92840

VIA EMAIL (paulg@ci.garden-grove.ca.us)

**Subject: Garden Grove Hotel Project (13650 Harbor Boulevard)**

Dear Paul:

**Environmental Impact Sciences** (EIS or Consultant) appreciates the opportunity to submit this combined technical and cost proposal to the City of Garden Grove's (City or Lead Agency) Community Development and Economic Development Department – Planning Division (Department) and to **BN Hotel Group, LLC** (BNG) for the preparation and processing of environmental documents under the provisions of the California Environmental Quality Act (CEQA) and the Guidelines for the Implementation of the California Environmental Quality Act (Guidelines). The scope of services presented herein is confined to the project description and set of assumptions specified in the Department's September 15, 2017 solicitation for environmental consulting services.

The California Supreme Court has held that the word "project" is "to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language" (Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonora [2007]). As defined by CEQA, a "project" is "an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment" (Section 21065, CEQA).

As defined in Section 21063 of CEQA and Section 15378(a) of the Guidelines, a "project" means:

[T]he whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and that is any of the following: (1) An activity directly undertaken by any public agency including but not limited to public works construction and related activities clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code Sections 65100–65700. (2) An activity undertaken by a person which is supported in whole or in part through public agency contacts, grants, subsidies, loans, or other forms of assistance from one or more public agencies. (3) An activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.

As further defined in Section 15378(d) of the Guidelines:

Where the lead agency could describe the project as either the adoption of a particular regulation under subdivision (a)(1) or as a development proposal which will be subject to several governmental approvals under subdivision (a)(2) or (a)(3), the lead agency shall describe the project as the development proposal for the purpose of environmental analysis.

The City has indicated that the proposed project includes: (1) an amendment to the "City of Garden Grove General Plan 2030" (General Plan or GP) to increase allowable floor-area-ratio (FAR) within for City's "Heavy Commercial" district; and (2) revisions to certain development standards in Section 9.16.040.010, Title 9 (Land Use) of the "City of Garden Grove Municipal Code" (Municipal Code or MC). Although not identified therein, the project also includes the execution of a development agreement, issuance of one or more conditional use permits (CUP), site plan approval (Section 9.18.050.080, MC), lot consolidation (Section 9.30.200, MC), and such other associated discretionary actions as may be required by or from the City for the construction and operation of BNG's proposed hotel project located 13650 Harbor Boulevard, Garden Grove).

With the exception of that hotel, while the broad nature of the City's actions are identified, no replacement language has yet to be presented by the Department. Because the precise wording of the proposed revisions could have substantive ramifications as to the resulting work plan, pending the clear articulation of that replacement language and the Consultant's independent review thereof, the resulting CEQA-based project description could be materially altered. Similarly, since the initial step in any entitlement process for a private development project is the filing of a complete development application by the project proponent, that filing serves, in whole or part, to frame the project subject to CEQA and dictate the content of any resulting CEQA documentation. Because that development application was not included as part of the City's solicitation, following the Consultant's independent review thereof, it is possible that some of the assumptions presented herein may need to change.

As required under Section 15124(b) of the Guidelines, in an environmental impact report (EIR), the project description shall include a "statement of the objectives sought by the proposed project. A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project."

Under CEQA, citing *Nollan v. California Coastal Commission* [1987] and *Dolan v. City of Tigard*, [1994]), a "lead agency for a project has authority to require feasible changes in any or all activities involved in the project in order to substantially lessen or avoid significant effects on the environment, consistent with applicable constitutional requirements such as the 'nexus' and "'rough proportionality' standards established by case law." Since a reduction in the acreage potentially impacted by the proposed General Plan amendment (GPA) and Title 9 revisions would likely reduce the proposed project's potential environmental effects and since such action would continue to allow BNG's hotel project to proceed, those "nexus" and "rough proportionality" standards may be exceeded based on the identified project acreage and the CEQA-compliance obligations identified herein.

BNG's "underlying purpose" is to construct and operate an economically feasible hotel on a BNG-owned site (13650 Harbor Boulevard) within the City. Because the City can more narrowly define the boundaries of the project site, the City's and BNG's objectives do not appear identical.

In an August 21, 2017 article in the "Orange County Business Journal" ("Garden Grove Plots Ambitious Hotel Growth Plan"), labeling Garden Grove as "Southern California's undiscovered jewel," the City outlined its plans to grow transient occupancy taxes (bed tax) by 21 percent in the next five years. Additionally, as reported on February 13, 2017 in the "Voice of Orange County": "The [Shanghai Construction Group] company purchased the Hyatt Hotel last year for \$137 million in cash, and will be a construction partner for a \$400 million project on Harbor Boulevard, which will include three hotels for a total of 769 new hotel rooms, 39,000 square feet of conference space and 45,000 square feet of commercial space. The children's media group Nickelodeon is also considering constructing its flagship Nickelodeon-themed hotel in Garden Grove, which

would include a pool, outdoor theater and other themed amenities.” While most of that hotel development will occur to the north of the Garden Grove (SR-22) Freeway, the cited media references demonstrate that additional hotel development is presently planned within the City.

The following policies are extracted from the City’s General Plan:

- Continue to encourage the development and expansion of hotel facilities in key corridors of the City (i.e., Harbor Boulevard) (Economic Development, Policy ED-1.1);
- Concentrate tourist supported commercial activities in selected areas of the City in order to create identifiable centers of interest for visitors (Economic Development, Policy ED-IMP-1C);
- Capture the benefits of the tourist trade generated by the Disneyland Resort and the Anaheim Convention Center (Land Use, Policy LU-9.1);
- Target future sites for hotels and other tourist-serving uses within International West (Land Use, Policy LU-IMP-9A);
- Allow expansion of the International West land use designation south of the Garden Grove Freeway (SR-22) to the area that is generally bounded by Harbor Boulevard on the east, Newhope Street on the west, and Westminster Boulevard on the south. The designation will be extended to this approximately 167-acre area at such time as developers are actively working on large-scale resort center projects (Land Use, Policy LU-IMP-9D); and
- Provide criteria for permitted uses, capacities, activities, landscaping and maintenance standards for tourist- and entertainment-related uses seeking to locate in the City (Land Use, LU-IMP-9E).

Although predicated, in whole or in part, in response to the Department’s receipt of a development application from BNG, the City’s solicitation did not clearly articulate the “underlying purpose” of the proposed GPA/Title 9 revisions. If that statement of purpose is solely to accommodate BNG’s proposed hotel, a less onerous course of action may be available to the City (e.g., smaller project site). If the City’s “underlying purpose” includes the promotion of hotel development throughout the City, either that elevated purpose should be divested from BNG’s CEQA process or a greater emphasis should be placed on the resulting public-private partnership.

In recognition of the policy directives presented in the General Plan and the documented hotel demand in central Orange County, the expansion of existing transient lodgings within the City would appear an appropriate economic development objective.

## **1.0 INTRODUCTION**

In the preparation of the proposed project’s CEQA documentation, the “2008 Garden Grove General Plan Update, SCH No. 200841079” (GP-FPEIR) will be used as a reference document; however, because the proposed project includes a GPA, this second-tier CEQA-compliance document cannot be “tiered” therefrom (Section 21094, CEQA). Additionally, the proposed project is neither eligible for an abbreviated environmental review pursuant to Section 21083.3 of CEQA nor is the project eligible for an exemption as an “infill project” pursuant to Section 21094.5 therein.

Independent of the form and format of the project’s environmental documentation, the proposed actions includes a number of disparate features and/or elements that require recognition and add complexity to the CEQA process. Those features and elements are briefly outlined below.

### **“Hotel” Defined**

Three separate definitions of “hotel” are provided in the Municipal Code:

- “‘Hotel’ means any structure, or any portion of any structure, that is occupied or intended or designed for occupancy by transients for dwelling, lodging, or sleeping purposes, and

includes any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, hostel, bed and breakfast, apartment house, dormitory, time-share project, public or private club, mobile home, or house trailer at a fixed location, or other similar structure or portion thereof" (Section 3.12.020, MC).

- "'Hotel' means a building in which there are six or more guest rooms, where lodging with or without meals is provided for compensation, and where no provision is made for cooking in any individual room or suite. Occupancy for more than 30 consecutive days is allowed in hotels. A hotel shall not include jails, hospitals, asylums, sanitariums, orphanages, prisons, detention homes, and similar buildings where human beings are housed and detained under legal restraint or for care or treatment" (Section 5.07.200, MC).
- "'Hotel'" means a building in which there are six or more guest rooms, where lodging with or without meals is provided for compensation, and where no provision is made for cooking in any individual room or suite. A maximum of 10% of the customers may remain in any one establishment for 30 consecutive days. No consecutive occupancy shall exceed 30 days, nor shall any non-consecutive occupancy exceed 30 days in 45 consecutive days. A hotel shall not include jails, hospitals, asylums, sanitariums, orphanages, prisons, detention homes and similar buildings where human beings are housed and detained under legal restraint or for care or treatment (Section 9.04.060, MC).

Different hotel classifications have been established based on the range of services provided. Those classification include economy or limited-service, mid-range, and full-service hotels. With the exception of "extended stay business hotels," because the City's definition makes no distinction between those categories, if a distinction is intended, changes to the Municipal Code may be more extensive than presently contemplated.

"Extended stay business hotels" are separately defined as "a group of attached or detached buildings in which there are 100 or more guest rooms consisting of individual sleeping units, with or without kitchen facilities, that are intended to provide extended-stay transient lodging to travelers, for compensation, with or without meals. Occupancy for more than 30 consecutive days may be permitted in a maximum of 10% of the rooms rented each month. Any guest staying more than 30 consecutive days must re-register every 30 days. No consecutive occupancy shall exceed 120 days, nor shall any nonconsecutive occupancy exceed 120 days in 145 consecutive days. An extended-stay business hotel shall not include jails, hospitals, asylums, sanitariums, orphanages, prisons, detention homes and similar buildings where human beings are housed and detained under legal restraint or for care or treatment" (Section 9.06.060, MC).

Although applicable to only those "mixed use regulations and development standards" outlined in Chapter 9.18 of the Municipal Code: "All hotels and motels shall be subject to the following conditions: (A) The minimum site area shall be 30,000 square feet. (B) The minimum street frontage of the site shall be 100 feet. (C) Occupancy Restriction. No consecutive occupancy shall exceed 30 days, nor shall any nonconsecutive occupancy exceed 30 days in 45 consecutive days. (D) Additional Regulations. Hotels and motels are also subject to Chapter 8.70 (Public Lodgings) of the Municipal Code. (E) Cooking Facilities in Hotels. In hotels, no provisions for cooking facilities shall be provided within individual rooms or suites. (F) Kitchen Facilities in Motels. In motels, no more than 10% of the individual living units shall contain kitchen facilities" (Section 9.18.030.220, MC).

Based on the differences described above, it may first be necessary to describe the precise nature of the land use under consideration and the development standards applicable thereto. For example, although the term "hotel" is presented generically, under the provisions of the "Grove District Hotel Resort Development Agreement" (as dated on April 9, 2013), a distinction is made



between “full service” (upper-scale) and “limited service” (mid-scale) hotels. Unspecified is whether the proposed GPA/Title 9 revisions are to apply equally to all categories of transient lodgings, including extended stay business hotels, or only to a specified segment thereof.

### **General Plan Amendment and Revisions to the City of Garden Grove Municipal Code**

BNG seeks entitlements from the City to construct and operate a 5-story, 60-foot tall, 124-room hotel, totaling 62,764 square feet at the site of the former Harbor Auto Center (13650 Harbor Boulevard). The approximately 1.45-acre (63,217 square foot) site is designated “Heavy Commercial (HC)” in the General Plan and zoned “General Commercial (C-3).”

The General Plan indicates that the “Heavy Commercial (HC) designation is intended to provide for a variety of more intensive commercial uses, some of which may be incompatible with residential neighborhoods. The Heavy Commercial (HC) designation includes automotive repair, sales, and services; wholesaling; automotive body work, or contractors’ storage yards. Zoning districts that implement the Heavy Commercial designation are: C-3, General Commercial, which allows a Floor Area Ratio of 0.55” (Land Use Element, p. 2-24). More specifically, the HC district allows a FAR of “0.55 to 0.60” (Ibid.). Because that FAR is insufficient to accommodate BNG’s proposed development, with regards to the subject property, in order to accommodate a 62,764 square foot development on an approximately 63,217 square foot site, BNG seeks authorization to increase that FAR limit from 0.6 to 1.0 (representing a FAR increase of 0.40).

It is the Consultant’s understanding that, pursuant to the Department’s directive, any such accommodation shall not be limited solely to BNG’s proposed hotel site but would extent to encompass other comparably designated properties throughout the City. As noted by the City: “The request to amend the Garden Grove General Plan 2030, will be to increase the floor area ratio found in the GP, Chapter 2, Land Use Element, 2.4.2 Land Use Designation, Heavy Commercial. The change will increase the allowable floor area ratio ranging from 0.55 to 0.60; to the Heavy Commercial designation allows a floor area ratio ranging to 1.0.”

The General Plan includes a “Light Commercial” and a separate “Heavy Commercial” district. The “Light Commercial” district is represented by both C-1 and C-2 zones; the “Heavy Commercial” district is represented by the C-3 zone (Land Use Element, Table 2-4, p. 2-29). If the Department’s goal is to “facilitate hotel development” and not merely to “remove height restricts in the ‘Heavy Commercial’ district), because “hotels” and “motels” are conditionally permitted uses in the C-1, C-2, and C-3 (and M-1) zones, unless otherwise restricted, the acreages associated therewith might also need to be included in the project description and the combined acreage used in any assessment of potential direct and/or indirect physical changes resulting from the proposed GPA.

With regards only to the “Heavy Commercial” district, although the precise number of parcels is not known, there exists multiple grouping of HC-designated properties throughout the City, collectively totaling 91.07 acres (Land Use Element, Table 2-3, p. 2-20). Based on a total project area of 91.07 acres, assuming maximum allowable buildout, a 0.4 FAR increase could hypothetically translate into an additional 1,586,804 square feet (91.07 acres x 43,560 square feet per acre x 0.4 FAR increase = 1,586,804 square feet) of allowable uses throughout the City. Unless otherwise restricted, that increase would not be limited to hotel uses alone but would include, among others, “automotive repair, sales, and services; wholesaling; automotive body work, or contractors’ storage yards” (Land Use Element, p. 2-24).

In comparison, the General Plan estimated that the “maximum permitted growth” throughout the entirety of the HC district by 2030 would total just 1,666,144 square feet (Land Use Element, p. 2-20). Assuming that buildout of the additional square footage would also occur by 2030, the

proposed GPA would nearly double the estimated HC square footage throughout the City. The scale of that development could have broad-ranging environmental impacts.

As noted in the General Plan:

General Plan Buildout traffic forecasts have been modeled by Iteris, Inc., based on data provided by the Orange County Transportation Authority and the City of Garden Grove Planning Department. Modeled forecast volumes are used to anticipate possible improvements associated with future traffic volume growth. In this way, arterial and intersection capacity will be sufficient to accommodate the traffic generated by the future land uses, and the Circulation Element is balanced with the Land Use Element (Circulation Element, p. 5-10).

Programmatically, the introduction of an additional 1,586,804 square feet of "Heavy Commercial" uses at multiple locations throughout the City would alter the traffic modeling performed as part of the General Plan and likely predicate the need to update and rerun that model (based on the additional traffic associated therewith) for some or all of the "64 study intersections" (Circulation Element, p. 5-9) examined therein. In addition, a separate project-level traffic analysis (including an assessment of ingress/egress, internal circulation, parking, and public transit) is required for BNG's proposed hotel project.

Hotels generate much of their associated traffic during non-peak-hour periods. In contrast, commercial uses generate most of their trips during morning (AM) and evening (PM) peak hours. The greater the number of peak-hour vehicle trips associated with the proposed project, the greater the likelihood of participation by the California Department of Transportation (Caltrans) and the greater the number of freeway ramps that might be potentially impacted.

As indicated in the General Plan: "Zoning districts that implement the Heavy Commercial designation are: C-3, General Commercial" (Land Use Element, p. 2-24). As noted in Section 9.16.020.030 of the "Municipal Code, "hotels" and "motels" are not permitted by right in the C-3 zone but are noted as: (1) a "use eligible for consideration under conditional use procedures and permitted use if the conditional use permit is approved, subject to the specific conditions of such permit"; and (2) a "use [which] shall be subject to specific conditions or specific restrictions as listed in this section."

Typically, when examining potential environmental effects at the General Plan/Municipal Code level, the impact analysis is based on those uses permitted by right therein. Since they are not immediately authorized and remain subject to a second tier of review, any analysis of conditionally permitted uses potentially allowable within the corresponding district/zone are deferred to the project level once an actual use has been identified. As a result, unless otherwise specified, since a separate conditional use permit (CUP) would be required, any programmatic analysis of the proposed GPA would: (1) focus exclusively on those "automatically permitted uses" allowable within the C-3 zone; and (2) neither include an analysis of nor presuppose other "conditionally permitted use" (e.g., airport/helistop, hotels and motels, indoor multi-tenant retail shopping centers, golf courses, movie theaters, public buildings, and water-oriented parks) thereupon.

Based on an examination of other non-residential zones within the City, a "hotel/motel" is also identified as a conditionally permitted use in the "Neighborhood Commercial (C-1)," "Community Commercial (C-2)," and "Limited Industrial (M-1)" zones. To the same level of comparability to that which is to be provided for the C-3 zone, since no "draft" text has been provided relative to the proposed changes to the General Plan or the Municipal Code, unless restricted solely to the C-3 zone, the program-level CEQA analysis may need to more broadly examine the potential

environmental impacts associated with the resulting revisions to existing development standards within the C-1, C-2, C-3, and M-1 zones, as established in Title 9 of the Municipal Code.

Pursuant to Section 9.16.040.010 of the Municipal Code, within both the C-2 and C-3 zones, the maximum building height is three stories or 35 feet. As an exception, in all “commercial, office professional, industrial, and open space” zones where “hotels” are authorized, “hotels” are allowed a building height of “four stories and/or 55 feet (hotel only)” (Section 9.16.020.050[AJ][5][f], MC).

Based on the project’s projected 60-foot height, at least with regards to BNG’s existing real property holdings, as directed by the Department, BNG seeks to amend the Municipal Code to accommodate that increased height. Unlike the GPA, the proposed revisions to Sections 9.16.040.010 and 9.16.020.050 of the Municipal Code would apply to “hotels only” but would also appear to be inclusive of all “commercial, office professional, industrial, and open space” (inclusive of all C-1, C-2, C-3, and M-1) zone throughout the City. As a result, the City’s declaration that the project site is limited to “all 91.07 acres in the Heavy Commercial area” appears to overlook the additional 335.42 acres within the “Light Commercial” district and the 584.00 acres within the “Industrial” district (Land Use Element, Tables 2-3 and 2-4, pp. 2-20 and 2-29). Because the “Industrial” district already allow a FAR of 1.0 (Land Use Element, p. 2-28), the revisions to Section 9.16.020.050(AJ)(5)(f) of the Municipal Code, would not appear to produce any physical changes thereto.

When the “Light Commercial” acreage is added to the “Heavy Commercial” acreage, the proposed project could hypothetically add a total of 5,844,450 square feet  $([91.07 + 335.42 \text{ acres}] \times 43,560 \text{ square feet per acre} \times 0.4 \text{ FAR increase} = 5,844,450 \text{ square feet})$  of hotel use to the City and not merely the 1,586,804 square feet within the HC district.

While acknowledging that all lands within the C-1, C-2, and C-3 zones are not likely to transition to hotels, no methodology has been presented that documents market demands and absorption rates for hotel development within the City. As a result, from that increase, there presently exists no definitive means of differentiating hotel from non-hotel development.

To support the development-related assumptions in the project’s CEQA documentation, the Department should: (1) initiate a market study indicating the number of hotel rooms that could be accommodated within the City by 2030; and (2) determine the square footage of hotel space associated therewith. In addition, in order to determine whether the proposed GPA/Title 9 revisions have the potential to alter the economics of real estate development so as to create a fiscal incentive promoting hotel development over other competing land uses (e.g., allowing for the construction of more hotel rooms than otherwise permissible and enhanced income opportunities therefrom), the Department should consider obtaining a professional opinion from a qualified real estate appraiser. Absent some factual basis (substantial evidence) supporting the establishment of some lesser square footage, the perceived randomness of any development assumptions directly or indirectly attributable to the proposed GPA/Title 9 revisions would be subject to challenge.

Unless rectified, the resulting dichotomy in the Department’s project description creates an internal inconsistency in the project’s CEQA documentation, namely the GPA is “not hotel specific” but the proposed Municipal Code revision is limited to “hotels only.” Additionally, the potential square footage of development attributable to the GPA (not “hotel only”) is likely to be substantially larger than the potential square footage of development attributable to the Title 9 revisions (“hotel only”). If included in the upcoming program-level analysis, the larger of the two calculations: (1) becomes the bases for assessing potential environmental effects; (2) bears no relationship to the project-level analysis required for BNG’s proposed hotel; (3) suggests that the environmental consequence of BNG’s hotel project are substantially greater than would otherwise be presented if that hotel were

to be examined in isolation of the GPA/Title 9 revisions; and (4) likely changes the resulting CEQA documentation for that hotel from a "mitigated negative declaration" (MND) to a EIR.

In addition to those "findings" required under Sections 65358(a), 65455, and 65867.5 of the California Government Code (CGC), relating to general plan amendments, zone changes, and development agreements, respectively, the City Council's approval of a zone change must be supported by the following findings: (1) That the proposed zone change is consistent with the City's general plan; and (2) That the proposed zone change will ensure a degree of compatibility with surrounding properties and uses (Section 9.32.030[D][2][a], MC). Because there likely exists many areas within the City where commercial districts/zones abut non-commercial districts/zone, the latter finding thus necessitates an examination of not only the subject properties but the existing land uses located in proximity thereto.

The Department's solicitation incorrectly states: "Parcels 101-080-66, 101-080-27 (the 'Project Site')." Under CEQA, the area requiring analyses is not 1.45 acres or 91.07 acres or 426.49 acres but an area that is substantially larger than represented. To the extent that there may exist other unrelated projects now proposed, pending, or approved (but not yet operational) within the City's "Light Commercial" and "Heavy Commercial" district and/or within the City's C-1, C-2, C-3, and M-1 zones, if conducted, those projects would need to be identified and considered as part of an cumulative impact analysis accompanying this CEQA process.

With the single exception of BNG's hotel project, the current administrative records does not support findings that current FAR and height restrictions are, in fact, impediments to the development of hotels within the City. Assuming that it is the Department's intent to promote additional hotel development throughout the City, although it may remove possible development constraints germane to mid-range and full-range hotels, the resulting CEQA analysis cannot fulfill that intent because: (1) hotels are a conditionally permitted use and thus fall outside the scope of the program-level analysis; and (2) the GPA is not explicitly limited to "hotel only."

### **Level of Specificity**

As specified under Section 15146 of the Guidelines:

The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR. (a) An EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy. (b) An EIR on a project such as the adoption or amendment of a comprehensive zoning ordinance or a local general plan should focus on the secondary effects that can be expected to follow from the adoption or amendment, but the EIR need not be as detailed as an EIR on the specific construction projects that might follow."

BNG has submitted a detailed site plan depicting building placement, dimensions, and elevations; ingress and egress, including driveway placement, parking layout, aisle widths, and parking ratios; and landscape plans. In clear contrast, no development plans or proposals have been submitted for any of the other properties within the City that might benefit from the proposed GPA and revisions to the existing development standards outlined in Section 9.16.040.010 of the Municipal Code. Much is, therefore, knowable about BNG's hotel project while substantially less is knowable about any of the other benefiting properties. BNG's hotel project constitutes a "project-level" action while, in the absence of any formal development plans, the likely environmental effects of the GPA/Title 9 revisions on the other benefitting properties constitutes a "program-level" action.

A “project EIR” is prepared for a construction-level project, and “should focus primarily on the changes in the environment that would result from the development project [and] examine all phases of the project including planning, construction, and operation” (Section 15161, Guidelines). In contrast, a “program EIR” evaluates the broad policy direction of a planning document, such as a general plan, but does not examine the potential site-specific impacts of the many individual projects that may be proposed in the future consistent with the plan (Sections 21068.5 and 21093, CEQA; Sections 15168 and 15385, Guidelines). Program EIRs play a key role in a “tiered” CEQA analysis” (Section 15152[h], Guidelines).

Courts strive to avoid attaching too much significance to titles in ascertaining whether a legally adequate CEQA document has been prepared for a particular project. As explained in *Friends of Mammoth v. Town of Mammoth Lakes Redevelopment Agency* (2000): “Designating an EIR as a program EIR. . .does not by itself decrease the level of analysis otherwise required in the EIR. ‘All EIR’s must cover the same general content. The level of specificity of an EIR is determined by the nature of the project and the ‘rule of reason,’ rather than any semantic label accorded to the EIR.’”

The proposed project includes both programmatic and project-level analyses. Independent of any labels assigned and independent of the proposed project’s programmatic component, the Lead Agency must produce an adequate programmatic and project-specific analyses to satisfy CEQA’s analytical and disclosure obligations.

### **Identification of the Applicant**

With regards to GPAs, referencing Section 9.32.030(D)(1)(a) of the Municipal Code:

- (a) Applicability: (i) An amendment to any element of the City’s general plan or zoning code may be initiated by the City Council, the Planning Commission or the City Manager. (ii) If the following findings are met, a citizen may request an amendment to any element of the City’s general plan or zoning code, and shall pay an amount equal to the estimated cost of preparing the amendment.
- (b) Required Findings. All the following findings must be made in the affirmative by the hearing body in order for this application to be approved: (i) That the amendment is internally consistent with the goals, objectives and elements of the City’s general plan; (ii) That the amendment is deemed to promote the public interest, health, safety and welfare; (iii) That in the case of an amendment to the general plan land use map or the zoning map, the subject parcel(s) is physically suitable for the requested land use designation(s), compatible with surrounding land uses, and consistent with the general plan.

As defined under Section 15351 of the Guidelines, the “applicant” is defined to mean the “person who proposes to carry out a project which needs a lease, permit, license, certificate, or other entitlement for use or financial assistance from one or more public agencies when that person applies for the governmental approval or assistance.” The term “person” includes “any person, firm, association, organization, partnership, business, trust, corporation, limited liability company, company, district, county, city and county, city, town, the state, and any of the agencies and political subdivisions of those entities, and, to the extent permitted by federal law, the United States, or any of its agencies or political subdivisions” (Section 21066, CEQA).

Because BNG seeks requisite “approvals” from the City, pursuant to Sections 15378(a)(2)-(3) of the Guidelines, that hotel becomes a “project” subject to CEQA. In contrast, because it affects properties over which BNG has no control or other interests, BNG lacks either the authority or the authorization to petition the City for any discretionary actions affecting those properties. For

comparison, assume a single property owner sought to “down zone” (e.g., by removing, limiting, or otherwise restricting the rights of other property owners) of comparably zoned properties, the accompanying application filed with the Department would likely be rejected for lack of standing.

BNG’s hotel constitute a “project” under the provisions of Section 15378(a)(2)-(3) of the Guidelines; however, the GPA/Title 9 revisions constitute a “project” under Section 15378(a)(1) therein. From a regulatory perspective, to the extent it extends beyond BNG’s current real property interests, the City (not BNG) is the advocate for the GPA/Title 9 revisions and the “applicant” for those programmatic components. The proposed project, therefore, involves two separate “applicants” and contains separate programmatic and project-level component parts.

CEQA generally discourages “piecemealing” or the practice of breaking up a larger project into smaller components and subjecting those components to separate CEQA processes so as to minimize the appearance of the larger project’s potential environmental effects. Citing Banning Ranch Conservancy v. City of Newport Beach (2012), in Aptos Council v. County of Santa Cruz (2017), a California appellate court recently held that “[t]here is no piecemealing when ‘projects have different proponents, serve different purposes, or can be implemented independently.’”

Based on the presence of separate programmatic and project-level actions (including the analytical differences associated therewith), separate and distinct “applicants,” and different geographic area sites (i.e., 426.49 or 91.07 acres and 1.45 acres), notwithstanding CEQA’s tenet that lead agencies examine the “whole of the action” (Section 15378[a], Guidelines), rather than consolidating the GPA, the Title 9 revisions, and BNG hotel development into a single CEQA document, the Lead Agency may have the ability to sequential process two separate CEQA documents (i.e., a MND for the GPA/Title 9 revisions and a separate MND for BNG’s hotel project).

Because the project’s existing administrative record has established a compelling linkage between each of the actions contemplated herein, while the first two elements would appear to be satisfied, by foreclosing all other entitlement strategies for BNG’s hotel project, it remains uncertain whether the third factor (i.e., the independency of the two actions) can be demonstrated. If that independency can be demonstrated, there may exist a benefit from separate processing.

### **Other “Benefiting Properties”**

In the absence of other terminology, the term “benefitting properties” is used to describe the other HC-designated and C-3-zoned properties located throughout the City which would gain benefits (added value) through the removal of existing development constraints thereupon. While those benefitting property owners are not formally “applicants” to this action, the Lead Agency has specific noticing and other obligations with regards to each of those owners and their tenants, including additional owners and tenants within a specified radius thereof.

Since it is unlikely that the Department has actively sought to determine the interest of those benefiting owners to either the requested GPA or to future hotel development on those properties, it is unknown what sort of feed-back the Department might anticipate from those parties. Additionally, absent a more thorough assessment of those existing land uses that about those benefiting properties, the level of community concern, support, and/or opposition cannot be reasonably assessed.

It can be surmised that the City’s provision of additional allowance for height and bulk and the removal of development constraints thereupon will increase the valuation of those benefiting properties. Assuming that BNG were to bear the singular responsibility for the payment of all City-incurred costs associated with the CEQA processes, the creation of any added value (to other unrelated parties) associated therewith is being borne solely by BNG.

Although not promoting the use of a “specific plan” under this proposal, under State planning law (Section 65456, CGC), if the project were a “specific plan,” the City would be authorized to impose a fee for the purpose of recovering the fair-share costs from those property owners located within the plan’s boundaries associated with the plan’s preparation and adoption, including associated CEQA costs. While that “specific plan fee” is not applicable to the proposed project, the City might consider the establishment of a “benefit district” or similar mechanism allowing BNG to recover from each benefitting property a cost-recovery mechanism.

### **Smaller Project Area**

As indicated and graphically depicted in the General Plan, in describing “Focus Area A: International West (Harbor Boulevard)”:

This approximately 235-acre area, generally referred to as The International West Resort Area, is located in the eastern portion of the City, generally along Harbor Boulevard, between Chapman Avenue on the north and the Garden Grove Freeway on the south. This area holds critical importance for the City for revitalization and economic stimulus purposes. Ideally situated south of Disneyland, this area has opportunities to capitalize and expand tourist-based and entertainment-related uses. Several full-service hotels and new restaurants have been constructed; predominately at the intersection of Chapman Avenue and Harbor Boulevard. In 2006, an Economic Impact and Master Plan Document was prepared for the International West Resort Area. The Master Plan is intended to complement existing entertainment, hospitality, and sports venues in the surrounding areas by planning for three entertainment centers that would be connected by themed dining and retail facilities, entertainment, hotels, theaters, and parkland. In 2007, the City began working with a developer on a 35-acre site bordered by Buaro Street on the west and Harbor Boulevard on the south and east. The 35-acres is being referred to as the “Central Hub” within International West and would include such uses as a water park, hotels, dining and entertainment, and retail. The International West designation will allow for a variety of land uses including Mixed-Use Resort, Entertainment/Hotel, and some residential.

For the General Plan 2030, the International West designation will not be applied to an area south of the Garden Grove Freeway (SR-22) that is generally bounded by Harbor Boulevard on the east, Newhope Street on the west, and Westminster Boulevard on the south. The designation will be extended to this approximately 167-acre area at such time as developers are actively working on large-scale resort center projects.

The Department’s receipt of BNG’s development application would appear to serve as a supportable basis for extending the International West designation “south of the Garden Grove Freeway.” To the extent that such a designation would be beneficial to BNG, subject to the limitation imposed under Section 9.16.030.020(C)(3) of the Municipal Code, the designation of BNG’s hotel site as a “Planned Unit Development” (Sections 9.16.030.020 and 9.18.160.010, MC) may allow for the establishment of site-specific development standards thereupon.

At a recent meeting with representatives of the City’s Community and Economic Development Department and Community Development Department regarding BNG’s hotel project, a map was disseminating by the Department depicting nine separate and distinct “areas” (totaling 24.98-acre) that needed to be included in any programmatic assessment of that proposed hotel. At that time the geographic extent of the proposed GPA/Title 9 revisions were limited to only those “areas.”

At that meeting, the Department’s Planning Services Manager indicated that the Department would consider an even smaller planning area. For example, if the project site were limited to

Harbor Boulevard between State Route 22 on the north and Westminster Boulevard on the south, the project site would be confined to 20.59 acres (358,743 square feet of additional C-3 uses).

Based on a similar rationale supporting the restriction on "extended stay business hotels" to only those properties containing a minimum 80,000 square feet (Section 9.16.050[Z][2], MC), if those identified "areas" less than 50,000 square feet were excluded (i.e., Areas 5, 8, 9) therefrom, the project area would further diminish to only 18.10 acres (315,410 square feet of additional C-3 uses). In contrast, as indicated in the Department's solicitation, absent any supporting rationale, the project site has now grown in size since that meeting to a total of 91.07 acres (1,586, 804 square feet of additional C-3 uses).

From a traffic perspective, since all the project on Harbor Boulevard would be anticipated to share a common distribution pattern, that commonality would appear to support limiting the project site to only those properties.

### **"Speculative" verse "Reasonably Foreseeable" Indirect Physical Changes**

In *Aptos Council v. County of Santa Cruz* (2017), California's Sixth District Court of Appeal upheld, under the non-deferential "fair argument" standard of review, a negative declaration prepared for an ordinance that "up-zoned" property to allow for higher-density hotel development with reduced parking. Notably, the court held that CEQA does not require a lead agency to analyze the potential environmental effects of future development authorized by relaxed land-use restrictions in the absence of "substantial evidence" that future development is "reasonably foreseeable."

The negative declaration and its corresponding "initial study" determined that the subject action could increase the number of hotel rooms with fewer parking spaces and would allow 4-story hotels in areas previously zoned for 3-story structures. The "negative declaration" determined that the project would not cause any significant environmental effects because the associated regulatory text amendments would have no direct environmental impact and the potential indirect impacts resulting from future hotel development were presently unknown and would be subject to future discretionary approval and additional CEQA review.

The court held that CEQA only requires consideration of "reasonably foreseeable indirect physical changes in the environment which may be caused by the project" and, citing Section 15064 of the Guidelines, that "[a] change which is speculative or unlikely to occur is not reasonably foreseeable." The court explained that the lead agency investigated the potential for hotel development by conducting an inventory of available development sites and interviewing the owners of such sites to determine whether they had any plans for hotel development. Since the lead agency's investigation determined that no hotel development was presently being proposed, as demonstrated by facts in the project's administrative record, the court held that the environmental review of hypothetical, unspecified hotel projects would be a speculative exercise that is not required by CEQA.

The City's decision to prepare either a MND or an EIR is likely predicated on whether substantial evidence supports the Lead Agency's determination that hotel development, beyond BNG's proposed hotel project, is or is not "reasonably foreseeable." If the CEQA analysis, as supported by facts in its accompanying administrative record, supports the conclusion that no additional hotel development will likely occur as either a direct or indirect consequence of both the GPA and revisions to Section 9.16.040.010 of the Municipal Code, only the impacts attributable to BNG's hotel development would need to be analyzed (likely supporting the use of a MND). Conversely, if evidence exists that other actual hotel projects are planned or proposed, some, as of yet unspecified level of development would need to be analyzed as part of the upcoming CEQA process (likely requiring the preparation of an EIR).



The Consultant will defer to the Department the preliminary determination whether additional hotel development, beyond BNG's proposed project, is speculative or reasonably foreseeable.

### **Defining the Proposed Project as the "Net Physical Change"**

At least with regards to BNG's hotel project, under CEQA and the Guidelines, the term "project" means "an activity which may cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment" (Section 21065, CEQA). "Effects analyzed under CEQA must be related to a physical change" (Section 15358[b], Guidelines).

In describing the proposed project, it is necessary to draw a distinction between the manner in which the project would typically be described and the manner in which the project needs to be described under CEQA.

In describing the "existing environmental setting," the CEQA documentation "must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant" (Section 15125[a], Guidelines). California courts have noted that "the baseline for CEQA analysis must be the 'existing physical conditions in the affected area' (Environmental Planning Information Council v. County of El Dorado [Citation]), that is, the 'real conditions on the ground' (Save Our Peninsula Committee v. Monterey County Board of Supervisors [Citation])."

Although the 17,216 square foot "Harbor Auto Center" has recently been demolished, that former use created environmental effects (e.g., traffic generation) which are now removed from the regional inventory. Because demolition of the site's improvements was predicated by the sale of that site to BNG by the City, as the successor agency to the Garden Grove Agency for Community Development, a "net physical change" analysis appears warranted.

Based on the assumed presence of that former land use, the environmental benefits associated with the elimination of that use can be subtracted from the potentially adverse impacts attributable to the new use. For example, based on the Institute of Transportation Engineer's (ITE) "Trip Generation Manual, 9<sup>th</sup> Edition," traffic impacts attributable to the proposed hotel would be derived by subtracting average daily "auto center" vehicle trips from average daily "hotel-generation" trips:

$$\begin{aligned} &(124 \text{ room hotel trips}) - (17,300 \text{ square foot office building trips}) = \text{net physical change} \\ &\quad (0.6 \text{ daily trips/room} \times 124 \text{ rooms}) - (17.3 \times [1.49 \text{ daily trips/1,000 square feet}]) \\ &\quad (74 \text{ daily hotel trips}) - (26 \text{ daily office trips}) = 48 \text{ average daily trips (ADT)} \end{aligned}$$

While acknowledging that BNG's proposed hotel may generate approximately 74 daily trips, the resulting traffic, air quality, and noise impacts would be based on only 48 (rather than 74) new daily trips. Ignoring any differences relating to "peak-hour" verse "non-peak-hour" trips, for the purpose of CEQA analysis, traffic-related impacts attributable to BNG's hotel project are thus reduced by about 35 percent. Additionally, hotel-related trips are typically generated during weekends and off-peak periods. Because greater available street capacity exists, off-peak-hour trips have less impact on traffic and traffic delays than trips generated during peak-hour periods.

Excluding BNG's proposed hotel site, because the precise location of any development activities directly or indirectly attributable to the GPA/Title 9 revisions cannot be determined with any level of certainty, the "net physical change" analysis is only germane to BNG's proposed hotel site.

## 2.0 DISPOSITION AND DEVELOPMENT AGREEMENT

In response to the City's "Request for Proposals and Qualifications for Disposition and Development of 13650 Harbor Boulevard" (December 14, 2016) (2016 RFP), the Consultant understands that BNG recently acquired the subject property from the City, in its capacity as successor agency to the Garden Grove Agency for Community Development. As noted in the 2016 RFP: "The property is owned entirely by the City of Garden Grove. The property is comprised of two (2) separate parcels. The property is zoned C-3, which allows for a variety of commercial land uses. . .The property is currently improved with a 17,216 square foot automotive facility and a paved yard with 150 parking spaces. The lot size of both parcels is approximately 63,217 square feet."

On October 11, 2016, the City adopted a resolution approving a purchase and sale agreement (PSA) with BNG for the subject property. In accordance therewith, the "The Buyer is required to plan, design and develop a hotel development on the property, subject to the City's future approval of conceptual plans and all required land use entitlements. In the event the Buyer does not develop the property with a hotel project approved by the City within the specified time frame, the City will have an option to repurchase the property."

With regards to CEQA and the Guidelines, the PSA expressly stated:

The parties agree that neither the City nor the Buyer has committed itself to any particular course of action with respect to the proposed hotel development. Buyer specifically acknowledges that, notwithstanding anything in this agreement which is or appears to be to the contrary, any City approval under this agreement shall not waive or eliminate the requirement for review and approval by the City pursuant to the California Environmental Quality Act and CEQA's implementing guidelines, acting in City's municipal capacity and exercising its police powers. Buyer shall, without limitation, pay all costs, charges and fees associated with applying for and securing CEQA approvals, including, without limitation, City's customary CEQA compliance costs. The provisions and terms in this Section 19 shall not be construed to limit the consideration of alternatives or mitigation measures developed pursuant to CEQA, and/or further public review of the hotel development. Any and all costs of any on-site or off-site CEQA mitigation required in connection with approval of the land use entitlements shall be borne by Buyer. Buyer acknowledges that compliance with any such CEQA mitigation shall be a condition under applicable law for proceeding with development of the property. The City retains absolute and sole discretion to: (i) require modifications of the proposed hotel development as may, in its sole discretion, be necessary to comply with CEQA, (ii) select other feasible alternatives to avoid significant environmental impacts; (iii) balance the benefits of the proposed hotel development against any significant environmental impacts prior to taking final action if such significant impacts cannot otherwise be avoided; and/or (iv) determine not to approve the proposed development.

Pursuant to the "schedule of performance" contained therein, on or before September 1, 2017, the "Buyer shall have obtained approval or conditional approval of all land use entitlements and related CEQA approvals." The City and BNG collectively acknowledge that, through no fault of the Consultant, the Consultant is unable to achieve that schedule. The City and BNG shall have no recourse against the Consultant with regards thereto or any extensions thereof attributable to the Consultant's performance of the work effort outlined herein.

### 3.0 SCOPES OF SERVICES

As requested by the Department two separate scopes of service are presented herein.

- Attachment A (Mitigated Negative Declaration) assumes that the proposed project qualifies for processing under either a "negative declaration" (ND) or a "mitigated negative declaration" (MND). Since the difference between the two CEQA documents relates only to the inclusion of mitigation measures, the terms "ND" and "MND" are used interchangeable herein.
- Attachment B (Environmental Impact Report) assumes that the proposed project will necessitate the preparation and processing of an EIR. Although there exists some duplication as to the work to be undertaken in the preparation and processing of a MND versus an EIR, the work effort outlined herein ensures that all work conducted under one scope will also have direct relevancy to the performance of the other scope should a change of course occur at any time during the CEQA process.

Included as Attachment C (Traffic Impact Study) herein is a scope of services provided to the Consultant by RK Engineering Group (RKE) for the preparation of a traffic impact study for BNG's proposed hotel project. That scope of services is intended to accompany the MND and would likely need to be augmented in the event that an EIR was determined by the Department to be required.

It is noted that, at this stage in the CEQA process, no predetermination has been made by the City, the Department, and/or by the Consultant as to the appropriate manner, form, or format of the proposed project's CEQA documentation. Similarly, no actions have been taken and no commitments have been made by the City and its various departments that would prematurely commit the City Council to a definitive outcome.

Except where otherwise noted, both scopes of service are based on the information provided by the Department and, unless otherwise modified, are limited to those consulting services explicitly delineated herein. If, following the Department's review of this work program, changes to the recommended scopes of service are identified or if information is subsequently developed through the performance of the specific activities outlined therein that would suggest the need for a modified level of analysis, to the extent that any such modifications were to expand this work plan and/or increase the projected line-item costs and/or labor commitments, the Consultant reserves the right to process and the City, acting through the Department, agrees not to unreasonably withhold processing and approval of any reasonable change order reflecting that modified work endeavor, independent of whether additional funding has first been secured from BNG.

Without guarantee or representation, the Consultant will use its best efforts to delivery to the Lead Agency an adequate and defensible CEQA document suitable for the receipt of those discretionary approvals required from the City. All parties, however, acknowledge that no amount of analysis ensures that CEQA-based litigation will not be filed alleging either defect with the CEQA documentation and/or deficiencies with the CEQA process. Neither the filing nor the outcome of any subsequent litigation constitute evidence that the work product and services provided by the Consultant were, in any way, defective or deficient.

Should you have questions concerning the attached work plans, contact me at (949) 837-1195.

Sincerely,



Peter Lewandowski  
Principal

**Attachment A**  
**Mitigated Negative Declaration**

Attachment A  
**COMBINED PROGRAMMATIC AND PROJECT-LEVEL  
MITIGATED NEGATIVE DECLARATION**

13650 Harbor Boulevard, Garden Grove, California

In response to a development application submitted by the BN Hotel Group, LLC (BNG) for one or more discretionary entitlements from the City of Garden Grove (City or Lead Agency), this scope of services is submitted to the City's Community Development and Economic Development Department (Department) by Environmental Impact Sciences (EIS or Consultant) in response to BNG's proposed Harbor Boulevard Hotel Project (13650 Harbor Boulevard, Garden Grove). Pursuant to the provisions of the California Environmental Quality Act (CEQA) and the Guidelines for the Implementation of the California Environmental Quality Act (Guidelines), proposed herein is the preparation of a combined programmatic and project-level "negative declaration" (ND) or "mitigated negative declaration" (MND). Since the difference between the two CEQA documents relates only to the inclusion of mitigation measures, the terms "ND" and "MND" are used interchangeably herein.

For ease of reference, the individual components of this work program have been categorized under the following seven (7) major tasks:

- Major Task 1.0: Project Description
- Major Task 2.0: Scoping Activities
- Major Task 3.0: Expanded Initial Study
- Major Task 4.0: Technical Studies
- Major Task 5.0: Mitigated Negative Declaration
- Major Task 6.0: Meeting Attendance
- Major Task 7.0: CEQA Support Services

Where relevant, for the purpose of describing the separate analytical and outreach activities and/or deliverables associated therewith, each of these major headings have been further divided into individual tasks and subtasks. The sequencing and categorization of those major tasks, tasks, and subtasks herein is presented for descriptive purposes only and is not intended to directly correspond with the order of their commencement or completion.

**Major Task 1.0: Project Description**

For the purpose of this proposal, it is assumed that the proposed revisions to Section 9.16.020.050(AJ)(5)(f) in Title 9 (Land Use) of the Municipal Code constitute a "project" subject to CEQA (see *Union of Medical Marijuana Patients v. City of San Diego* [2016]).

CEQA defines a "project," in part, to constitute "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." Based on that definition, although counter-intuitive, often the "project" which is examined under CEQA differs, either minimally or substantively, from both the project proponent's actual development plan and the precise nature of the development application submitted to the local permitting agency.

As stipulated, "[e]ffects analyzed under CEQA must be related to a physical change." For those factors where a quantitative description can be applied, the "net physical change" is generally derived by subtracting the "existing baseline conditions" from the "proposed project conditions." Where qualitative comparisons are only possible, professional judgment (supported by factual information) may need to be applied in assessing the magnitude of the "net physical change." Similarly, with regards to impact comparisons, reasoned adjustments may need to be made when

there are possible time-related variables associated with differences in the operational characteristics between existing and proposed uses.

This major task serves as the foundational basis upon which all later actions and activities will be derived. To ignore its importance as a stand-alone action places the proposed project at greater risk than if a definable and static "project description," mutually agreed upon by all parties, was developed at the onset of the CEQA process. At this stage, the "project description" is not a formal CEQA document but an internal document used for planning and analytical purposes only.

With regards to the "project description," in describing the proposed deliverables, the terms "preliminary" and "revised preliminary" are not derived from established CEQA parlance but serve only to describe the separate tiers of the Department's review associated therewith. To the extent that the Department authorizes concurrent review by BNG, electronic copies of each of the identified deliverables will be concurrently forward to BNG's identified representative.

- **Task 1.1: "Preliminary" Project Description.** Because the "project" subject to environmental review may substantively differ from that envisioned by the Lead Agency and/or BNG, the Consultant will, within the limits and limitations of this proposal, engage in foundational discussions and attend meetings with City representatives and with BNG's development team for the purpose of: (1) gaining greater understanding of the proposed project and each of its physical and procedural facets; (2) discussing the "existing environmental setting" (baseline) and its integration into the project's CEQA documentation; (3) resolving outstanding issues relating thereto; (4) identifying possible impediments to the project's effectuation; (5) gaining additional information and insights concerning relevant off-site activities and proximal development activities that may influence or effect the CEQA analysis; (6) identifying the presence of any infrastructure constraints and associated capital improvement requirements; (7) identifying anticipated requisite entitlements that may be needed for project effectuation; (8) discussing role assignments and work delegation; (9) describing, to the uninitiated, CEQA's purpose, function, procedures, and pitfalls; (10) obtaining copies of existing documents germane to the proposed project; and (10) addressing such other matters as may be directly or indirectly related to the proposed project.

For the purpose of formatting and comparison, requested documents include but may not be limited to the GP-FPEIR and the CEQA documentation prepared by the City for the Site C Resort Hotel, the Nickelodean Resort Hotel, the Great Wolf Lodge, and the Brookhurst Place (Triangle) hotel projects

- ♦ **Subtask 1.1.1: Objectives, Land Uses, Entitlements, and Pending Hotel Projects.** Because the project includes a GPA/Title 9 revisions, those documents and the precise language of the requested text and graphic changes thereto need to be clearly specified (by others) and neither deferred to an unspecified future date nor left to the Consultant's imagination. In addition, as documentation to be included in the project's administrative record, the Department should specify the definition of "hotel" intended and identify: (1) its "objectives" and "purpose" for undertaking the GPA/Title 9 revisions; (2) description of proposed land uses; (3) all required entitlements and discretionary approvals associated with the proposed project; and (4) identify and describe any "reasonably foreseeable" hotel projects within the City.

The assessment of construction (short-term) and operational (long-term) impacts present different challenges. Project applications seldom include a "construction management plan" (describing the nature of the construction process, including equipment usable) as part of a development application. If submitted, that document would allow the Consultant to input project-specific parameters into the computer models upon which quantitative

impact estimates are derived rather than relying upon those “default” values established by the South Coast Air Quality Management District (SCAQMD). Any BNG-submitted information shall be considered in formulating the “project description.”

- ◆ **Subtask 1.1.2: Identification of the Project Site.** The Department indicates that the project site includes “all 91.07 acres in the Heavy Commercial area.” Because the location of that 91.07 acres is not identified in the Department’s solicitation and because the City’s “Land Use Policy Map” is not available online, there presently is uncertainty as to the exact areas under consideration. While the Department identifies 16 “intersections to be studied for the traffic study,” it is not presently possible to equate those intersections to the properties potentially affected by the proposed GPA/Title 9 revisions.

It is the Consultant’s current understanding that the Department seeks to amend Section 9.16.020.050(AJ)(5)(f) of the Municipal Code relating to all “[p]ermitted uses in Commercial, Office Professional, Industrial, and Open Space” zones throughout the City. As indicated in the General Plan, reference to “Commercial, Office Professional, Industrial, and Open Space” zones appear to include, but not necessarily limited to, the “Light Commercial” (LC), “Heavy Commercial” (HC), and “Industrial” (I) districts.

From a project-level perspective, BNG’s proposed hotel site is limited to 1.45 acres. Programmatically, “hotels” and “motels” are a conditionally permitted use in the “Light Commercial” (LC), “Heavy Commercial” (HC), and “Industrial” (I) districts. With regards to those districts, the “City of Garden Grove General Plan 2030” (General Plan or GP) assigns the following acreages thereto: (1) LC – 335.42 acres; (2) HC – 91.07 acres; and (3) I – 584.00 acres (Land Use Element, Tables 2-3, p. 2-20). The City’s declaration that the project site is limited to “all 91.07 acres in the Heavy Commercial area” appears to overlook the additional 335.42 acres within the “Light Commercial” district and the additional 584.00 acres within the “Industrial” district that might also be either directly or indirectly impacted by the GPA/Title 9 revisions.

The “Light Commercial” district is represented by both “Neighborhood Commercial (C-1)” and “Community Commercial (C-2)” zones, the “Heavy Commercial” district is represented by the “General Commercial (C-3) zone, and the “Industrial” district is represented by both the “Light Industrial (M-1)” and “Industrial Park (M-P) zones (Land Use Element, Table 2-4, p. 2-29). Because hotels and motels are neither a permitted nor conditionally permitted use in the M-P zone, the M-P zone does not require further consideration herein. The remaining M-1 acreage within the “Industrial” district is not, however, separately quantified in the General Plan.

Since no “draft” text has been provided by the Department (for the Consultant’s review) relative to the proposed changes to the General Plan and to Title 9 (Land Use) of the “City of Garden Grove Municipal Code” (Municipal Code or MC), unless restricted solely to the C-3 zone, the program-level CEQA analysis may need to more broadly examine the potential environmental impacts associated with the resulting revisions to existing development standards within the C-1, C-2, C-3, and M-1 zones.

Similarly, at various times, the “project area” has been identified by the Department as consisting of less than 24.98 acres, 24.98 acres, 91.07 acres, and more than 91.07 acres. As a result, from a programmatic perspective, there remains uncertainty as to which General Plan district(s) and zoning designation(s) are or may be applicable to the proposed project. Resolution of this potential outstanding issue is a critical component of the “project description.”

- ◆ **Subtask 1.1.3: “Speculative” versus “Reasonably Foreseeable” Indirect Impacts.** CEQA defines a “project” to mean “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment” (Section 15378, Guidelines). The Guidelines further state that “[a]n indirect physical change in the environment is a physical change in the environment which is not immediately related to the project, but which is caused indirectly by the project. If a direct physical change in the environment in turn causes another change in the environment, then the other change is an indirect physical change in the environment” (Section 15064[d][2], Guidelines). CEQA defines “effects” as inclusive of both “direct or primary effects” and “[i]ndirect or secondary effects which are caused by the project and are later in time or farther removed in distance, but are still reasonably foreseeable” (Section 15358[a][2], Guidelines).

To the extent that the proposed project removes, reduces, or otherwise modifies existing development standards on properties other than BNG’s proposed hotel site, allowing for an increase in size, bulk, and height above those standards currently in place and/or to the extent that the GPA/Title 9 revisions alter the economics of real estate development so as to create a fiscal incentive promoting hotel development over other competing land uses (e.g., allowing for the construction of more hotel rooms than otherwise permissible and enhanced income opportunities therefrom) and/or to the extent that Department has knowledge of other planned or pending hotel development projects within the project area, the indirect impacts attributable to the proposed GPA/Title 9 revisions could serve as a stimuli for additional hotel or other development on other “benefitting” properties.

Under CEQA: (1) “An indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project. A change which is speculative or unlikely to occur is not reasonably foreseeable” (Section 15064[d][3], Guidelines); and (2) “If, after thorough investigation, a lead agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact” (Section 15145, Guidelines).

An appellate court has recently held that “[u]nder the CEQA Guidelines, ‘[a] change which is speculative or unlikely to occur is not reasonably foreseeable.’ [Citation.] If concerns about physical changes in the environment resulting from an ordinance are ‘too “speculative or unlikely” to be considered “reasonably foreseeable,” ‘then the ordinance is ‘not a project subject to CEQA.’ [Citation.] When the potential physical changes that may be caused by a public agency’s activity are unduly speculative, the issue of whether that activity constitutes a project for purposes of CEQA, may ‘merge for all practical purposes’ with the issue of whether it is premature to conduct an environmental review. [Citation.]” (Union of Medical Marijuana Patients v. City of San Diego [2016]).

The determination whether, by adopting the proposed GPA/Title 9 revisions, indirect impacts upon other “benefitting properties” (e.g., affecting the nature, intensity, and potential timing of development activities thereupon) is “speculative” or “reasonably foreseeable.” That determination, at least in part, constitutes a “legal opinion” and will undoubtedly have substantive implications relative to the substance of the program-level analysis (including its cost and scheduling implications). The Consultant must, therefore, defer that determination to the Department, acting in concert with the City Attorney.

Absent resolution of the project’s precise boundaries, whether the proposed GPA/Title 9 revisions may (directly or indirectly) serve as a catalyst to development activities



extending beyond BNG's proposed hotel site, and the location, extent, and timing of any development (directly or indirectly) attributable thereto (if any), for the purpose of this proposal, the Consultant is left to assume that any such development is "speculative" and, therefore, outside the purview of CEQA. Should a different determination be made, the Consultation reserves the right to augment this scope of services, in combination with its attendant budget and performance schedule, in response to that change in this or other project-related assumptions.

- ◆ **Subtask 1.1.3: Environmental Baseline.** California courts have indicated that that "the statute requires the impact of any proposed project to be evaluated against the baseline of existing environmental conditions, which is the only way to identify the environmental effects specific to the project alone" (Sunnyvale West Neighborhood Association v. City of Sunnyvale City Council [2010]). In Smart Rail v. Exposition Metro Line Construction Authority (2013), the California Supreme Court recently held that the lead agency "enjoys discretion to decide. . .exactly how the existing physical conditions without the project can most realistically be measured, subject to review for support by substantial evidence."

For the purpose of environmental compliance, the City has noted that BNG's proposed hotel site is assumed to be "improved with a 17,216 square foot automotive facility and a paved yard with 150 parking spaces." Excluding BNG's proposed hotel site, because the precise location of any development activities directly or indirectly attributable to the GPA/Title 9 revisions cannot be determined with any level of certainty, the "net physical change" analysis is only germane to the project-level analysis of BNG's proposed hotel site. As a result, for the purpose of this proposal, from a programmatic perspective, the Consultant will not attempt to quantify existing development (measured in square footages), assess intensity (measured in floor-area-ratio), and/or categorize (broadly grouped by land use) the parcels located within the project area and the land uses now operating thereupon based on a detailed review of Department files and field inspections.

Following those discussions and receipt of the request information, the Consultant will, within the limits and limitations of this proposal, prepare and submit a "'Preliminary' Project Description" (PPD) to the Department and BNG for first-round review.

- **Task 1.2: "Revised Preliminary" Project Description.** Upon receipt of any comments from the Department and BNG on the PPD, the Consultant will, within the limits and limitations of this proposal: (1) make such revisions thereto as may, in the Consultant's sole judgment, be required to respond to any comments received; (2) produce and submit a "Revised Preliminary' Project Description" (RPPD) to the Department and BNG for second-round review. Upon acceptance by the Department and BNG, the RPPD shall become the "Project Description" (PD) and serve as the basis for all subsequent CEQA analyses.
- **Task 1.3: "'Screening-Level' Initial Study" (Decision Point 1).** A "decision point" represents a definable event or milestone when the Department may elect to reexamine its environmental review strategy and reassess the merits of continuance along its existing course of action or alter that course of action relative to the appropriate manner of CEQA compliance.

In recognition of the huge differential in cost and time required to prepare an EIR versus a MND, the Consultant will conduct a "screening-level" environmental analysis of the critical environmental variables to ascertain the feasibility of mitigating, at least with regards to those variables, potential project-related impacts to a "less-than-significant" level. The screening-level environmental analysis is not intended to serve as a substitution for an adequate CEQA-

based assessment but will be prepared for the purpose of providing the Department and BNG with an early indication of the potential environmental significance of the proposed project.

Based on the findings of the "Screening-Level" Initial Study," the Consultant shall provide recommendations to the Department and BNG regarding the continuing course of CEQA-compliant actions. Throughout the CEQA process, the Department will independently determine whether to continue to proceed with the preparation and processing of a MND or terminate the MND and commence the preparation of an EIR.

## **Major Task 2.0: Scoping Activities**

Scoping activities shall be conducted for the purpose of both identifying those environmental impacts that may occur directly, indirectly, or cumulatively as a result of the project's implementation and soliciting the issues, concerns, and recommendations of other responsible agencies' and other stakeholders with regards to the recommended manner of mitigating or avoiding those environmental effects. The following pre-circulation scoping activities will be conducted hereunder.

- **Task 2.1: Tribal Consultation.** As mandated under Senate Bill (SB) 18 (Chapter 905, Statutes of 2004) and Assembly Bill 52 (Chapter 532, Statutes of 2014) (Section 21080.3.1, CEQA), in compliance with Sections 21080.3.1 and 21080.3.2 of CEQA, certain consultation requirements apply when adopting or amending general and specific plans. As specified under SB 18:

Prior to the adoption or any amendment of a general plan or specific plan, a local government must notify the appropriate tribes (on the contact list maintained by the NAHC [Native American Heritage Commission]) of the opportunity to conduct consultations for the purpose of preserving, or mitigating impacts to, cultural places located on land within the local government's jurisdiction that is affected by the proposed plan adoption or amendment. Tribes have 90 days from the date on which they receive notification to request consultation, unless a shorter timeframe has been agreed to by the tribe (Government Code §65352.3). Prior to the adoption or substantial amendment of a general plan or specific plan, a local government must refer the proposed action to those tribes that are on the NAHC contact list and have traditional lands located within the city or county's jurisdiction. The referral must allow a 45 day comment period (Government Code §65352). Notice must be sent regardless of whether prior consultation has taken place. Such notice does not initiate a new consultation process. Local governments must send notice of a public hearing, at least 10 days prior to the hearing, to tribes who have filed a written request for such notice (Government Code §65092).

It is the Consultant's understanding that the Department has already initiated outreach efforts, soliciting from the Native American Heritage Commission (NAHC) a list of tribal contacts and has provided notification of the proposed project to those tribal organizations identified by the NAHC. It is further the Consultant's understanding that one or more such organizations have formally requested "consultation" thereunder.

Under this task, the Consultant will participate in that consultation. As assumed herein, consultation shall be limited to: (1) attendance at one site visit involving City staff, BNG's representatives, and those tribal organizations requesting consultation; and (2) preparation of a draft letter (for the City's execution) summarizing any tentative agreements reached between the City and those organizations, and stating that consultation has been concluded.

- **Task 2.2: State Clearinghouse Noticing and Coordination.** Under CEQA, the Lead Agency must send environmental documents, including all "Notices of Preparation" (NOP) and selected draft negative declarations and draft EIRs, to the State Clearinghouse (SCH). The purpose of this notification is to allow State agencies the opportunity to review and comment on those documents and provide information for permits that may be needed from State agencies.

The State Clearinghouse must receive all of the following types of environmental documents: (1) all NOPs; (2) draft EIRs and negative declarations prepared by State agencies; (3) draft EIRs and negative declarations prepared by any public agency where a State agency is a "responsible agency," "trustee agency," or otherwise has jurisdiction by law with respect to a proposed project; (4) draft EIRs and negative declarations on projects identified as being of "Statewide, regional, or areawide significance" (Section 15206, Guidelines); (5) draft environmental impact statements, environmental assessments, and "findings of no significant impact" (FONSI) prepared pursuant to the National Environmental Protection Act (40 CFR, Part 1500); (6) "Notices of Determination" (NODs) for any projects where the lead agency is a State agency and for local projects where a State agency is a "responsible agency"; and (7) "Notices of Exemption" (NOEs) for projects using statutory exemptions (Sections 21159.22-24, CEQA).

From a project-level perspective, for the purpose of this proposal, it is assumed that: (1) no entitlements from any State agencies will be required for the project's approval and effectuation; and (2) the project is not a project of "Statewide, regional, or areawide environmental significance. The Lead Agency is, therefore, not required to provide copies of environmental notice and documents to the State Clearinghouse.

From a programmatic perspective, if the Department concludes that the proposed project's potential indirect impacts attributable to the GPA/Title 9 revisions may result in other "reasonable foreseeable" development activities within the broader project area (Subtask 1.1.3), based on potential cumulative contribution to traffic impacting the eastbound and westbound ramps of the Garden Grove (SR-22) Freeway, the California Department of Transportation, District 12 (Caltrans) may potential become a "responsible agency" if the need for ramp improvements is identified.

At project commencement, the Consultant will meet with the City Engineer to finalize the full scope of the project's traffic impact study (Subtask 4.1.1) and, from a preliminary perspective, discuss Caltrans potential role in the CEQA process and the proposed project potential contribution to peak-hour trips affecting SR-22 Freeway ramps.

### **Major Task 3.0: Expanded Initial Study**

CEQA provides that a lead agency may issue a negative declaration and avoid preparing an EIR only if "[t]here is no substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment" (Section 21080[c], CEQA). An initial study must provide the factual basis, with analysis included, for making the determination that no significant impact will result from the project (Section 15063[d][3], Guidelines). In making this determination, the agency must consider the direct and indirect impacts of the project as a whole (Section 15064[d], Guidelines), as well as the project's growth-inducing and cumulative impacts (*City of Antioch v. City Council of Pittsburg* [1986]).

As specified in Section 15063(a)(3) of the Guidelines: "An initial study may rely upon expert opinion supported by facts, technical studies or other substantial evidence to document its

findings. However, an initial study is neither intended nor required to include the level of detail included in an EIR.” As further indicated in Sections 15063(c) of the Guidelines, among other purposes, the “initial study” shall: (1) enable the Lead Agency and/or the project proponent the ability to modify a proposed project, mitigating adverse impacts before an EIR is prepared, thereby enabling the project to qualify for a MND; (2) provide documentation of the factual basis for the finding in a MND that a project will not have a significant effect on the environment; and (3) eliminate unnecessary EIRs.

The term “expanded initial study” is a term of art and not of statutory construct. As used herein, an “expanded initial study” is distinguishable from the more cursory “initial study” which typically predates the preparation of an EIR in that: (1) it provides substantial evidence in support of its preliminary conclusions; and (2) does not seek to defer the presentation of those conclusions until later in the CEQA process.

Often agencies commence the preparation of EIRs because they do not yet know the answers to those inquiries raised in the CEQA “environmental checklist.” By deriving supportable conclusions early in the CEQA process, an “expanded initial study” fulfills the legislative’s mandate that CEQA documents should “be prepared as early as feasible in the planning process to enable environmental considerations to influence project program and design and yet late enough to provide meaningful information for environmental assessment” (Section 15004[b], Guidelines).

If the findings of the “‘Preliminary’ Expanded Initial Study” (Subtask 3.1.1) appear to demonstrate that the specified project-related environmental impacts either do not elevate to a level of significance or can be mitigated to a “less-than-significant” level, pending receipt of a “fair argument” to the contrary, the Department can presuppose that the project may qualify for processing through the adoption of a MND. This supposition does not constitute a final determination regarding the continuing existence of unmitigable significant environmental effects, which cannot be made until the more detailed technical analyses (Major Task 4.0) have been completed and opportunities for public participation (Major Task 6.0) have been provided but could alter the timing and sequencing of later events.

Under this major task, prepared in conjunction with the preparation of those technical studies identified in Major Task 4.0 (Technical Studies), based on the precise nature of the PD (Task 1.2), the Consultant will prepare a “‘Preliminary’ Expanded Initial Study” and an “Expanded initial Study” utilizing, as a format, either the current CEQA “environmental checklist” form contained in Appendix G of the Guidelines or such other form as may be identified by the Department. All the work performed hereunder would remain relevant notwithstanding whether a MND or EIR is ultimately prepared by the Department.

- **Task 3.1: “Expanded Initial Study.”** Building upon the information and analysis contained in the “‘Screening-Level’ Initial Study” (Task 1.3), the Consultant shall, within the limits and limitations of this proposal, prepare an “Expanded Initial Study.” With regards thereto, the terms “preliminary” and “revised preliminary” are not derived from established CEQA parlance but serve only to describe the two separate rounds of the Department’s and BNG’s review associated therewith.
  - ♦ **Subtask 3.1.1: “Preliminary” Expanded Initial Study.** Following the Department’s acceptance of the PD (Task 1.2), the Consultant will prepare and provide the Department and BNG with a “‘Preliminary’ Expanded Initial Study,” presented in the form of the current “CEQA checklist” (Appendix G, Guidelines) or in such other form as may be identified by the Department.

As stipulated under CEQA, at a minimum, the document shall include: (1) a description of the project including its location; (2) an identification of the environmental setting; (3) an identification of environmental effects by use of a checklist, matrix, or other method, provided that entries on a checklist or other form are briefly explained to indicate that there is some evidence to support the entries; (4) a discussion of the ways to mitigate the "significant" effects identified, if any; (5) an examination of whether the proposed project would be consistent with existing zoning, plans, and other applicable land-use controls; and (6) the name of the person or persons who prepared or participated in the document's preparation (Section 15063[d], Guidelines).

In addition to the incorporation of the information derived through the preparation each of those project-specific technical studies identified herein (Major Task 4.0), the "Preliminary' Expanded Initial Study" will include a brief explanation why those additional environmental factors identified in the CEQA "environmental checklist" are not relevant to this project analysis.

- ♦ **Subtask 3.1.2: "Revised Preliminary" Expanded Initial Study.** Upon receipt of any comments from the Department and BNG following their review of the "Preliminary' Expanded Initial Study," the Consultant will, within the limits and limitation of this proposal, revise that document to incorporate those changes, corrections, and revisions identified by the Department and by BNG, prepare a revised document, and submit an "Revised Preliminary' Expanded Initial Study" to the Department and BNG for second-round review. Upon the Department's and BNG's acceptance, the "Revised Preliminary' Expanded Initial Study" shall become the "Expanded Initial Study" and serve as the scoping document for the solicitation of public and agency comments relating to the proposed project's potential environmental effects.

For the purpose of this proposal, it is assumed that the document provided to the Department in this second-round review will be accepted without the need for further revisions. Except in those circumstances where further revisions may be required based on an identified defect attributable solely to the Consultant, any further revisions thereto constitute "out-of-scope" services and will be invoiced, on a time-and-material and cost-plus basis, in accordance with the Consultant's "Standard Rate Schedule."

- **Task 3.2: "Screening-Level' Assessment" (Decision Point 2).** As a California court has noted, if "the initial study identifies potentially significant effects on the environment but revisions in the project plans "would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur" and there is no substantial evidence that the project as revised may have a significant effect on the environment, a mitigated negative declaration may be used'" (Keep Our Mountains Quiet v. County of Santa Clara [2015]).

Based on the information presented in or derived from the "Expanded Initial Study," the Consultant will provide the Department and BNG with a screening-level assessment, including recommendation regarding the further course of action. The Department shall independently determine whether to continue to proceed with the processing of a MND or terminate the MND and commence the preparation of an EIR.

- **Task 3.3: BNG-Nominated Actions.** Sections 15064 and 15064.4 of the Guidelines sets forth the manner in which the Lead Agency should determine the potential significance of impacts attributable to a development project. During or immediately after preparation of the "initial study" for a private project, the lead agency may consult with the project proponent to

determine if the project proponent is willing to modify the proposed project to reduce or avoid the "significant" effects identified therein (Section 15063[g], Guidelines).

Should the "Expanded Initial Study" identifies the continuing presence of "significant" environmental effects, the Lead Agency is directed to cease processing of the MND and to commence the preparation of an EIR; however, prior to the initiation of an such change, the Consultant recommends that the Department meet with BNG in order to ascertain whether BNG: (1) elects to withdraw the proposed development application and resubmit at a later date; (2) commence the preparation and processing of an EIR; and/or (3) modify the proposed project in a material fashion so as to potentially reduce any "significant" environmental effects attributable to the proposed project to a "less-than-significant" level.

Under this task, the Consultant will: (1) provide recommendations concerning potential actions which, should they be incorporated into the project's design and development, have the potential to reduce otherwise "significant" impacts to a "less-than-significant" level; and (2) meet with Department and BNG to discuss possibly beneficial actions allowing for the attainment of the project's objectives while producing a smaller environmental "footprint."

Prior to the completion of this assessment, it is not possible to ascertain the precise nature or palatability of any recommendations that may be forthcoming. The Department and BNG acknowledge that any "BNG-nominated actions" could predicate a change to the PD (Task 1.2). Any subsequent changes thereto have neither been budgeted nor accounted for herein and are, therefore, not included within this scope of services. Any and all costs associated therewith and resulting therefrom constitute a change to this scope of services and shall be billed on a time-and-materials and cost-plus basis in accordance with the Consultant's "Standard Rate Schedule."

#### **Major Task 4.0: Technical Studies**

The use of the "CEQA checklist" (Appendix G, Guidelines) is advisory and not mandatory. The Guidelines note that "[t]hese forms are only suggested and public agencies are free to devise their own format for an initial study" (Section 15063[f], Guidelines). Similarly, not all the issues raised therein are relevant to every project. With regards to BNG's proposed hotel site, the property is located in an urban setting, has been historically used for a range of intensive uses (e.g., Mazda dealership and automobile repair center), and has been denuded of non-invasive native vegetation. Based on a visual inspection, the property neither contains sensitive botanic or zoological resources nor provide any habitat value. Similarly, prior construction activities located thereupon, include recent demolition, eliminated the potential for the discovery of any cultural resources that may have been present thereupon. The project site is not designated in the General Plan for agricultural use and GP-FPEIR concluded that there were no mineral resources within the City. As a result, from a project-level perspective, with the possible exception of tribal consultation (Task 2.1), issues relating to agricultural, biological, cultural, or mineral resources are not further addressed herein.

Information presented in a MND, as well as statements presented in support of the Lead Agency's ultimate "findings," must be supported by "substantial evidence." Referencing the Guidelines, "substantial evidence" is defined as containing "enough relevant information and reasonable inference from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached."

In order to provide a factual and supportable basis for the Department's environmental documentation and preliminary determination, detailed engineering and/or scientifically-based assessments of a broad array of topical issues will be required. Presented herein are separate

outlines of those activities to be performed by or under the Consultant's supervision, identified as "Consultant-managed technical analyses" (CMTAs) ([Task 4.1](#)), and those additional activities, identified as "BNG-managed technical analyses" (AMTAs) ([Task 4.2](#)), to be performed by or on behalf of BNG.

All AMTAs provided to the Consultant shall have first been reviewed by the Department and/or by the City Engineer as to the acceptability and adequacy of those studies (including the information and analyses presented therein and any conclusions or recommendations derived therefrom) by the City. The Consultant's receipt thereof from the Department shall constitute evidence of the City's acceptance.

- **Task 4.1: Consultant-Managed Technical Analyses.** In order to provide a supportable basis for the Department's preliminary "significant" or "less-than-significant" impact determination, a number of topic-specific technical analyses will be performed by or under the direction of the Consultant. Unless otherwise directed by the Department, with the possible exception of the traffic impact study ([Subtask 4.1.1](#)), it is not the Consultant's intent to include the following analyses as "stand alone" reports but to incorporate the information generated through those studies into the "Expanded Initial Study" ([Task 3.1](#)).

For the purpose of this proposal, it is assumed that any development activities attributable to the GPA/Title 9 revisions extending beyond BNG's proposed hotel site are deemed by the Department to be "speculative" and, therefore, outside the scope of CEQA. As a result, with regards to these CMTAs, no program-level analysis will be conducted. Each of the CMTAs identified herein will, therefore, exclusively focus on the project-level impacts attributable to BNG's proposed hotel project.

To the extent relevant, the CMTAs shall include a description of the existing environmental and regulatory setting (environmental setting), identify the threshold of significance criteria used to assess significance (significance criteria), provide a description of relevant environmental effects (environmental impacts), present reasonable and appropriate mitigation measures (mitigation measures), and preliminary conclusions whether each post-mitigated effect is deemed to be "significant" (level of impact after mitigation).

The Consultant has utilized its best judgment as to the identification of those topical issues to be addressed and the level of analyses required therein. In combination with the information gleaned from the AMTAs ([Task 4.2](#)), those CMTAs assumed to be required to demonstrate the presence or absence of "significant" environmental effects are separately described below.

- ♦ **Subtask 4.1.1: Traffic Impact Study.** A project-level traffic impact study will be prepared by RK Engineering Group (RKE), working under contract to the Consultant, based on the scope of services, budget, assumptions, and limitations outlined in [Attachment C](#) (RK Engineering Group Traffic Impact Study).

As described therein, the traffic study will analyze the following conditions: (1) "existing"; (2) "project buildout year without the project"; and (3) "project buildout year with the project." The level of service analysis should be performed based upon the ICU (Intersection Capacity Utilization) methodology. In addition, the traffic study will take into account other proposed projects in the area and with an ambient growth rate of one percent per year. A list of cumulative project will be obtained from the City of Garden Grove and other local jurisdictions.

The following scope of work is proposed for this study effort: (1) Review the site plan and project description from a traffic circulation and access standpoint; (2) Discuss the

project with the Applicant, the Department, and the City's Traffic Engineer at a kick-off meeting; (3) Obtain an approved scope of work for the traffic impact study from the City; (4) Field review the site to determine "existing" conditions; (6) Obtain morning (AM) and evening (PM) peak-hour counts at the six study area intersections; (7) Obtain cumulative project information from the City and other adjacent jurisdictions, if needed; (8) Review public transit, bicycle, and pedestrian in the vicinity of the proposed project; (9) Determine existing levels of service (LOS) at the six study area intersections based upon the ICU methodology; (10) Perform "Congestion Management Program" (CMP) analysis at all relevant CMP intersections; (11) Determine the project's trip generation, trip distribution, and traffic assignment to the adjoining roadway system; (12) Determine traffic impacts and LOS for "project buildout years without the project" conditions at the six study area intersections; (13) Determine traffic impacts and LOS for "project buildout year with the project" at the six study area intersections; (14) Determine the project's traffic contribution to the six study area intersections; (15) Review project access and determine the need for any special turn lanes that may be required to serve the project; (16) Formulate mitigation measures; (17) Develop project recommendations; and (18) Summarize the results of the study in a traffic impact report.

It is acknowledged that the scope of the traffic impact study remains subject to change based on subsequent discussions with the Department and the City's Traffic Engineer.

- ◆ **Subtask 4.1.2: Land Use and Planning.** As proposed, among other discretionary actions, project implementation will likely necessitate a General Plan amendment (increasing allowable FAR) and revisions to Section 9.16.020.050 (AJ)(5)(f) in Title 9 of the Municipal Code (increasing allowable height limits for "hotels"), a development agreement, issuance of one or more conditional use permits (CUP), site plan approval (Section 9.18.050.080, MC), and lot consolidation (Section 9.30.200, MC). Each of those discretionary actions will be identified and supporting information presented in support of any associated findings. In addition, information will be presented describing each of the land-use district and zoning designations applicable to the proposed project. Issues relating to land-use compatibility will be addressed

BNG shall provide the Consultant with a copy of a preliminary title report or similar document identifying and depicting the location of any utility and other easements on the project site and, if not already illustrated, an overlay or other depiction illustrating the location of those easement in relationship to the proposed improvements.

- ◆ **Subtask 4.1.3: Air Quality.** Existing air quality conditions in the project area will be characterized and historical air quality data from the nearest monitoring station will be compiled for the past five years. The closest sensitive receptors will be identified and evaluated. To provide a regional context, the most recent attainment and non-attainment status designations of the South Coast Air Basin (SCAB) will be identified and applicable California Air Resources Board (CARB) and SCAQMD regulations will be discussed.

Both regional and localized air quality impacts will be evaluated for the construction and operations phases of the proposed project and compared to the significance thresholds established by the SCAQMD.

With regards to construction emissions, the project will generate localized air pollution from construction vehicle exhausts, and fugitive dust from grading and excavation activities. Localized air quality modeling will be conducted to determine concentrations of carbon monoxide (CO), nitrogen oxides (NOx), particulate matter of less than 10 microns (PM<sub>10</sub>), and particulate matter of less than 2.5 microns (PM<sub>2.5</sub>).



With regards to operational emissions, based on information presented in the traffic impact study (Subtask 4.1.1), the Consultant will present an estimate of long-term air pollutant emissions associated with the project's operation. CO, volatile organic compounds (VOC), NOx, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions will be quantified using the CalEEMod emissions inventory model. Mobile and stationary emissions for criteria pollutants will be examined in the context of SCAQMD's regional operational significance thresholds. In addition, the air quality analysis will provide an assessment of the project's consistency with SCAQMD's "Air Quality Management Plan."

- ◆ **Subtask 4.1.4: Greenhouse Gas Emissions.** The Consultant will prepare a greenhouse gas (GHG) emissions analysis consistent with the Guidelines. The GHG analysis will include a discussion of potential global climate change impacts. Modeling of GHG emissions will be based on the traffic impact study (Subtask 4.1.1). Area source and transportation emissions will be quantified using the CalEEMod emissions inventory model. If adopted prior to the release of the "Expanded Initial Study," the proposed project's compliance with the provisions of the City's "Climate Action Plan" shall be evaluated.

- ◆ **Subtask 4.1.5: Noise.** Santiago High School (12342 Trask Avenue, Garden Grove) is the nearest "sensitive receptor" to BNG's proposed hotel site.

The existing noise environmental will be quantified based on field measurements. Noise levels during construction activities will be quantified. Emphasis will be placed on the identification of impacts upon any sensitive receptors located in proximity to the project site (e.g., Santiago High School and Meadowlark Mobile Home Park). Traffic-related noise impacts will be quantified using the Federal Highway Administration's (FHWA) Traffic Noise Prediction Model (CALVENO Version), calibrated with measured noise levels and simultaneous traffic counts. CNEL levels will be modeled based on existing and project-related traffic volumes and projected horizon year traffic conditions as identified in the traffic impact study (Subtask 4.1.1).

- ◆ **Subtask 4.1.6: Public Services.** Police and fire protection services are provided within the City by the Garden Grove Police Department (GGPD) and the Garden Grove Fire Department (GGFD). The nearest fire station to the project site is located at 12132 Trask Avenue (approximately 0.27 linear miles from BNG's proposed hotel site). The CEQA documentation will include an analysis of impacts upon existing GGPD and GGFD services and facilities, assessment of emergency response times, and compliance with any applicable design standards, requirements, or recommendations. BNG shall deliver to the Consultant copies of the most recent GGPD and GGFD's "development review" comments received from those entities.

The project site is located within the Garden Grove Unified School District (GGUSD). As authorized under Sections 53080 and 65995 of the CGC, the GGUSD has established separate student generation rates for both residential and non-residential development projects within its jurisdiction and currently collects school facility impact fees for all new development projects. Based on those student generation rates and, if deemed relevant, subsequent consultation with representatives of the GGUSD, employment-related student generation projections and corresponding fees will be identified.

- ◆ **Subtask 4.1.7: Aesthetics.** As assessment of aesthetic impacts appears most germane in those districts, in those zones, and on those sites where existing development standards specify lesser size, bulk, and height restricts.

Project implementation will produce changes to the existing character of the project site. As a result, the MND will identify, categorize, and describe the existing visual characteristics of both the project site and general project area. Physical changes to the project site will be described and the project's potential short-term and long-term visual changes evaluated. Proposed improvements will be described and architectural rendering and elevations (by others) will be included. Photographic exhibits will be developed illustrating existing site conditions as observed from a number of key off-site viewpoints.

To the extent that the Department elects to include in the MND any graphic representation of the likely off-site shade and/or shadow cast by the proposed project, all such simulations and/or graphics shall be prepared by BNG and submitted to the Department. Upon acceptance by the Department, those simulations and/or graphics shall be provided to the Consultant along with any associated orientation maps (e.g., depicting the associated vantage point and the dates and times being simulated).

In granting a "site plan approval" process, the Commission is required to find: "(A) The proposed development is consistent and harmonious with the architectural elements, including, but not limited to, front elevation design, colors, size of structure, within 300 feet of structures that front on the same street. (B) The proposed development plan meets the parking, landscaping, setbacks, signage, fencing, building height and other related building standards of this title" (Section 9.18.050.080, MC).

Harbor Boulevard is identified as a "primary corridor" in the "Community Design Element" of the General Plan. That element will be reviewed and applicable or potentially applicable policies and design standards will be cited and the project's compliance therewith evaluated. It is assumed that BNG's proposed hotel project is not subject to the City's "Overlay Design Standards for the International West Resort Area."

- **Task 4.2: BNG-Managed Technical Analyses.** In addition to those CMTAs identified above (Task 4.1), it is assumed that a number of other technical studies will be prepared by BNG or by other parties operating directly under contract to BNG.

Recognizing that the determination of "significance" is purely a CEQA matter, technical reports prepared by non-CEQA consultants are neither typically prepared in a style nor format consistent with CEQA's disclosure requirements. For example, in order to determine whether a particular environmental effect is "significant," that impact must be examined in the context of quantitative, qualitative, or performance-based threshold standards. As a result, notwithstanding the technical adequacy of each of the AMTAs from an engineering perspective, the information and analysis presented therein will not likely fully substitute for a CEQA-based analysis independent of further augmentation.

Although each of the technical studies listed herein are assumed to be provided by or on behalf of BNG, the integration of those studies into the project's CEQA documentation is anticipated to require the Consultant's expenditure of time and labor-based resources. The line-item costs identified herein are limited to those efforts expended by the Consultant for document integration only and are not inclusive of any additional efforts that may be expended by the Consultant to address any aspect of those studies which, in the Consultant's independent judgment, fail to: (1) examine the most current iteration of the proposed project; (2) sufficiently address each of the corresponding issues raised in the CEQA "environmental checklist"; (3) provide sufficient information and analysis to derive supportable conclusions relative to the nature and magnitude of the project's potential environmental effects; and/or (4) present the information and topic-specific analysis in a suitable CEQA-compliant format.

For the purpose of this proposal, it is assumed that any development activities attributable to the GPA/Title 9 revisions are deemed by the Department to be “speculative” and, therefore, outside the scope of CEQA. As a result, with regards to these AMTAs, no program-level analysis will be conducted or presented. Each of the AMTAs identified herein will, therefore, exclusively focus on the project-level impacts attributable to BNG’s proposed hotel.

The Department and BNG both acknowledge that the adequacy and defensibility of all AMTAs rest solely with BNG and not with the Consultant. Should any issues arise relating thereto, BNG (acting through those consultants tasked by BNG with the preparation of those studies) shall defend those documents, the analyses and methodologies upon which any conclusions and/or recommendations were derived, and the conclusions and recommendations themselves. To the extent that those conclusions and/or recommendations include further site-specific investigations and/or project-specific design revisions or other actions, BNG voluntarily agrees to commit thereto.

It is the Consultant’s intent to physically include copies of each of the AMTAs into the project’s CEQA documentation. In furtherance thereof, BNG shall bear all costs associated with the preparation, production, reproduction, and transmittal of all AMTA documents, including all associated graphics and appendices, in the number and manner specified by the Department (Task 7.3). That number shall, in no instance, be less than the number of printed copies of the MND indicated by the Department and shall be provided in a format suitable for physical incorporation into the printed version thereof. Additionally, all AMTAs, inclusive of all associated graphics and appendices, shall also be provided to the Consultant in electronic (pdf) format.

In recognition of the criticality that all technical studies examine precisely the same project, the Consultant recommends that individual AMTAs not be finalized until the PD (Task 1.2) has been accepted by the Department. To the extent that any deviation therefrom exists, BNG shall provide the Consultant with additional supplemental topic-specific analyses to ensure internal consistency between those AMTAs and the PD.

Those AMTAs assumed to be required to demonstrate the presence or absence of “significant” environmental effects are separately described below.

- ♦ **Subtask 4.2.1: Geology / Soils.** Because the project’s CEQA documentation is identified, in part, as a “project-level” MND, unless greater or lesser level of analysis is specified by the Department or by the City Engineer, a corresponding “project-level” technical investigation of this topical issue will be presented.

Preparation of this technical analysis requires receipt of an adequate geologic, geotechnical, seismic, and soils investigation by a reputable engineering geology or geotechnical engineer. Following the City’s review and acceptance, an adequate geologic, geotechnical, seismic, and soils investigation (suitable for CEQA-compliance purposes) shall be provided to the Department by BNG for review by the City Engineer and subsequent incorporation into the project’s CEQA documentation.

The findings presented in that geologic, geotechnical, seismic, and soils investigation shall be document (through appropriate boring and other subsurface investigations) existing surface and subsurface conditions (with particular emphasis on any deleterious conditions that may be identified or suspected) and demonstrating (through the formulation of appropriate conditions and other actions) the proposed project’s feasibility from a geologic, geotechnical, seismic, and soils perspective, within a reasonable factor of safety. Any potentially unstable soils conditions, including potential liquefaction

hazards, shall be identified, reasonable and appropriate remedial actions formulated, and grading plans shall be presented.

Once submitted, the Consultant will conduct an independent third-party review of this BNG-managed technical analysis for the purpose of assessing, from a CEQA perspective, the report's suitability for direct inclusion or "incorporation by reference" (Section 15150, Guidelines) into the project's MND. To the extent warranted, any comments resulting therefrom will be provided to the Department. The Department will separately determine whether any changes or other modification to this AMTA are warranted.

- ♦ **Subtask 4.2.2: Hydrology / Water Quality.** Because the project's CEQA documentation is identified, in part, as a "project-level" MND, unless greater or lesser level of analysis is specified by the Department or by the City Engineer, a corresponding "project-level" technical investigation of this topical issue will be presented.

Preparation of this technical analysis requires receipt of an adequate hydrology and water quality investigation by a reputable civil engineer. For the purpose of this proposal, it is assumed that, following the City Engineer's review and acceptance, an adequate study (suitable for CEQA-compliance purposes) will be provided to the Consultant for incorporation into the project's CEQA documentation.

Issues relating to surface hydrology, groundwater hydrology, and water quality shall be examined therein. This AMTA shall analyze existing and post-project drainage and hydrologic conditions; determine how the proposed project impacts the quantity of stormwaters to determine such things as increased flows, impacts on storm drain systems, and sizing of on-site retention basins; and identify any reasonable and appropriate conditions formulated to reduce project-related impact associated with changes to on-site discharge. Preliminary calculations shall be presented evaluating increased and altered drainage flows caused by landform alterations and the changes to the site coverage with impervious surfaces.

With regards to water quality, under the provisions of the federal Clean Water Act, stormwater runoff pollution discharged to the municipal separate storm sewer system (MS4) must be controlled to the maximum extent practicable (MEP). This AMTA shall identify pollutants and hydrologic conditions of concern and outline BNG's proposed conceptual water quality management plan and associated site design and source control and treatment Best Management Practices (BMPs). Surface and groundwater quality shall be addressed and National Pollutant Discharge Elimination System (NPDES) permit compliance shall be evaluated.

Once submitted, the Consultant will conduct an independent third-party review of this BNG-managed technical analysis for the purpose of assessing, from a CEQA perspective, the report's suitability for direct inclusion or "incorporation by reference" (Section 15150, Guidelines) into the project's MND. To the extent warranted, any comments resulting therefrom will be provided to the Department. The Department will separately determine whether any changes or other modification to this AMTA are warranted.

- ♦ **Subtask 4.2.3: Water / Wastewater.** Because the project's CEQA documentation is identified, in part, as a "project-level" MND, unless greater or lesser level of analysis is specified by the Department or by the City Engineer, a corresponding "project-level" technical investigation of this topical issue will be presented.

Existing site-specific and proposed project-related water and wastewater generation rates shall be calculated, localized and system-wide capacities determined, and any associated project-related improvements thereto shall be identified. Water delivery and sanitary sewer systems shall be evaluated relative to flow characteristics and line capacity. The availability of existing capacity at the receiving sewerage treatment facilities shall be assessed.

Should project-related sewer flows be determined to impact the sewer capacity of any City or County system or component thereof downstream from the development, BNG shall identify mitigation and/or such other actions as may be required to address any potential capacity deficiency by a method approved by the City Engineer.

The analysis shall determine whether adequate water supplies, existing delivery systems, and proposed infrastructure are adequate to service projected average and peak-day demands and fire-flow requirements.

Once submitted, the Consultant will conduct an independent third-party review of this BNG-managed technical analysis for the purpose of assessing, from a CEQA perspective, the report's suitability for direct inclusion or "incorporation by reference" (Section 15150, Guidelines) into the project's MND. To the extent warranted, any comments resulting therefrom will be provided to the Department. The Department will separately determine whether any changes or modification to this AMTA are warranted.

- ♦ **Subtask 4.2.4: Hazards / Hazardous Materials.** Because the project's CEQA documentation is identified, in part, as a "project-level" MND, unless greater or lesser level of analysis is specified by the Department or by the City Engineer, a corresponding "project-level" technical investigation of this topical issue will be presented.

Based on the site's prior use, the potential exists for contaminated soils and fuel storage facilities to exist on the project site. At a minimum, a Phase I environmental site assessment (ESA), conducted in accordance with the "Standards and Practices for All Appropriate Inquiries" (40 CFR 312), shall be performed in order to identify the presence or potential presence of any such hazards. The conclusions presented in the Phase I ESA shall be presented along with any recommendations for supplemental investigations and remediation efforts. Based on the information presented in that investigation, the location of any known on-site contaminants shall be identified and recommendations formulated for their removal or remediation.

Once submitted, the Consultant will conduct an independent third-party review of this BNG-managed technical analysis for the purpose of assessing, from a CEQA perspective, the report's suitability for direct inclusion or "incorporation by reference" (Section 15150, Guidelines) into the project's MND. To the extent warranted, any comments resulting therefrom will be provided to the Department. The Department will separately determine whether any changes or other modification to this AMTA are warranted.

### **Major Task 5.0: Mitigated Negative Declaration**

As defined in Section 21064.5 of CEQA, a "mitigated negative declaration" means "a negative declaration prepared for a project when the initial study has identified potentially significant effects on the environment, but (1) revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and (2) there is no substantial evidence in light of the whole

record before the public agency that the project, as revised, may have a significant effect on the environment.”

Prior to approving or conditionally approving the proposed project, the Lead Agency’s decision-making body shall consider the proposed MND, together with any comments received during the public review process. The decision-making body shall adopt the proposed MND only if it finds, on the basis of the whole record before it, that there is no substantial evidence that the project will have a significant effect on the environment and that the MND reflects the Lead Agency’s independent judgment and analysis (Section 15074[b], Guidelines).

Included under this major task is the preparation of associated environmental notices, including consideration of any written comments that may be submitted to the Lead Agency in response to those notices, and a “mitigation reporting and monitoring program” (MRMP). This proposal does not include any costs associated with notice dissemination, newspaper publication, posting, or the payment of any filing or associated fees as may be imposed by the County Clerk or by the California Department of Fish and Wildlife (CDFW).

- **Task 5.1: Environmental Notices.** Included under this task is the preparation of a “Notice of Intent to Adopt a Mitigated Negative Declaration” (NOI) and a “No Effect Determination Request” (NED). Following adoption of the MND, a “Notice of Determination” (NOD) shall be prepared. The Consultant will work cooperatively with the Department to ensure compliance with all applicable CEQA-obligated notice requirements.

- ♦ **Subtask 5.1.1: “Notice of Intent to Adopt a Mitigated Negative Declaration.”** Under CEQA, the Lead Agency is required to provide a public review period of its intent to adopt a MND of not less than 21 days. When the proposed MND is submitted to the State Clearinghouse (SCH) for review by State agencies, the public review period will not be less than 30 days, unless a shorter period is approved by the SCH. As required, the City must give notice of its intent to adopt a MND by at least one of the following procedures: (1) publication of a legal notice in a newspaper of general circulation; (2) posting of notices on and off the project site; and/or (3) direct mailing to the owners and occupants of property contiguous to the project site.

In compliance with those obligations, the Consultant shall prepare a “‘Preliminary’ Notice of Intent to Adopt a Mitigated Negative Declaration” (PNOI) and transmit that document to the Department for execution. Upon its execution, the PNOI will become the “Notice of Intent to adopt a Mitigated Negative Declaration” (NOI) and will be used to announce the Lead Agency’s intent to adopt a MND (Sections 15072 and 15703, Guidelines). The Consultant shall provide a copy of the executed NOI to the SCH.

- ♦ **Subtask 5.1.2: “No Effect Determination.”** Using Form DFW 866, concurrent with the dissemination of the NOI, the Consultant will prepare, for transmittal by the Department to the CDFW, a “No Effect Determination” (NED) request.

A project shall not be operative, vested, or final, and local government permits for the project shall not be valid, until the requisite filing fees are paid (Section 711.4[c]((3), California Fish and Game Code [CFGF]); however, all projects found by the CDFW to have no effect on fish and wildlife resources shall incur no CDFW-imposed fee (Section 753.5[c], CFGF). Effective January 1, 2017, CDFW filing fees shall be \$1,046.50 for an EIR and \$2,216.25 for an MND, plus an additional \$50 County Clerk filing fee. The Consultant shall not be responsible for the payment of any associated fees.

- ◆ **Subtask 5.1.3: "Notice of Determination."** As required under CEQA, in order to shorten the statute of limitations on subsequent legal challenges to the Lead Agency's CEQA process, the Lead Agency is required to file a "Notice of Determination" (NOD) with the County Clerk within five working days after deciding to carry out or approve the project. If the project requires a discretionary approval from any State agency, the Lead Agency is also required, within five working days of approval, to file a copy of the NOD with the SCH.

Should the City elect to approve or conditionally approve the proposed project, the Consultant shall prepare and transmit to the Department a "'Preliminary' Notice of Determination" (PNOD). Upon its execution, the PNOD will become the "Notice of Determination" (NOD) and will be used to announce the Lead Agency's adoption of the MND (Section 15075, Guidelines).

The NOD shall include: (1) an identification of the project, including its common name and location; (2) a brief description of the project; (3) the date on which the agency approved or conditionally approved the project; (4) the Lead Agency's determination that the project will not have a "significant" effect on the environment; (5) a statement that a MND has been prepared pursuant to the provisions of CEQA; and (6) the address where a copy of the MND may be examined.

For the purpose of this proposal, it is assumed that the proposed project is neither a project of possible "Statewide, regional, or areawide environmental significance" (Section 15206, Guidelines) nor will require any permits or approvals from State agencies; therefore, the Lead Agency is not required to provide a copy of the NOD to the SCH. The preparation and delivery of environmental notices and/or the submission of documents to the SCH has, therefore, neither been assumed nor budgeted herein.

- **Task 5.2: "Mitigation Reporting and Monitoring Program."** Pursuant to Assembly Bill 3180 (Statutes of 1988), based on the presence of any mitigation measures identified in the "Expanded Initial Study" (Task 3.1), the Consultant shall prepare and transmit to the Department and to BNG a "'Preliminary' Mitigation Reporting and Monitoring Program" (PMRMP) specifying: (1) the party or agency responsibility for each mitigation measure's implementation; (2) the timing for implementation, keyed to a specific event, milestone, or permit obligation; and (3) the frequency, contact, and format for compliance reporting.

Upon acceptance, the PMRMP shall become the "Mitigation Reporting and Monitoring Program" (MRMP) and shall provide a listing of those mitigation measures upon which the proposed project shall be conditioned (Section 21081.6[a][1], CEQA; Section 15073[d] and 15091[d], Guidelines). The budget allocated to this task assumes only two rounds of review prior to the Department's acceptance.

- **Task 5.3: "Response to Comments."** Written responses to comments received by the Lead Agency are not required and are not typically prepared for projects eligible for processing through the use of a MND. Under CEQA, however, the Lead Agency is required to "consider" any comments received during the noticed comment period prior to taking any formal action thereupon (Section 15074[b], Guidelines).

For the purpose of this proposal, the Consultant has allotted a minimum number of labor hours for the sole purpose of reviewing those comments which are received by the Department and which have been transmitted to the Consultant for review. Based on that review, the Consultant shall provide the Department and BNG recommendations whether the nature of the comments: (1) warrants a written response; (2) predicates the need for any

substantial changes to the "Expanded Initial Study"; (3) potentially requires the recirculation of the MND; or (4) suggest the need to terminate processing of the MND and commence the preparation of an EIR.

If the need for a written response or recirculation appears warranted, the Consultant shall provide the Department and BNG with an estimate of the number of labor hours and other associated costs required to formally respond thereto, including: (1) the identification of any additional technical analyses that may be needed in order to present an adequate technical response; and (2) the party or parties appropriately bearing responsibility for the preparation of those "preliminary" responses.

The Lead Agency may be required to recirculate the MND if the document must be substantially revised after public notice of its availability has been provided but prior to its adoption (Section 15073.5, Guidelines). A "substantial revisions" shall mean: (1) a new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to a "less-than-significant" level; or (2) the Lead Agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to a "less-than-significant" level and additional measures and/or revisions may be required. Recirculation is not required under the following circumstances: (1) mitigation measures are replaced with equal or more effective measures; (2) new project revisions are added in response to comments on the project's effects identified in the proposed MND which are not new avoidable significant effects; (3) measures or conditions of approval are added after circulation of the MND which are not required by CEQA, which do not create new significant environmental effects, and which are not necessary to mitigate an avoidable "significant" effect; and (4) new information is added which merely clarifies, amplifies, or makes insignificant modifications thereto (Section 15073.5, Guidelines).

If prepared, to the extent that the Department and/or BNG identify any changes or other revisions that might be appropriate or beneficial (e.g., provide further clarification) to the text or graphics presented in the published MND, those changes or revisions will be included in separate "errata" and "change and revisions" sections thereof. All incurred costs will be billed, on a time-and-material and cost-plus basis, in accordance with the rates and terms specified in the Consultant's Standard Rate Schedule.

#### **Major Task 6.0: Meeting Attendance**

Presented under this major task are those additional outreach and coordination efforts associated with the proposed project, including meetings with Department staff and other public meetings.

- **Task 6.1: Department / BNG Meetings.** At project commencement, the Consultant's Project Director (Lewandowski) will attend a "kick-off" meeting involving key project participants. The purpose of this meeting is to establish an open avenue of communication between all parties, obtain additional information concerning the proposed project, obtain copies of applicable documents, and finalize any outstanding issues concerning scope and schedule. In addition, the Consultant's Project Director (Lewandowski) will attend up to two (2) additional meetings with Department staff and/or BNG's representatives corresponding with key elements/milestones of this work program. Throughout the term of this project assignment, the Consultant shall be available to participate in conference calls to address outstanding issues and/or to keep the Department and BNG fully informed about project status and deliverables.
- **Task 6.2: Public Meetings / Hearings.** The Consultant's Project Director (Lewandowski) will attend up to three (3) public meetings, including community workshops, scoping meetings,



and noticed public hearings before the Planning Commission (Commission) and City Council (Council).

The Department acknowledges that travel time incurred in attending public meetings, the placement of any item on the Commission's and Council's agenda, the nature of any agenda items proceeding those associated with the proposed project, the level of public participation at public meetings, and the extent of deliberations by the Commission and the Council are all outside the Consultant's control. As a result, it is not possible to precisely budget the performance of this task; therefore, for budgetary purposes, a specified number of labor hours and a preliminary line-item budget has been established for travel and attendance. Should the number of meetings and/or number of labor hours exceed those assumed limits, any and all additional efforts beyond the hours and costs budgeted herein will be invoiced, on a time-and-materials and cost-plus basis, in accordance with the rates and terms in the Consultant's "Standard Rate Schedule."

Not budgeted herein are any labor or other direct costs that may be incurred to prepare presentation materials, including, but not limited to, the preparation or participation in the preparation of agendas, staff reports, graphics, and/or other materials for use and/or dissemination at any public meetings.

#### **Major Task 7.0: CEQA Support Services**

This major task includes those activities required to support the Department's preparation and processing of the MND.

- **Task 7.1: Project Management.** The success of any multi-faceted endeavor is dependent upon the leadership, guidance, support, and tutelage of the project manager. The Consultant's Project Director (Lewandowski) will oversee all aspects of this work plan; provide managerial oversight over any subcontractors and the project schedule, all deliverables, and the timely performance by all members of the Consultant's team; and, subject to the limits and limitations of this proposal, provide quality control over all work products.
- **Task 7.2: "Preliminary" Mailing List.** In consultation with Department staff, the Consultant shall prepare a "preliminary" mailing list of appropriate local, State, and federal agencies known to the Consultant that, pursuant to CEQA requirements, should be contacted as part of the Lead Agency's public noticing obligations. Not included herein is the preparation of any radius maps and/or review of any Orange County Assessor rolls for the purpose of identify and listing those property owners and tenants located within and in proximity to the project site. This task is limited to the preparation of a preliminary mailing list and does not included any mailings or associated activities.
- **Task 7.3: Reprographic Support Services.** CEQA documents are typically large and unwieldy, incorporating information from a variety of sources. Included herein are those labor hours associated with the preparation and assemblage of documents for publication, delivery of "camera-ready" documents for printing, and the proofing of finish work products prior to delivery to the Department for the Department's dissemination. The following documents will, upon their acceptance by the Department and BNG, be transmitted to the City:
  - (1) "Preliminary Project Description" (Task 1.1): 3 printed/one electronic;
  - (2) "'Preliminary' Expanded Initial Study" (Subtask 3.1.1): 3 printed/one electronic;
  - (2) "Expanded Initial Study" (Subtask 3.1.2): 15 printed/30 electronic;
  - (3) "Mitigation Monitoring Reporting Program" (Task 5.2): 5 printed/one electronic.

Except where otherwise noted, only one electronic copy (containing both Word and pdf files) of any additional documents referenced herein or subsequently added hereto by the Department will be provided to the Lead Agency and to BNG. Should the Department and/or BNG request any greater number of documents beyond the number expressly indicated herein, any and all additional efforts beyond those budgeted herein will be invoiced, on a time-and-materials and cost-plus basis, in accordance with the rates and terms in the Consultant's "Standard Rate Schedule."

- **Task 7.4: Direct Costs.** This task includes all other incidental expenses related to the implementation of this work program including, but not limited to, travel, photo processing, postage, and deliveries.

### 3.0 PERFORMANCE SCHEDULE

The Consultant is committed to the expeditious completion of the CEQA process and will allocate all necessary resources as may be required to complete the project's CEQA documentation within the shortest possible time frame. The completion of this work effort is, however, dependent upon the Consultant's receipt of specific information from the Department and BNG and is dependent upon the timely review and acceptance, by the Department and BNG, of those work products identified herein. The time period required for the delivery of that information and the performance of those reviews is beyond the Consultant's control and, unless expeditiously performed, would be expected to add to the timeframe required to complete the major tasks, task, and subtasks presented in this scope of services.

Much of the CEQA process is controlled by statutorily-defined time periods. An optimistic time line from commencement to adoption of the MND by the Council is four (4) months. Most MNDs, however, require at least six (6) months to complete.

### 4.0 NOT-TO-EXCEED COST PROPOSAL

Table 1 (Mitigated Negative Declaration - Not-to-Exceed Cost Proposal) is an itemized not-to-exceed cost proposal for those major tasks, tasks, and subtasks outlined herein. All authorized project-related costs will be invoiced in accordance with the rates and terms specified in the Consultant's "Standard Rate Schedule" (Table 2). The Consultant reserves the right to internally adjust and reallocate individual line-item costs subject only to the contract's limits.

Should the City elect to delete or modify any of the individual components comprising this work program, to the extent that the deleted or modified work element is a precursor to other activities or is deemed by the Consultant to be critical to the completion of the stated work effort, the Consultant reserves the right to submit a revised cost proposal and process associated change orders to reflect any such changes.

Unless explicitly identified herein or in any supplements hereto, all additional efforts, burdened costs, and other expenditures that may be incurred as a result of written or oral requests by the Department and/or BNG are beyond the scope of this work program and constitute "out of scope" activities. The City and BNG shall not withhold or delay the processing or the payment of any change order requests for work authorized by or directed by the City and/or by BNG for any additional consulting services not explicitly identified herein.

Operating in good faith, in response to any such requests and independent of whether a precise accounting of supplemental costs has been specified and mutually negotiated, the Consultant agrees to undertake such additional or expanded actions under the premise that the Department will timely prepare such documentation as may be required to fairly compensate the Consultant for such services and shall support such requests before the Council. Should a dispute arise as to

appropriateness, amount, and/or nature of any payment and/or change order request that may be submitted to the Department by the Consultant, the Consultant reserves the right to stop work pending dispute resolution of any such dispute. Any resulting cessation of work shall not be deemed a contract violation or justification for payment of any non-disputed invoices or contract termination.

## 5.0 ASSUMPTIONS AND LIMITATIONS

With regards to BNG's proposed hotel project, BNG shall provide the Department and the Department shall provide the Consultant with a BNG-prepared "project description," including both text and graphics, sufficient to allow for a reasonable analysis of the potential impacts of the proposed project. The "project description" shall, among other items:

- Delineate the precise project boundaries, including any areas outside BNG's ownership or control (including existing ownership interests) subject to any physical changes associated, either directly or indirectly, with the proposed project;
- Detailed information concerning the content of the proposed General Plan amendment and zone change, including any corresponding text or graphic revisions associated with both the "General Plan and Municipal Code";
- A listing of the discretionary actions required by or from the City and from any other governmental entity with jurisdiction over the project or the project site;
- Architectural plans, including 4-sided building elevations, sufficiently detailed to allow for project-level analysis;
- Scaled depiction of internal circulation, identifying the number, size, and location of on-site parking spaces, proposed access controls and devices, and design vehicle minimum turning radii on dimensioned site plans; and
- Such additional information as may be reasonably required to adequately describe the proposed project and the discretionary actions required for the project's effectuation.

All parties acknowledge that post-commencement changes to the "project description," including any aspect thereof and the assumptions upon which the CEQA analysis is based, would predicate the need for unbudgeted consideration of those changes in order to ensure that the environmental analysis accurately reflects the revised project. The Consultant's response to subsequent project changes predicated revisions to the documents and/or the technical analyses identified herein has not been accounted for herein and is not included within this scope of services and its attendant budget. By conveying proposed project revisions to the Consultant, both the Department and BNG acknowledge the Consultant's right, whether then immediately exercised or deferred, to process a change order in response thereto.

For the purpose of this proposal, the Consultant has made certain assumptions concerning the required content of the project's CEQA documentation, the studies that will be prepared under any resulting professional services agreement, the studies that will be provided by others for the Consultant's use, and the efforts comprising the Consultant's recommended scope of services. It is assumed that the Consultant's scope of work does not include:

- Planning-related or environmental activities not explicitly described herein;
- Independent geologic, geotechnical, seismic, and soils investigations;
- Surface or subsurface investigations;
- Soil or water sampling or other laboratory analyses;
- Environmental site assessments, record searches, or other investigations conducted to assess the presence or absence of toxic or hazardous materials and petroleum products upon or within one-quarter mile of the project site;
- Health risk screening analyses and/or health risk assessments (HRA);
- Hydrologic and hydraulic analyses;

- Water supply assessments;
- Civil or other engineering studies documenting the adequacy of water, sanitary sewer, and storm drain supplies, services, and systems;
- Dry utilities analyses;
- Architectural plans, renderings, computer simulations, or physical or analytical models; and
- Formulation or technical review of any project-specific Best Management Practices (BMPs), urban storm water management plans (SUSMP), storm water pollution prevention plans (SWPPPs), or any quantitative or qualitative assessment of any water quality constituents.

Unless tasked and adequately budgeted to complete an independent third-party review, the Consultant makes no representation concerning the quality and/or accuracy of any work products provided by the Department and/or by BNG for incorporation into the project's CEQA documentation. Should any issues arise with regards thereto, the Consultant shall not be responsible for any inaccuracies contained therein and shall not be required to defend those documents or to respond to any comments that may be raised with regards thereto.

It is assumed that a number of technical studies will be prepared by BNG or by others and will be provided to the Consultant following review and acceptance by the Department. Those studies are assumed to include, but may not be limited to: (1) a geologic, geotechnical, seismic, and soils investigation; (2) surface hydrology and water quality assessment; (3) a Phase I ESA; and (4) sewer area study. Each technical study is assumed to include the following elements: (A) description of the environmental and regulatory setting; (B) thresholds of significance criteria used to assess the significance of the project's direct, indirect, and cumulative effects; (C) description and analysis of associated construction-related and operational impacts relating thereto; (D) declaration whether each identified impact is "significant" based on the identified thresholds; (E) listing of appropriate mitigation measures and/or conditions of project approval; and (F) a clear and definitive statement whether each post-mitigated effect is "significant." All text shall be provided in both printed (unbound, single-sided, hard-copy) and electronic (Word) format and all accompanying graphics shall be provided to the Consultant as pdf or jpg files.

The information, analyses, and preliminary findings presented by the Consultant shall be based on available studies and other readily available data and, excerpt where otherwise noted, will neither involve the independent generation of new technical data nor the generation of data or the performance of technical analyses not readily accessible from available published reports.

As required under CEQA, the project's environmental documentation must reflect the independent judgment of the Lead Agency. As such, in fulfillment of the Lead Agency's CEQA obligations, the Department must allocate sufficient personnel and other resources to adequately and timely review all administrative draft documents provided by the Consultant, including, as appropriate, review by the City Engineer and the City Attorney. The Department's review and acceptance is required in order to ensure that those documents and the statements presented therein are, in fact, the Lead Agency's documents and adequately and accurately reflect the level of analysis deemed appropriate by and the positions and preliminary conclusions of the Department with regards to each of the issues examined therein. The Department's acceptance and dissemination of those documents shall serve to demonstrate the Lead Agency's acceptance and adequacy of each associated work product.

The terms "EIS" and "Consultant," as those terms are used herein, are intended to be inclusive of all employees, independent contractors, subcontractors, and other parties (independent of their affiliation) operating under the Consultant's supervision. The City and BNG acknowledge that the Consultant is neither a law firm nor is its principal an attorney. As such, any statements presented herein or in any subsequent work product resulting from his proposal shall not be construed by the City, by BNG, or by any other party as a legally-based interpretation of existing local, State, or

federal statutes, rules, or regulations. With regards to CEQA compliance, the Lead Agency is encourages to actively involve the City Attorney and BNG is encouraged to seek early and effective involvement by independent and competent legal counsel.

Table 1  
MITIGATED NEGATIVE DECLARATION  
NOT-TO-EXCEED COST PROPOSAL

Major Task / Task / Subtask	Estimated Hours	Budgeted (\$)
<b>Major Task 1.0: Project Description<sup>(a)</sup></b>		
Task 1.1: "Preliminary" Project Description	-	-
Subtask 1.1.1: Objectives, Land Uses, Entitlements, and Pending Hotel Projects	16	\$ 2,400.00
Subtask 1.1.2: Identification of the Project Site	6	900.00
Subtask 1.1.3: "Speculative" versus "Reasonably Foreseeable" Indirect Impacts	-	Not Bid
Subtask 1.1.4: Environmental Baseline	8	1,200.00
Task 1.2: "Revised Preliminary" Project Description	8	1,200.00
Task 1.3: "Screening-Level: Initial Study (Decision Point 1)"	6	900.00
Major Task 1.0 Subtotal	44	\$ 6,600.00
<b>Major Task 2.0: Scoping Activities</b>		
Task 2.1: Tribal Consultation	16	\$ 2,400.00
Task 2.2: State Clearinghouse Noticing and Coordination <sup>(b)</sup>	4	600.00
Major Task 2.0 Subtotal	20	\$ 3,000.00
<b>Major Task 3.0: Expanded Initial Study<sup>(a)</sup></b>		
Task 3.1: "Expanded Initial Study" <sup>(c)</sup>	-	-
Subtask 3.1.1: "Preliminary" Expanded Initial Study	36	\$ 5,400.00
Subtask 3.1.2: "Revised Preliminary" Expanded Initial Study	12	1,800.00
Task 3.2: "Screening-Level" Assessment (Decision Point 2)	4	600.00
Task 3.3: BNG-Nominated Actions	6	900.00
Major Task 3.0 Subtotal	58	\$ 8,700.00
<b>Major Task 4.0: Technical Studies<sup>(a)</sup></b>		
Task 4.1: Consultant-Managed Technical Analyses	-	-
Subtask 4.1.1: Traffic Impact Study	-	\$ 13,750.00
Subtask 4.1.2: Land Use / Planning	12	1,800.00
Subtask 4.1.3: Air Quality	32	4,800.00
Subtask 4.1.4: Greenhouse Gas Emissions	16	2,400.00
Subtask 4.1.5: Noise	36	5,400.00
Subtask 4.1.6: Public Services	20	3,000.00
Subtask 4.1.7: Energy Resources	-	Optional
Subtask 4.1.8: Aesthetics	8	1,200.00
Task 4.1 Subtotal	124	\$ 32,350.00
Task 4.2: BNG-Managed Technical Analyses	-	-
Subtask 4.2.1: Geology/Soils	20	\$ 3,000.00
Subtask 4.2.2: Hydrology/Water Quality	16	2,400.00
Subtask 4.2.3: Water/Wastewater	12	1,400.00
Subtask 4.2.4: Hazards/Hazardous Materials	8	1,800.00
Task 4.2 Subtotal	56	\$ 8,400.00
<b>Major Task 5.0: Mitigated Negative Declaration<sup>(a)</sup></b>		
Task 5.1: Environmental Notices	-	-
Subtask 5.1.1: "Notice of Intent to Adopt a Mitigated Negative Declaration"	2	\$ 300.00
Subtask 5.1.2: "No Effect Determination" Request	2	300.00
Subtask 5.1.3: "Notice of Determination"	2	300.00
Task 5.2: "Mitigation Reporting and Monitoring Program"	4	600.00
Task 5.3: "Response to Comments"	4	600.00
Major Task 5.0 Subtotal	14	\$ 2,100.00
<b>Major Task 6.0: Meeting Attendance</b>		
Task 6.1: Department / BNG Meetings <sup>(d)</sup>	16	\$ 2,400.00
Task 6.2: Public Meetings / Hearings <sup>(d)</sup>	18	2,270.00
Major Task 6.0 Subtotal	34	\$ 4,670.00
<b>Major Task 7.0: CEQA Support Services<sup>(b)</sup></b>		
Task 7.1: Project Management	40	\$ 6,000.00
Task 7.2: "Preliminary" Mailing List	4	600.00
Task 7.3: Reprographic Support Services	-	1,200.00
Task 7.4: Direct Costs	-	500.00
Major Task 7.0 Subtotal	44	\$ 8,300.00

Table 1 (Continued)  
**MITIGATED NEGATIVE DECLARATION**  
**NOT-TO-EXCEED COST PROPOSAL**

Major Task / Task / Subtask	Estimated Hours	Budgeted (\$)
Major Tasks 1.0-7.0 Subtotal	394	\$ 74,120.00
Contingency (10%)	-	7,412.00
<b>Total<sup>(e)</sup></b>	<b>394</b>	<b>\$ 81,532.00</b>
Notes: (a) Based on the assumption that, from an indirect impact perspective, project-induced development opportunities on all other "benefitting properties" (i.e., inclusive of all properties other than BNG's proposed hotel site) are: (1) deemed to be "speculative" and not "reasonably foreseeable"; and (2) no not require analysis herein. (b) Based on the assumption that no permits or approvals are required from any State agencies and that no State agency constitutes a "responsible agency" under CEQA. As a result, notification, consultation, and document dissemination to the State Clearinghouse is assumed to be limited. (c) The "project description" derived through the performance of <u>Major Task 1.0</u> (Project Description) will serve, in its entirety, as the "project description" for the MND. (d) It is not possible to precisely budget the performance of this task. For budgetary purposes, a specified number of labor hours has been established for travel and attendance. Should the number of labor hours assigned thereto exceed those assumed limits, any and all additional efforts in excess of the hours budgeted herein will be invoiced, on a time-and-materials and cost-plus basis, in accordance with the rates and terms in the Consultant's "Standard Rate Schedule." (e) The Consultant reserves the right to internally adjust all line-item costs and to reassign all associated labor hours and allocated costs as the Consultant may deem appropriate, subject only to the upper limits of the contract.		

Source: Environmental Impact Sciences

Table 2  
**ENVIRONMENTAL IMPACT SCIENCES**  
**STANDARD RATE SCHEDULE**  
 (January 2017)

<u>Position</u>	<u>Rates</u>
<b>Professional</b>	
Principal .....	\$185.00
Senior Engineer .....	175.00
Senior Planner/Scientist.....	150.00
Associate Engineer .....	125.00
Associate Planner/Scientist .....	100.00
Planner/Scientist .....	85.00
Assistant Planner/Scientist .....	75.00
<b>Support</b>	
Word Processor .....	65.00
Technician.....	50.00
Support Services .....	35.00

All direct costs will be billed at cost-plus-twenty (20) percent. Automobile mileage will be billed at \$0.575 per mile and travel time will be billed at the designated rate. All invoices are payable within thirty-five (35) days of receipt and, unless an alternative billing plan is specified, will be submitted monthly for all work in progress.

**Attachment B**  
**Environmental Impact Report**



Attachment B  
**SCOPE OF SERVICES**  
**COMBINED PROGRAMMATIC AND PROJECT-LEVEL**  
**ENVIRONMENTAL IMPACT REPORT**

13650 Harbor Boulevard, Garden Grove, California

In response to a development application submitted by the BN Hotel Group, LLC (BNG) for one or more discretionary entitlements from the City of Garden Grove (City or Lead Agency), this scope of services is submitted to the City's Community Development and Economic Development Department (Department) by Environmental Impact Sciences (EIS or Consultant) in response to BNG's proposed Harbor Boulevard Hotel Project (13650 Harbor Boulevard, Garden Grove).

Pursuant to the provisions of the California Environmental Quality Act (CEQA) and the Guidelines for the Implementation of the California Environmental Quality Act (Guidelines), proposed herein is the preparation and processing of a combined programmatic and project-level "environmental impact report" (EIR). For ease of reference, the individual components of this work program have been categorized under the following eight (8) major tasks:

- Major Task 1.0: Project Description
- Major Task 2.0: Initial Study and Pre-Circulation Scoping Activities
- Major Task 3.0: Technical Studies
- Major Task 4.0: Draft Environmental Impact Report
- Major Task 5.0: Final Environmental Impact Report
- Major Task 6.0: Environmental Notices
- Major Task 7.0: Departmental and Public Meetings
- Major Task 8.0: CEQA Support Services

Where relevant, for the purpose of describing the separate analytical and outreach activities and/or deliverables associated therewith, each of these "major tasks" have been further divided into individual "tasks" and "subtasks." The sequencing and categorization of those major tasks, tasks, and subtasks identified herein is presented for descriptive purposes only and is not intended to directly correspond with either the order of their commencement or their completion.

**Major Task 1.0: Project Description**

For the purpose of this proposal, it is assumed that the proposed revisions to Section 9.16.020.050(AJ)(5)(f) in Title 9 (Land Use) of the Municipal Code constitute a "project" subject to CEQA (see *Union of Medical Marijuana Patients v. City of San Diego* [2016]).

CEQA defines a "project," in part, to constitute "the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." Based on that definition, although counter-intuitive, often the "project" which is examined under CEQA differs, either minimally or substantively, from both the project proponent's actual development plan and the precise nature of the development application submitted to the local permitting agency.

This major task serves as the foundational basis upon which all later actions and activities will be derived. To ignore its importance as a stand-alone action places the proposed project at greater risk than if a definable and static "project description," mutually agreed upon by all parties, was developed at the onset of the CEQA process. At this stage, the "project description" is not a formal CEQA document but an internal document used for planning and descriptive purposes only.

With regards to the "project description," in describing the deliverables to be prepared and provided by the Consultant, the terms "preliminary" and "revised preliminary" are not derived from established CEQA parlance but serve only to describe the separate components of Department's internal review. To the extent that the Department authorizes concurrent review by BNG, electronic copies of each of the identified deliverables will be concurrently forward to BNG's identified representative.

- **Task 1.1: "Preliminary" Project Description.** Because the "project" subject to environmental review may substantively differ from that envisioned by the Lead Agency and/or BNG, the Consultant will, within the limits and limitations of this proposal, engage in foundational discussions and attend meetings with City representatives and with BNG's development team for the purpose of: (1) gaining greater understanding of the proposed project and each of its physical and procedural facets; (2) discussing the "existing environmental setting" (baseline), the quantification thereof, and the manner of possible integration into the project's CEQA documentation; (3) identifying the boundaries and limits of the project site based on such factors as General Plan and zoning designations; (4) obtaining the Department's guidance and direction whether development activities beyond BNG's proposed hotel site are "speculative" or "reasonably foreseeable"; (5) resolving outstanding issues relating thereto; (6) identifying possible impediments to the project's effectuation; (7) gaining additional information and insights concerning relevant off-site activities and proximal development activities that may influence or effect the CEQA analysis; (8) identifying the presence of any infrastructure constraints and associated capital improvement requirements; (9) identifying anticipated requisite entitlements that may be needed for project effectuation; (10) discussing role assignments and work delegation; (11) describing, to the uninitiated, CEQA's purpose, function, procedures, and pitfalls; (12) obtaining copies of existing documents germane to the proposed project; and (13) addressing such other matters as may be directly or indirectly related to the proposed project.

For the purpose of formatting and comparison, requested documents include, but may not be limited to, the GP-FPEIR and the CEQA documentation prepared by the City for the Site C Resort Hotel, the Nickelodean Resort Hotel, the Great Wolf Lodge, and the Brookhurst Place (Triangle) hotel projects

- ♦ **Subtask 1.1.1: Objectives, Land Uses, Entitlements, and Pending Hotel Projects.** Because the project includes a GPA/Title 9 revisions, those documents and the precise language of the requested text and graphic changes thereto need to be clearly specified (by others) and neither deferred to an unspecified future date nor left to the Consultant's imagination. In addition, as documentation to be included in the project's administrative record, the Department should specify the definition of "hotel" intended and identify: (1) its "objectives" and "purpose" for undertaking the GPA/Title 9 revisions; (2) description of proposed land uses; (3) all required entitlements and discretionary approvals associated with the proposed project; and (4) identify and describe any "reasonably foreseeable" hotel projects within the City.

The assessment of construction (short-term) and operational (long-term) impacts present different challenges. Project applications seldom include a "construction management plan" (describing the nature of the construction process, including equipment usable) as part of a development application. If submitted, that document would allow the Consultant to input project-specific parameters into the computer models upon which quantitative impact estimates are derived rather than relying upon those "default" values established by the South Coast Air Quality Management District (SCAQMD). Any BNG-submitted information shall be considered in formulating the "project description."

- ◆ **Subtask 1.1.2: Identification of the Project Site.** The Department indicates that the project site includes “all 91.07 acres in the Heavy Commercial area.” Because the location of that 91.07 acres is not identified in the Department’s solicitation and because the City’s “Land Use Policy Map” is not available online, there presently is uncertainty as to the exact areas under consideration. While the Department identifies 16 “intersections to be studied for the traffic study,” it is not presently possible to equate those intersections to the properties potentially affected by the proposed GPA/Title 9 revisions. As indicated in the traffic impact study (Subtask 3.1.1), a lesser level of traffic impact analysis is presently assumed herein.

It is the Consultant’s current understanding that the Department seeks to amend Section 9.16.020.050(AJ)(5)(f) of the Municipal Code relating to all “[p]ermitted uses in Commercial, Office Professional, Industrial, and Open Space” zones throughout the City. As indicated in the General Plan, reference to “Commercial, Office Professional, Industrial, and Open Space” zones appear to include, but not necessarily limited to, the “Light Commercial” (LC), “Heavy Commercial” (HC), and “Industrial” (I) districts.

From a project-level perspective, BNG’s proposed hotel site is limited to 1.45 acres. Programmatically, “hotels” are a conditionally permitted use in the LC, HC, and I districts. With regards to those districts, the General Plan assigns the following acreages thereto: (1) LC – 335.42 acres; (2) HC – 91.07 acres; and (3) I – 584.00 acres (Land Use Element, Tables 2-3, p. 2-20). The City’s declaration that the project site is limited to only the “91.07 acres in the Heavy Commercial area” appears to overlook the additional 335.42 acres within the “Light Commercial” district and the additional 584.00 acres within the “Industrial” district that might also be directly or indirectly impacted by the proposed Title 9 revisions.

The “Light Commercial” district is represented by both “Neighborhood Commercial (C-1)” and “Community Commercial (C-2)” zones, the “Heavy Commercial” district is represented by the “General Commercial (C-3)” zone, and the “Industrial” district is represented by both the “Light Industrial (M-1)” and “Industrial Park (M-P)” zones (Land Use Element, Table 2-4, p. 2-29). Because “hotels” are neither a permitted nor conditionally permitted use in the M-P zone, the M-P zone does not require further consideration herein. Conversely, because the subset of M-1 acreage within the “Industrial” district is not separately quantified, there presently is not tabulation of the total acreage within the City presently zoned for “Light Industrial” uses.

Since no “draft” text has been provided by the Department relative to the proposed changes to the General Plan and Municipal Code, unless restricted solely to the C-3 zone, the program-level CEQA analysis may need to more broadly examine the potential environmental impacts associated with the resulting revisions to existing development standards within the C-1, C-2, C-3, and M-1 zones.

Similarly, at various times, the area of analysis has been identified by the Department as consisting of 24.98 and 91.07 acres. The Department has also indicated that a smaller acreage might be considered. As a result, from a programmatic perspective, there remains uncertainty as to which General Plan district and zoning designation are or may be applicable to the proposed project. Resolution of this potential outstanding issue is a critical component of the “project description.”

- ◆ **Subtask 1.1.3: “Speculative” versus “Reasonably Foreseeable” Indirect Impacts.** CEQA defines a “project” to mean “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment” (Section 15378, Guidelines). The Guidelines further state that “[a]n indirect physical change in the environment is a physical change in

the environment which is not immediately related to the project, but which is caused indirectly by the project. If a direct physical change in the environment in turn causes another change in the environment, then the other change is an indirect physical change in the environment" (Section 15064[d][2], Guidelines). CEQA defines "effects" as inclusive of both "direct or primary effects" and "[i]ndirect or secondary effects which are caused by the project and are later in time or farther removed in distance, but are still reasonably foreseeable" (Section 15358[a][2], Guidelines).

To the extent that the proposed project removes, reduces, or otherwise modifies existing development standards on properties other than BNG's proposed hotel site, allowing for an increase in size, bulk, and height above those standards currently in place and/or to the extent that the GPA/Title 9 revisions alter the economics of real estate development so as to create a fiscal incentive promoting hotel development over other competing land uses (e.g., allowing for the construction of more hotel rooms than otherwise permissible and enhanced income opportunities therefrom) and/or to the extent that Department has knowledge of other planned or pending hotel development projects within the project area, the indirect impacts attributable to the proposed GPA/Title 9 revisions could serve as a stimuli for additional hotel or other development on other "benefiting" properties.

Under CEQA: (1) "An indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project. A change which is speculative or unlikely to occur is not reasonably foreseeable" (Section 15064[d][3], Guidelines); and (2) "If, after thorough investigation, a lead agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact" (Section 15145, Guidelines).

An appellate court has recently held that "[u]nder the CEQA Guidelines, '[a] change which is speculative or unlikely to occur is not reasonably foreseeable.' [Citation.] If concerns about physical changes in the environment resulting from an ordinance are 'too speculative or unlikely' to be considered 'reasonably foreseeable,' 'then the ordinance is 'not a project subject to CEQA.' [Citation.] When the potential physical changes that may be caused by a public agency's activity are unduly speculative, the issue of whether that activity constitutes a project for purposes of CEQA, may 'merge for all practical purposes' with the issue of whether it is premature to conduct an environmental review. [Citation.]" (Union of Medical Marijuana Patients v. City of San Diego [2016]).

The determination whether, by adopting the proposed GPA/Title 9 revisions, indirect impacts upon other "benefitting properties" (e.g., affecting the nature, intensity, and potential timing of development activities thereupon) is "speculative" or "reasonably foreseeable." That determination, at least in part, constitutes a "legal opinion" and will undoubtedly have substantive implications relative to the substance of the program-level analysis (including its cost and scheduling implications). The Consultant must, therefore, defer that determination to the Department, acting in concert with the City Attorney.

Absent resolution of the project's precise boundaries, whether the proposed GPA/Title 9 revisions may (directly or indirectly) serve as a catalyst to development activities extending beyond BNG's proposed hotel site, and the location, extent, and timing of any development (directly or indirectly) attributable thereto (if any), for the purpose of this proposal, the Consultant is left to assume that any such development is "speculative" and, therefore, outside the purview of CEQA. Should a different determination be made, the Consultation reserves the right to augment this scope of services, in combination with its attendant budget and performance schedule, in response to that change in project-related assumptions.

- ◆ **Subtask 1.1.4: Environmental Baseline.** California courts have indicated that that “the statute requires the impact of any proposed project to be evaluated against the baseline of existing environmental conditions, which is the only way to identify the environmental effects specific to the project alone” (*Sunnyvale West Neighborhood Association v. City of Sunnyvale City Council* [2010]). In *Smart Rail v. Exposition Metro Line Construction Authority* (2013), the California Supreme Court recently held that the lead agency “enjoys discretion to decide. . . exactly how the existing physical conditions without the project can most realistically be measured, subject to review for support by substantial evidence.”

The Guidelines define “environment” to mean “the physical conditions which exist within the area which will be affected by a proposed project” and specify that the environment “includes both natural and man-made conditions” (Section 15360, Guidelines). Pursuant to Section 15125(a) therein:

An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. The description of the environmental setting shall be no longer than is necessary to an understanding of the significant effects of the proposed project and its alternatives.

With regards to the “environmental baseline,” the effects of a proposed plan for land development must be compared to the existing physical conditions in the area rather than to development permitted under an agency’s existing general plan (*Environmental Planning & Information Council v. County of El Dorado* [1982]). Similarly, the effects of rezoning must be compared to the existing physical environment rather than to development allowed under a prior land-use plan (*City of Carmel-by-the-Sea v. Board of Supervisors* [1986]). More recently, as indicated by the California Supreme Court, “we hold that while an agency preparing an EIR does have discretion to omit an analysis of the project’s significant impacts on existing environmental conditions and substitute a baseline consisting of environmental conditions projected to exist in the future, the agency must justify its decision by showing an existing conditions analysis would be misleading or without informational value” (*Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* [2013]).

Unless the Lead Agency demonstrates that such analysis would be “misleading or without informational value,” where an EIR compares a project to an adopted land-use plan, it must examine impacts to both existing physical conditions and potential future conditions discussed in that plan (*Woodward Park Homeowners Assn. v. City of Fresno* [2007]). When the project itself is the amendment or revision of an existing land-use plan or policy, the EIR must still compare those impacts to the “existing physical conditions in the affected area” (*Environmental Planning and Information Council v. County of El Dorado* [1982]). With regards to the EIR’s mandatory “no project alternative: “When the project is the revision of an existing land use or regulatory plan, policy or ongoing operation, the ‘no project’ alternative will be the continuation of the existing plan, policy or operation into the future” (Section 15126.6[e][3][A], Guidelines).

As a result, absent “substantial evidence” to the contrary, as a component of the “project description,” the existing development (measured in square footages), intensity (measured in floor-area-ratio), and categorization (broadly grouped by land use) now evident on each of the parcels located within the project area may need to be determined

based on a detailed review of Department files accompanied by field inspection. In recognition of the age of many of the uses within the City and because accurate information may not be available, the resulting tabulation will, at best, constitute only an approximation of existing conditions. Similarly, some land uses may not directly lend themselves to categorization or may appropriately fall into multiple land-use categories.

Based on the size of each property, the corresponding FAR will then need to be determined. The corresponding "environmental baseline" can then be determined and that baseline subtracted from each property's development potential once a FAR of 1.0 is assigned thereto. The resulting square footage constitutes, in part, the level of development to be examined in the EIR.

From a project-level perspective, the City has noted that BNG's proposed hotel site is assumed to be "improved with a 17,216 square foot automotive facility and a paved yard with 150 parking spaces." That assumption will be used to describe the proposed hotel site's existing environmental setting. Conversely, from a program-level perspective, absent resolution as to the project's precise boundaries, whether the proposed GPA/Title 9 revisions may (directly or indirectly) serve as a catalyst to development activities extending beyond BNG's proposed hotel site, and the location, extent, and timing of any development (directly or indirectly) attributable thereto (if any), for the purpose of this proposal, the Consultant is left to assume that any such development is "speculative" and, therefore, outside the purview of CEQA. Should a different determination be made, the Consultation reserves the right to augment this scope of services, in combination with its attendant budget and performance schedule, in response to that change in project-related assumptions.

Following those discussions and receipt of the request information, the Consultant will, within the limits and limitations of this proposal, prepare and submit a "Preliminary' Project Description" (PPD) to the Department and BNG for first-round review.

- **Task 1.2: "Revised Preliminary" Project Description.** Under CEQA, the "project description" constitutes one of the requisite components of a valid EIR (Section 15124, Guidelines).

Upon receipt of any comments from the Department and BNG on the PPD, the Consultant will, within the limits and limitations of this proposal: (1) make such revisions thereto as may, in the Consultant's sole judgment, be required to respond to any comments received; (2) produce and submit a "Revised Preliminary' Project Description" (RPPD) to the Department and BNG for second-round review. Upon acceptance by the Department and BNG, the RPPD shall become the "Project Description" (PD) and serve as the basis for all subsequent CEQA analyses.

The criticality of the PD cannot be over-emphasized. All subsequent work performed by the Consultant under this work assignment emanated therefrom. While both the Department and BNG have the ability to alter the PD at any time (e.g., for the purpose of mitigating or avoiding potential environmental impacts), any such change can have direct cost and scheduling implications. For the purpose of this proposal, it is assumed that the PD will remain "static" (i.e., will neither be revised nor otherwise altered) throughout the remainder of the CEQA process.

Typically, even relatively minor changes to the PD require that all analyses derived therefrom be reexamined and potentially revised. Any such changes or modifications have neither been budgeted nor accounted for herein and are, therefore, not included within this scope of services. The Department and BNG collectively acknowledge that any and all costs associated therewith and resulting therefrom shall constitute a change to this scope of services and, without limitation, will be billed on a time-and-materials and cost-plus basis in accordance with the Consultant's

"Standard Rate Schedule," independent of whether concurrence therewith has been first received by the Department and/or agreed to by BNG.

## **Major Task 2.0: Initial Study and Pre-Circulation Scoping Activities**

Scoping activities shall be conducted for the purpose of both identifying those potentially significant environmental impacts that may occur directly, indirectly, or cumulatively as a result of the proposed project's implementation and soliciting the issues, concerns, and recommendations of other "responsible agencies" and other stakeholders with regards to the recommended manner of mitigating or avoiding those environmental effects.

- **Task 2.1: "Initial Study."** In *Aptos Council v. County of Santa Cruz* (March 30, 2017), a California court recently held: "An agency must generally 'conduct an initial study to determine if the project may have a significant effect on the environment' unless it 'can determine that an EIR will clearly be required for the project.' [Citation.] 'The initial study as a standardized document "is largely a creature of the Guidelines." and "CEQA refers to [an initial study] only glancingly [Citation.]." It is now well established, however, that an initial study is the preliminary environmental analysis [Citation] and its purposes include "[p]rovid[ing] the lead agency with information to use as the basis for deciding whether to prepare an EIR or negative declaration," "[e]nabl[ing] an applicant or lead agency to modify a project, mitigating adverse impacts before an EIR is prepared, thereby enabling the project to qualify for a negative declaration," and "[p]rovid[ing] documentation of the factual basis for the finding in a negative declaration that a project will not have a significant effect on the environment." [Citation.]."

As noted in Section 21080(b)(16)(2) of CEQA, for non-exempt projects, the lead agency is authorized to prepare a MND if the "initial study identifies potentially significant effects on the environment, but (A) revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and (B) there is no substantial evidence, in light of the whole record before the lead agency, that the project, as revised, may have a significant effect on the environment." As a result, prior to its dissemination (and the Lead Agency's conclusion to prepare an EIR or process a MND), the project proponent retains the ability to "revise" the proposed project for the purpose of avoiding or mitigating potential environmental effects.

Under this task, the Consultant will prepare an "Initial Study" which will either support the processing of a MND or serve as a scoping document for an EIR. Sections 15064 and 15064.4 of the Guidelines sets forth the manner in which the Lead Agency should determine the potential significance of impacts attributable to a development project.

- ♦ **Subtask 2.1.1: "Preliminary" Initial Study.** Following the Department's acceptance of the PD (Task 1.2), under this subtask, the Consultant will prepare and provide the Department and BNG with a "'Preliminary' Initial Study," presented in the form of the current CEQA "environmental checklist" or in such other form as may be identified by the Department.

As stipulated under CEQA, at a minimum, the document shall include: (1) a description of the project, including its location; (2) an identification of the environmental setting; (3) an identification of environmental effects by use of a checklist, matrix, or other method, provided that entries on a checklist or other form are briefly explained to indicate that there is some evidence to support the entries; (4) a discussion of the ways to mitigate the significant effects which are identified, if any; (5) an examination of whether the proposed project would be consistent with existing plans, zoning, and other applicable land-use

controls; and (6) the name of the person or persons who prepared or participated in the document's preparation (Section 15063[d], Guidelines).

- ◆ **Subtask 2.1.2: "Revised Preliminary" Initial Study.** Upon receipt of any comments from the Department and BNG on the "'Preliminary' Initial Study," the Consultant will: (1) make such revisions to the "'Preliminary' Initial Study" as may, in the Consultant's sole judgment, be required to respond to any comments received; (2) produce and submit a "'Revised Preliminary' Initial Study" to the Department and BNG for second-round review. Upon the Department's and BNG's acceptance, the "'Revised Preliminary' Initial Study" shall become the "Initial Study, which, in combination with the "Notice of Preparation" (NOP) (Task 6.1), will serve as the scoping document for the solicitation of public and agency comments relating to the proposed project's potential environmental effects.
- **Task 2.2: "Screening-Level" Assessment (Decision Point).** A "decision point" represents a definable event or milestone when the Department may elect to reexamine its environmental review strategy and reassess the merits of continuance along its existing course of action or alter that course of action relative to the appropriate manner of CEQA compliance.

In recognition of the huge differential in cost and time required to prepare an EIR versus a MND, based on the findings of the "Initial Study," the Consultant will conduct a "screening-level" environmental analysis of the critical environmental variables to ascertain the feasibility of mitigating, at least with regards to those variables, potential project-related impacts to a "less-than-significant" level. The screening-level environmental analysis is not intended to serve as a substitution for an adequate CEQA-based assessment but will be prepared for the purpose of providing the Department and BNG with an early indication of the potential environmental significance of the proposed project.

Based on this screening-level assessment, the Consultant will provide recommendations to the Department and BNG regarding the continuing course of CEQA-compliant actions. Based on the information presented therein, the Department will independently determine whether to continue to proceed with the preparation and processing of a combined programmatic and project-level EIR or, in lieu thereof, commence the preparation of a MND.

- **Task 2.3: Tribal Consultation (Not Bid).** As mandated under Senate Bill (SB) 18 (Chapter 905, Statutes of 2004) and Assembly Bill 52 (Chapter 532, Statutes of 2014) (Section 21080.3.1, CEQA), in compliance with Sections 21080.3.1 and 21080.3.2 of CEQA, certain consultation requirements apply when adopting or amending general and specific plans. As specified under SB 18:

Prior to the adoption or any amendment of a general plan or specific plan, a local government must notify the appropriate tribes (on the contact list maintained by the NAHC [Native American Heritage Commission]) of the opportunity to conduct consultations for the purpose of preserving, or mitigating impacts to, cultural places located on land within the local government's jurisdiction that is affected by the proposed plan adoption or amendment. Tribes have 90 days from the date on which they receive notification to request consultation, unless a shorter timeframe has been agreed to by the tribe (Government Code §65352.3). Prior to the adoption or substantial amendment of a general plan or specific plan, a local government must refer the proposed action to those tribes that are on the NAHC contact list and have traditional lands located within -the city or county's jurisdiction. The referral must allow a 45 day comment period (Government Code §65352). Notice must be sent regardless of whether prior consultation has taken place. Such notice does not initiate a new consultation process. Local governments must send notice of a public hearing,



at least 10 days prior to the hearing, to tribes who have filed a written request for such notice (Government Code §65092).

It is the Consultant's understanding that the Department has already initiated outreach efforts, soliciting from the Native American Heritage Commission (NAHC) a list of tribal contacts and has provided notification of the proposed project to those tribal organizations identified by the NAHC. It is further the Consultant's understanding that one or more such organizations have formally requested "consultation" thereunder.

Under this task, the Consultant will participate in that consultation. As assumed herein, consultation shall be limited to: (1) attendance at one site visit involving City staff, BNG's representatives, and those tribal organizations requesting consultation; and (2) preparation of a draft letter (for the City's execution) summarizing any tentative agreements reached between the City and those organizations, and stating that consultation has been concluded.

- **Task 2.4: State Clearinghouse Noticing and Coordination.** Under CEQA, the Lead Agency must send environmental documents, including all NOPs and selected draft negative declarations and draft EIRs, to the State Clearinghouse (SCH). The purpose of this notification is to allow State agencies the opportunity to review and comment on those documents and provide information for permits that may be needed from State agencies.

Under CEQA, the State Clearinghouse must receive all of the following types of environmental documents: (1) all NOPs; (2) draft EIRs and negative declarations prepared by State agencies; (3) draft EIRs and negative declarations prepared by any public agency where a State agency is a "responsible agency," "trustee agency," or otherwise has jurisdiction by law with respect to a proposed project; (4) draft EIRs and negative declarations on projects identified as being of "Statewide, regional, or areawide significance" (Section 15206, Guidelines); (5) draft environmental impact statements, environmental assessments, and "findings of no significant impact" (FONSI) prepared pursuant to the National Environmental Protection Act (40 CFR, Part 1500); (6) "Notices of Determination" (NODs) for projects where the lead agency is a State agency and for local projects where a State agency is a "responsible agency"; and (7) "Notices of Exemption" (NOEs) for projects using statutory exemptions (Sections 21159.22-24, CEQA).

From a project-level perspective, for the purpose of this proposal, it is assumed that: (1) no entitlements from any State agencies will be required for the project's approval and effectuation; and (2) the project is not a project of "Statewide, regional, or areawide environmental significance. With the exception of the "Notice of Preparation" (NOP), the Lead Agency is, therefore, not required to provide copies of environmental notice and documents to the State Clearinghouse.

From a programmatic perspective, if the Department concludes that the proposed project's potential indirect impacts attributable to the GPA/Title 9 revisions may result in other "reasonable foreseeable" development activities within the broader project area (Subtask 1.1.3), based on potential cumulative contribution to traffic impacting the eastbound and westbound ramps of the Garden Grove (SR-22) Freeway, the California Department of Transportation, District 12 (Caltrans) may potential become a "responsible agency" if a need for ramp improvements is identified.

At project commencement, the Consultant will meet with the City Engineer to finalize the full scope of the project's traffic impact study and, from a preliminary perspective, discuss Caltrans potential role in the CEQA process and the proposed project potential contribution to peak-hour trips affecting SR-22 Freeway ramps.

### **Major Task 3.0: Technical Studies**

The use of the "CEQA checklist" (Appendix G, Guidelines) is advisory and not mandatory. The Guidelines note that "[t]hese forms are only suggested and public agencies are free to devise their own format for an initial study" (Section 15063[f], Guidelines). Similarly, not all the issues raised therein are relevant to every project. With regards to BNG's proposed hotel site, the property is located in an urban setting, has been historically used for a range of intensive uses (e.g., Mazda dealership and automobile repair center), and has been denuded of non-invasive native vegetation. Based on a visual inspection, the property neither contains sensitive botanic or zoological resources nor provide any habitat value. Similarly, prior construction activities located thereupon, include recent demolition, eliminated the potential for the discovery of any cultural resources that may have been present thereupon. The project site is not designated in the General Plan for agricultural use and GP-FPEIR concluded that there were no mineral resources within the City. As a result, from a project-level perspective, with the possible exception of tribal consultation (Task 2.3), issues relating to agricultural, biological, cultural, or mineral resources are not further addressed herein.

Information presented in an EIR, as well as statements presented in support of the Lead Agency's ultimate "findings," must be supported by "substantial evidence." Referencing the Guidelines, "substantial evidence" is defined as containing "enough relevant information and reasonable inference from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached."

In order to provide a factual and supportable basis for the Department's environmental documentation and preliminary determination, detailed engineering and/or scientifically-based assessments of a broad array of topical issues will be required. Presented herein are separate outlines of those activities to be performed by or under the supervision of the Consultant, identified herein as "Consultant-managed technical analyses" (CMTAs) (Task 3.1), and those additional activities, identified herein as "BNG-managed" technical analyses" (AMTAs) (Task 3.2), to be performed by or on behalf of BNG.

All AMTAs provided to the Consultant shall have first been reviewed by the Department and/or by the City Engineer as to the acceptability and adequacy of those studies (including the information and analyses presented therein and any conclusions or recommendations derived therefrom) by the City. The Consultant's receipt thereof from the Department shall constitute evidence of the City's acceptance.

- **Task 3.1: Consultant-Managed Technical Analyses.** In order to provide a supportable basis for the Department's preliminary impact determination, a number of topic-specific technical analyses will be performed by the Consultant. Unless otherwise directed by the Department, it is not the Consultant's intent to include the following analyses as "stand alone" studies therein but to incorporate the information generated into the text EIR.

For the purpose of this proposal, it is assumed that any development activities attributable to the GPA/Title 9 revisions are deemed by the Department to be "speculative" and, therefore, outside the scope of CEQA. As a result, with regards to these CMTAs, no program-level analysis will be conducted. Each of the CMTAs identified herein will, therefore, exclusively focus on the project-level impacts attributable to BNG's proposed hotel project.

Each of the CMTAs shall include a description of the existing environmental and regulatory setting (setting), identify the threshold of significance criteria used to assess significance (significance criteria), provide a description of relevant construction and operational effects (environmental impacts), present reasonable and appropriate mitigation measures (mitigation measures), and conclude whether each post-mitigated effect is deemed to be "significant" (level of impact after mitigation).

The Consultant has utilized its best judgment as to the identification of those topical issues to be addressed and the level of analyses required therein. Each of those CMTAs are separately described below.

- ♦ **Subtask 3.1.1: Traffic Impact Study.** A project-level traffic impact study will be prepared by RK Engineering Group (RKE), working under contract to the Consultant, based on the scope of services, budget, assumptions, and limitations outlined in Attachment C (RK Engineering Group - Traffic Impact Study).

As described therein, the traffic study will analyze the following conditions: (1) "existing"; (2) "project buildout year without the project"; and (3) "project buildout year with the project." The level of service analysis should be performed based upon the ICU (Intersection Capacity Utilization) methodology. In addition, the traffic study will take into account other proposed projects in the area and with an ambient growth rate of one percent per year. A list of cumulative project will be obtained from the City of Garden Grove and other local jurisdictions.

The following scope of work is proposed for this study effort: (1) Review the site plan and project description from a traffic circulation and access standpoint; (2) Discuss the project with the Applicant, the Department, and the City's Traffic Engineer at a kick-off meeting; (3) Obtain an approved scope of work for the traffic impact study from the City; (4) Field review the site to determine "existing" conditions; (6) Obtain morning (AM) and evening (PM) peak-hour counts at the six study area intersections; (7) Obtain cumulative project information from the City and other adjacent jurisdictions, if needed; (8) Review public transit, bicycle, and pedestrian in the vicinity of the proposed project; (9) Determine existing levels of service (LOS) at the six study area intersections based upon the ICU methodology; (10) Perform "Congestion Management Program" (CMP) analysis at all relevant CMP intersections; (11) Determine the project's trip generation, trip distribution, and traffic assignment to the adjoining roadway system; (12) Determine traffic impacts and LOS for "project buildout years without the project" conditions at the six study area intersections; (13) Determine traffic impacts and LOS for "project buildout year with the project" at the six study area intersections; (14) Determine the project's traffic contribution to the six study area intersections; (15) Review project access and determine the need for any special turn lanes that may be required to serve the project; (16) Formulate mitigation measures; (17) Develop project recommendations; and (18) Summarize the results of the study in a traffic impact report.

It is acknowledged that the scope of the traffic impact study remains subject to change based on subsequent discussions with the Department and the City's Traffic Engineer.

- ♦ **Subtask 3.1.2: Land Use / Planning.** "The EIR shall discuss any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans. . .Where a proposed project is compared with an adopted plan, the analysis shall examine the existing physical conditions at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced as well as the potential future conditions discussed in the plan" (Section 15125[d]-[e], Guidelines).

As proposed, among other discretionary actions, project implementation will likely necessitate a General Plan amendment (increasing allowable FAR) and revisions to Section 9.16.020.050 (AJ)(5)(f) in Title 9 of the Municipal Code (increasing allowable height limits for "hotels"), a development agreement, issuance of one or more conditional use permits (CUP), site plan approval (Section 9.18.050.080, MC), and lot consolidation (Section

9.30.200, MC). Each of those discretionary actions will be identified and supporting information presented in support of any associated findings. In addition, information will be presented describing each of the land-use district and zoning designations applicable to the proposed project. Issues relating to land-use compatibility will be addressed.

BNG shall provide the Consultant with a copy of a preliminary title report or similar document identifying and depicting the location of any utility and other easements on the project site and, if not already illustrated, an overlay or other depiction illustrating the location of those easement in relationship to the proposed improvements.

- ◆ **Subtask 3.1.3: Air Quality.** Existing air quality conditions in the general project area will be characterized and historical air quality data from the nearest monitoring station will be compiled for the past five years. The closest sensitive receptors will be identified and evaluated. To provide a regional context, the most recent attainment and non-attainment status designations of the South Coast Air Basin (SCAB) will be identified and applicable California Air Resources Board (CARB) and SCAQMD regulations will also be discussed.

Both regional and localized air quality impacts will be evaluated for the construction and operations phases of the proposed project and compared to the significance thresholds established by the SCAQMD.

With regards to construction emissions, the project will generate localized air pollution from construction vehicle exhausts and fugitive dust from grading and excavation activities. Air quality impacts attributable to the demolition of the existing "automotive facilities" will not be quantified. Localized air quality modeling will be conducted to determine concentrations of carbon monoxide (CO), nitrogen oxides (NO<sub>x</sub>), particulate matter of less than 10 microns (PM<sub>10</sub>), and particulate matter of less than 2.5 microns (PM<sub>2.5</sub>).

With regards to operational emissions, based on information presented in the traffic impact study ([Subtask 3.1.1](#)), the Consultant shall present an estimate of long-term air pollutant emissions associated with the operation of the proposed project. CO, volatile organic compounds (VOC), NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions will be quantified using the CalEEMod emissions inventory model. Mobile and stationary emissions for criteria pollutants will be examined in the context of SCAQMD's regional operational significance thresholds. In addition, the air quality analysis will provide an analysis of the project's consistency with SCAQMD's "Air Quality Management Plan."

Excluding freeway ramps, the project site is located approximately 800 linear feet from the southern edge of the eastbound lanes along the Garden Grove (SR-22) Freeway. Caltrans reports that average daily traffic volumes along the SR-22 Freeway total 238,000 vehicles, including 11,424 diesel-fueled trucks. As indicated in the SCAQMD's "Guidance Document for Assessing Air Quality Issues in General Plans and Local Planning" (May 6, 2005), "hotels" are not identified as a "sensitive land use. As a result, no health risk assessment (HRA) is proposed as part of this work assignment.

- ◆ **Subtask 3.1.4: Greenhouse Gas Emissions.** The Natural Resources Agency has adopted amendments to the Guidelines addressing greenhouse gas (GHG) emissions. The Consultant shall prepare a GHG analysis consistent with those amendments. The GHG analysis will include a discussion of potential global climate change impacts. Modeling of GHG emissions will be based on the traffic impact study ([Subtask 3.1.1](#)). Area source and transportation emissions will be quantified using the CalEEMod computer model.

- ◆ **Subtask 3.1.5: Noise.** Santiago High School (12342 Trask Avenue, Garden Grove) is the nearest “sensitive receptor” to BNG’s proposed hotel site.

The existing noise environmental will be quantified based on field measurements. Noise levels during construction activities will be quantified. Emphasis will be placed on the identification of impacts upon any sensitive receptors located in proximity to the project site. Traffic-related noise impacts will be quantified using the Federal Highway Administration’s (FHWA) Traffic Noise Prediction Model (CALVENO Version), calibrated with measured noise levels and simultaneous traffic counts. CNEL levels will be modeled based on existing and project-related traffic volumes and projected horizon year traffic conditions, as identified in the traffic impact study (Subtask 3.1.1).

- ◆ **Subtask 3.1.6: Public Services.** The Garden Grove Police Department (11301 Acacia Parkway, Garden Grove) (GGPD) provides police services throughout the City. The Garden Grove Fire Department (GGFD) provides fire protection services throughout the City. GGFD Station No. 3 (12132 Trask Avenue, Garden Grove) is located less than 0.25 miles from the project site. The CEQA documentation will include an analysis of impacts upon existing GGPD and GGFD services and facilities, including an assessment of emergency response times and compliance with any applicable design standards, requirements, or recommendations. The Department shall deliver to the Consultant copies of the most recent GGPD’s and GGFD’s “development review” comments received from those entities.

With the exception of that C-3 zoned property located on Garden Grove Boulevard, west of Fairview Street, all HC and C-3 designated properties within the City are located within the boundaries of the Garden Grove Unified School District (GGUSD). As authorized under Sections 53080 and 65995 of the CGC, the GGUSD has established separate student generation rates for both residential and non-residential development projects within its jurisdiction and currently collects school facility impact fees for all new development projects, including commercial and industrial development (currently \$0.54/square foot). Based on those student generation rates and, if deemed relevant, subsequent consultation with representatives of the GGUSD shall be conducted and employment-related student generation projections and corresponding fees will be identified.

- ◆ **Subtask 3.1.7: Energy Resources.** As stipulated in Appendix F (Energy Conservation) of the Guidelines, “[t]he goal of conserving energy implies the wise and efficient use of energy. The means of achieving this goal include: (1) decreasing overall per capita energy consumption, (2) decreasing reliance on natural gas and oil, and (3) increasing reliance on renewable energy resources. In order to assure that energy implications are considered in project decisions, CEQA requires that EIRs include a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful and unnecessary consumption of energy. Energy consumption, supplies, delivery systems, and conservation efforts (including the “California Green Building Standards Code” and the “Green Building Action Plan”) will be discussed.
- ◆ **Subtask 3.1.8: Aesthetics.** As assessment of aesthetic impacts appears most germane in those districts, in those zones, and on those sites where existing development standards specify lesser size, bulk, and height restricts.

Project implementation will produce changes to the existing character of the project site. As a result, the EIR will identify, categorize, and describe the existing visual characteristics of both the project site and general project area. Physical changes to the project site will be described and the project’s potential short-term and long-term visual changes evaluated. Proposed improvements will be described and architectural rendering and elevations (by

others) will be included. Photographic exhibits will be developed illustrating existing site conditions as observed from a number of key off-site viewpoints.

To the extent that the Department elects to include in the EIR any graphic representation of the likely off-site shade and/or shadow cast by the proposed project, all such simulations and/or graphics shall be prepared by BNG and submitted to the Department. Upon acceptance by the Department, those simulations and/or graphics shall be provided to the Consultant along with any associated orientation maps (e.g., depicting the associated vantage point and the dates and times being simulated).

In granting a "site plan approval" process, the Commission is required to find: "(A) The proposed development is consistent and harmonious with the architectural elements, including, but not limited to, front elevation design, colors, size of structure, within 300 feet of structures that front on the same street. (B) The proposed development plan meets the parking, landscaping, setbacks, signage, fencing, building height and other related building standards of this title" (Section 9.18.050.080, MC).

Harbor Boulevard is identified as a "primary corridor" in the "Community Design Element" of the General Plan. That element will be reviewed and applicable or potentially applicable policies and design standards will be cited and the project's compliance therewith evaluated. It is assumed that BNG's proposed hotel project is not subject to the City's "Overlay Design Standards for the International West Resort Area."

- **Task 3.2: BNG-Managed Technical Analyses.** In addition to those CMTAs identified above (Task 3.1), it is assumed that a number of other technical studies will be prepared by BNG or by other parties operating directly under contract to BNG.

Recognizing that the determination of "significance" is purely a CEQA matter, technical reports prepared by non-CEQA consultants are neither typically prepared in a style nor format consistent with CEQA's disclosure requirements. For example, in order to determine whether a particular environmental effect is "significant," that impact must be examined in the context of quantitative, qualitative, or performance-based threshold standards. As a result, notwithstanding the technical adequacy of each of the AMTAs from an engineering perspective, the information and analysis presented therein will not likely fully substitute for a CEQA-based analysis independent of further augmentation.

In addition to those CMTAs identified above (Task 3.1), it is assumed that a number of other technical studies will be prepared by BNG or by other parties operating under contract to BNG. The AMTAs shall address only BNG's proposed hotel project and are assumed not to include a programmatic assessment of other "benefitting properties."

Although each of the technical studies listed herein are assumed to be provided by or on behalf of BNG, the integration of those studies into the project's CEQA documentation will require the Consultant's expenditure of time and labor-based resources. The line-item costs identified herein are limited to those efforts expended by the Consultant for document integration only and are not inclusive of any additional efforts that may be expended by the Consultant to address any aspect of those studies which, in the Consultant's independent judgment, fails to: (1) examine the most current iteration of the proposed project; (2) sufficiently address each of the corresponding issues raised in the CEQA "environmental checklist"; (3) provide sufficient information and analysis to derive supportable conclusions relative to the nature and magnitude of the project's potential environmental effects; and/or (4) present the information and topic-specific analysis in a suitable CEQA-compliant format.

For the purpose of this proposal, it is assumed that any development activities attributable to the GPA/Title 9 revisions are deemed by the Department to be “speculative” and, therefore, outside the scope of CEQA. As a result, with regards to these AMTAs, no program-level analysis will be conducted or presented. Each of the AMTAs identified herein will, therefore, exclusively focus on the project-level impacts attributable to BNG’s proposed hotel.

The Department acknowledges that the adequacy and defensibility of all AMTAs rest solely with BNG and not with the Consultant. Should any issues arise thereto, BNG shall defend those documents, the analyses and methodologies upon which any conclusions and/or recommendations were derived, and the conclusions and/or recommendations presented thereof. To the extent that those conclusions and/or recommendations include further site-specific investigations and/or project-specific design revisions or other actions, BNG voluntarily agrees to commit thereto.

It is the Consultant’s intent to physically include copies of each of the AMTAs into the project’s CEQA documentation. In furtherance thereof, BNG shall bear all costs associated with the preparation, production, reproduction, and transmittal of all AMTA documents, including all associated graphics and appendices, in the number and manner specified by the Department (Task 8.2). That number shall, in no instance, be less than the number of printed copies of the EIR indicated by the Department and shall be provided in a format suitable for physical incorporation into the printed version of the EIR. Additionally, all AMTA documents, inclusive of all associated graphics and appendices, shall be provided to the Department and the Consultant in electronic (pdf) format.

In recognition of the criticality that all technical studies examine precisely the same project, the Consultant recommends that individual AMTAs not be finalized until the PD (Task 1.2) has been accepted by the Department. To the extent that any deviation therefrom exists, BNG shall provide the Consultant with additional supplemental topic-specific analyses to ensure internal consistency between those AMTAs and the PD.

Those AMTAs assumed to be required to demonstrate the presence or absence of “significant” environmental effects are separately described below.

- ♦ **Subtask 3.2.1: Geology / Soils.** Because the project’s CEQA documentation is identified, in part, as a “project-level” EIR, unless greater or lesser level of analysis is specified by the Department or by the City Engineer, a corresponding “project-level” technical investigation of this topical issue will be presented.

Preparation of this technical analysis requires receipt of an adequate geologic, geotechnical, seismic, and soils investigation by a reputable engineering geology or geotechnical engineer. For the purpose of this proposal, it is assumed that, following the City’s review and acceptance, an adequate geologic, geotechnical, seismic, and soils investigation (suitable for CEQA-compliance purposes) shall be provided to the Department by BNG for incorporation into the project’s CEQA documentation.

The findings presented in that geologic, geotechnical, seismic, and soils investigation shall document (through appropriate boring and other subsurface investigations) existing surface and subsurface conditions (with particular emphasis on any deleterious conditions that may be identified or suspected) and demonstrating (through the formulation of appropriate conditions and other actions) the proposed project’s feasibility from a geologic, geotechnical, seismic, and soils perspective, within a reasonable factor of safety. Any potentially unstable soils conditions, if any, shall be identified, reasonable and appropriate remedial actions formulated, and grading plans shall be presented.

Once submitted, the Consultant will conduct an independent third-party review of this BNG-managed technical analysis for the purpose of assessing, from a CEQA perspective, the report's suitability for direct inclusion or "incorporation by reference" (Section 15150, Guidelines) into the project's EIR. To the extent warranted, any comments resulting therefrom will be provided to the Department. The Department will separately determine whether any changes or other modification to this AMTA are warranted.

- ◆ **Subtask 3.2.2: Hydrology / Water Quality.** Because the project's CEQA documentation is identified, in part, as a "project-level" EIR, unless a greater or lesser level of analysis is specified by the Department or by the City Engineer, a corresponding "project-level" technical investigation of this topical issue will be presented.

Preparation of this technical analysis requires receipt of an adequate hydrology and water quality investigation by a reputable civil engineer. For the purpose of this proposal, it is assumed that, following the City Engineer's review and acceptance, an adequate study (suitable for CEQA-compliance purposes) will be provided to the Consultant for incorporation into the project's CEQA documentation.

Issues relating to surface hydrology, groundwater hydrology, and water quality shall be examined therein. This AMTA shall analyze existing and post-project drainage and hydrologic conditions; determine how the proposed project impacts the quantity of stormwaters to determine such things as increased flows, impacts on storm drain systems, and sizing of on-site retention basins; and identify any reasonable and appropriate conditions formulated to reduce project-related impact associated with changes to on-site discharge. Preliminary calculations shall be presented evaluating increased and altered drainage flows caused by landform alterations and the changes to the site coverage with impervious surfaces.

With regards to water quality, under the provisions of the federal Clean Water Act, stormwater runoff pollution discharged to the municipal separate storm sewer system (MS4) must be controlled to the maximum extent practicable (MEP). This AMTA shall identify pollutants and hydrologic conditions of concern and outline BNG's proposed conceptual water quality management plan and associated site design and source control and treatment Best Management Practices (BMPs). Surface and groundwater quality shall be addressed and National Pollutant Discharge Elimination System (NPDES) permit compliance shall be evaluated.

Once submitted, the Consultant will conduct an independent third-party review of this BNG-managed technical analysis for the purpose of assessing, from a CEQA perspective, the report's suitability for direct inclusion or "incorporation by reference" (Section 15150, Guidelines) into the project's EIR. To the extent warranted, any comments resulting therefrom will be provided to the Department. The Department will separately determine whether any changes or other modification to this AMTA are warranted.

- ◆ **Subtask 3.2.3: Water / Wastewater.** Because the project's CEQA documentation is identified, in part, as a "project-level" EIR, unless a greater or lesser level of analysis is specified by the Department or by the City Engineer, a corresponding "project-level" technical investigation of this topical issue will be presented.

Existing site-specific and proposed project-related water and wastewater generation rates shall be calculated, localized and system-wide capacities determined, and any associated project-related improvements thereto shall be identified. Water delivery and sanitary sewer



systems shall be evaluated relative to flow characteristics and line capacity. The availability of existing capacity at the receiving sewerage treatment facilities shall be assessed.

Should project-related sewer flows be determined to impact the sewer capacity of any City or County system or component thereof downstream from the development, BNG shall identify mitigation and/or such other actions as may be required to address any potential capacity deficiency by a method approved by the City Engineer.

The analysis shall determine whether adequate water supplies, existing delivery systems, and proposed infrastructure are adequate to service projected average and peak-day demands and fire-flow requirements.

Once submitted, the Consultant will conduct an independent third-party review of this BNG-managed technical analysis for the purpose of assessing, from a CEQA perspective, the report's suitability for direct inclusion or "incorporation by reference" (Section 15150, Guidelines) into the project's EIR. To the extent warranted, any comments resulting therefrom will be provided to the Department. The Department will separately determine whether any changes or other modification to this AMTA are warranted.

- ◆ **Subtask 3.2.4: Hazards / Hazardous Materials.** Because the project's CEQA documentation is identified, in part, as a "project-level" EIR, unless a greater or lesser level of analysis is specified by the Department or by the City Engineer, a corresponding "project-level" technical investigation of this topical issue will be presented.

At a minimum, a Phase I environmental site assessment (ESA), conducted in accordance with the "Standards and Practices for All Appropriate Inquiries" (40 CFR 312), shall be performed in order to identify the presence or potential presence of any such hazards. The conclusions presented in the Phase I ESA shall be presented along with any recommendations for supplemental investigations and remediation efforts. Based on the information presented in that investigation, the location of any known on-site contaminants shall be identified and recommendations formulated for their removal or remediation.

Once submitted, the Consultant will conduct an independent third-party review of this BNG-managed technical analysis for the purpose of assessing, from a CEQA perspective, the report's suitability for direct inclusion or "incorporation by reference" (Section 15150, Guidelines) into the project's MND. To the extent warranted, any comments resulting therefrom will be provided to the Department. The Department will separately determine whether any changes or other modification to this AMTA are warranted.

#### **Major Task 4.0: Draft Environmental Impact Report**

This major task encompasses all efforts required to prepare the "Draft Environmental Impact Report" (DEIR), including each of the mandatory elements identified in CEQA and the Guidelines. With regards to the DEIR, in describing the proposed project's deliverables, the terms "preliminary" and "revised preliminary" are not derived from established CEQA parlance but serve only to describe the separate rounds of the Department's internal review.

- **Task 4.1: "Preliminary" Draft Environmental Impact Report.** The following subtasks closely correspond to what the Consultant currently envisions to be the presentation format for the "Preliminary" Draft Environmental Impact Report" (Preliminary DEIR).
  - ◆ **Subtask 4.1.1: Introduction.** An introductory section shall be provided containing and including the following elements: (1) a statement of reason of preparing the EIR; (2) a listing

of those statutory and regulatory authorities associated with its preparation; (3) a listing of other relevant documents "incorporated by reference" therein, including a discussion of each documents relevancy to the proposed project; and (4) a listing of project approvals, including identification of those "responsible agencies" that may be required to utilize the EIR as the environmental basis for later discretionary actions to be undertaken by those agencies. The introduction shall further describe scoping activities undertaken by the Department and shall include copies of all correspondence received by the Department in response to the Lead Agency's dissemination of the "Notice of Preparation" (NOP) (Task 6.1).

- ◆ **Subtask 4.1.2: Executive Summary.** The summary shall include: (1) a summary of the PD (Task 1.2); (2) a matrix outlining all identified impacts and mitigation measures recommended to reduce or avoid the proposed project's environmental effects; (3) the Department's preliminary conclusions regarding the level of significance of each impact after application of those mitigation measures; (4) areas of controversy known to the Lead Agency, including issues raised by the public and commenting agencies; and (5) issues to be resolved, such as the choice among alternatives and whether or how to mitigate the project's "significant" effects (Section 15123, Guidelines).
- ◆ **Subtask 4.1.3: Project Description.** The proposed project shall be described in that manner outlined in Task 1.2 ("Revised Preliminary" Project Description) herein.
- ◆ **Subtask 4.1.4: Related Projects and Cumulative Impacts.** When evaluating the potential environmental effects of a proposed activity, the Lead Agency is also required to examine potential cumulative impacts "when they are significant" (Section 15130, Guidelines). As stipulated, the discussion of cumulative impacts "should be guided by the standards of practicality and reasonableness." When assessing cumulative effects, CEQA affords agencies the opportunity to conduct the analyses in accordance with either of the following methodologies: (1) a list of past, present, and reasonably anticipated future projects producing related or cumulative impacts; or (2) a summary of projections contained in an adopted planning document designed to evaluate regional or areawide conditions.

It is anticipated that a list of relevant related projects will be developed as part of the traffic impact study (Subtask 3.1.1). For internal consistency, the Consultant recommends that the cumulative impact analysis be based on an inventory of planned, pending, and proposed development projects known to and to be supplied by the Lead Agency that can reasonably be expected to be developed during that time frame consistent with the proposed project.

- ◆ **Subtask 4.1.5: Impact Analysis.** This subtask includes and is limited to the incorporation of those CMTAs (Task 3.1) and AMTAs (Task 3.2) identified herein.

As required under Section 15126.2 of the Guidelines: "[a]n EIR shall identify and focus on the significant environmental effects of the project. In assessing the impact of a proposed project on the environment, the lead agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published. . . Direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects."

With regards to BNG's proposed hotel project, construction-term and operational impacts will be separately examined. Construction-related impacts will not, however, be included as part of any program-level analysis.

The analyses of each of the impact categories examined herein shall be divided into the following six sections, many of which may themselves include separate subsections focusing upon distinct aspects of the specific issue being presented or evaluated: (1) existing regional and local setting (Section 15125, Guidelines); (2) regulatory setting; (3) thresholds of significance (Section 15064.7, Guidelines); (4) impact analysis (Section 15126, Guidelines); (5) recommended mitigation measures (Section 15126.4, Guidelines); and (6) significance of impact with mitigation (Section 15126.2, Guidelines).

Because each of the "benefiting properties" constitute "infill" sites, based on the level of prior disturbance thereupon, certain topical issues are deemed by the Consultant not to be relevant to the project's environmental analysis. Those topical issues include, but may not be limited to: (1) agricultural resources; (2) cultural resources, including paleontological, archaeological, and historic resources; (3) biological resources, including the presence of wetlands and "waters of the United States."; and (4) mineral resources.

- ◆ **Subtask 4.1.6: Alternatives Analysis.** The EIR will include a discussion of a "reasonable range" of alternatives to the proposed action. For the purpose of this proposal, it is assumed that the EIR will evaluate the following alternatives: (1) a "no project" alternative where no physical changes to the subject property is assumed to occur; and (2) a development scenario based on the retention of existing General Plan and Municipal Code provisions. In addition, CEQA requires that EIRs disclose other alternatives initially identified by the Lead Agency but subsequently rejected, including the reasons for their rejection.

The Preliminary DEIR shall explain the Department's rationale for evaluating only those alternatives presented therein. For each alternative examined, the Consultant shall provide a brief topic-specific quantitative or qualitative analysis comparing the proposed project's effects against those of each alternative. If deemed appropriate, following discussions between the Department and the Consultant, the Department may direct BNG to provide additional or supplement exist AMTAs for the purpose of addressing one or more of those topical issues identified under Task 3.2 (BNG-Managed Technical Analyses) herein.

- ◆ **Subtask 4.1.7: Growth Inducement.** The assessment of growth-inducing impacts will consider whether the proposed project: (1) produces a potential for in-migration to fill employment opportunities associated with the project's construction and operation; (2) results in an increased localized demand for goods and services; (3) results in the removal of economic, physical, or political constraints; and/or (4) facilitates peripheral development through the expansion of services and/or utilities (Section 15126.2[d], Guidelines).
- ◆ **Subtask 4.1.8. Significant Irreversible Environmental Changes.** Potential "significant irreversible environmental changes" will be identified and discussed, including the project's use of nonrenewable resources (Sections 15126.2[c] and 15127, Guidelines).
- ◆ **Subtask 4.1.9: List of Preparers and Consultation.** This task includes compliance with applicable CEQA disclosure requirements.
- ◆ **Subtask 4.1.10: References.** As applicable, all documents cited in the EIR will be listed in a bibliography (Section 15148, Guidelines).
- ◆ **Subtask 4.1.11: "Mitigation Reporting and Monitoring Program."** Pursuant to Assembly Bill 3180 (Statutes of 1988), based on any identified mitigation measures, the Consultant shall, within the limits and limitations of this proposal, prepare and transmit to the Department a "'Preliminary' Mitigation Reporting and Monitoring Program" (Preliminary MRMP) specifying: (1) the party or agency responsibility for each mitigation measure's

implementation; (2) the timing for implementation, keyed to a specific event, milestone, or corresponding permit obligation; and (3) the frequency, contact, and format for associated compliance reporting.

Upon acceptance by the Department, the Preliminary MRMP shall become the "Mitigation Reporting and Monitoring Program" (MRMP) and shall provide a listing of those mitigation measures, if any, upon which the proposed project shall be conditioned (Section 21081.6[a][1], CEQA; Sections 15073[d] and 15091[d], Guidelines). The budget allocated to this subtask assumes only one round of review prior to the Department's acceptance.

- ◆ **Subtask 4.1.12: Technical Appendices.** It is assumed that the EIR's technical appendix will include: (1) the NOP and "Initial Study," including any written comments received by the Department in response thereto; (2) technical appendixes, including computer model runs, associated with those CMTAs identified herein ([Task 3.1](#)); (3) copies of AMTAs, including documentation of the Department's acceptance thereof ([Task 3.2](#)); and (4) such other documents as may be directed by the Department or whose inclusion is deemed beneficial by the Consultant.
- **Task 4.2: "Revised Preliminary" Draft Environmental Impact Report.** Based on the information and analysis presented in the Preliminary DEIR, the Department acknowledges that BNG may not fully support the Consultant's preliminary findings and recommendations, inclusive of both any preliminary determinations concerning the continuing presence of "significance" environmental effects and any mitigation measures formulated in response thereto. To avoid the prospects of any conflicting directions resulting therefrom, to the extent that the Department elects to provide BNG with the opportunity to submit pre-circulation comments addressing either the Preliminary DEIR or any other aspect of this work program, any such comments shall be submitted solely to the Department and shall not be delivered directly to the Consultant. The Department will independently consider any such comments and direct the Consultant in such manner as may be determined by the Department in response thereto.

Upon receipt of all comments from the Department on the Preliminary DEIR, the Consultant shall: (1) undertake all necessary actions and allocate all appropriate resources, within the limits and limitations of this proposal, required to respond to those comments and make those revisions identified by the Department; and (2) submit a "Revised Preliminary' Draft Environmental Impact Report" (Revised Preliminary DEIR) to the Department for second-round review.
- **Task 4.3: "Draft Environmental Impact Report."** Upon receipt of any comments from the Department following the Department's review of the Revised Preliminary DEIR, the Consultant shall, within the limits and limitations of this proposal, revise that document to incorporate those changes, corrections, or revisions identified by the Department, prepare a revised document, and submit the "Draft Environmental Impact Report" (DEIR) to the Department for final review.

For the purpose of this proposal, it is assumed that the document provided to the Department in this second-round review will be accepted without the need for further revisions. Except in those circumstances where further revisions may be required based on an identified defect attributable solely to the Consultant, any further revisions thereto constitute "out-of-scope" services and will be invoiced, on a time-and-material and cost-plus basis, in accordance with the Consultant's "Standard Rate Schedule."

### **Major Task 5.0: Final Environmental Impact Report**

This major task encompasses all efforts required to prepare the "Final Environmental Impact Report" (FEIR), including: (1) the preparation of written response to any comments received by the Department

following the dissemination of the DEIR relating to environmental issues; (2) "Findings of Fact" (FOF or Findings) and; (3) if required, a "Statement of Overriding Considerations" (SOQ or Overriding Considerations).

- **Task 5.1: "Response to Comments."** The number, extent, and substance of any comments that may be received from the public and from governmental agencies following the dissemination of the DEIR and "Notice of Completion" (NOC) cannot be known at this time and will likely be influenced by a wide-range of factors, many of which are outside the Consultant's control (e.g., neighborhood support or opposition). As such, for the purpose of this proposal, the Consultant has allotted a minimum number of labor hours for the sole purpose of reviewing (but not responding to) those comments received by the Department and which have been transmitted by the Department to the Consultant.

Based on that review, the Consultant shall provide the Department with: (1) the Consultant's preliminary recommendations whether the nature of the comments and anticipated responses warrant any substantial revisions to or predicate the recirculation of the DEIR; and (2) an estimate of the number of labor hours and other associated costs required to formally respond thereto, including (a) the identification of any additional technical analyses that may be needed in order to present an adequate technical response and (b) the party or parties appropriately bearing the responsibility for the preparation of "preliminary" responses thereto. All additional incurred costs will be billed, on a time-and-material and cost-plus basis, in accordance with the rates and terms specified in the Consultant's "Standard Rate Schedule."

To the extent that the Department and/or the Consultant independently identify any changes or other revisions that might be appropriate or beneficial (e.g., provide further clarification) to the text or graphics presented in the DEIR, those changes or revisions will be included in separate "errata" and "revisions" sections of the "Response to Comments" (RTC).

With regards to the RTC, in describing the proposed project's deliverables, the terms "preliminary" and "revised preliminary" are not derived from established CEQA parlance but serve only to describe the two separate rounds of the Department's internal review.

- ♦ **Subtask 5.1.1: "Screening-Level" Response to Comments.** Prior to the close of the comment period following the Department's dissemination of the DEIR, it is not possible to predict the number or substantive nature of written comments received from other governmental entities, the general public, and other stakeholders. Upon receipt of those comments, the Consultant will conduct an initial review for the purpose of determining whether those comments: (1) raise technical issues which were not addressed in the DEIR and which could necessitate the recirculation of the DEIR (Section 15088.5, Guidelines); (2) require or potentially require additional detailed analysis, including possible augmentation of a CMTA or AMTA; (3) can be readily addressed through reference to existing content in the DEIR; and (4) do not raise CEQA-related issues and thus require no response.

This subtask is limited solely to a review and categorization of comments received and does not include the preparation of responses thereto. Based on that review, the Consultant shall provide the Department with recommendations concerning the preparation of responses thereto and, as warranted, provide the Department with a separate budget to complete that undertaking.

- ♦ **Subtask 5.1.2: "Preliminary" Response to Comments (Not Bid).** Upon receipt of the Department's authorization, the Consultant shall, within the limits and limitations of this proposal, prepare a "'Preliminary' Response to Comments" (Preliminary RTC) addressing any relevant written comments received by the Department during the noticed comment

period following dissemination of the DEIR expressing environmental concern and/or raising environmental issues. The Preliminary RTC will include: (1) a written response to all relevant written comments, as well as a copy of each communiqué (inclusive of both letters and emails) in their original form; (2) an introduction describing the document's contents, statutory authority, and relationship to the DEIR; and (3) copies of any additional technical studies that the Department and/or BNG may elect to enter into the project's administrative record.

- ♦ **Subtask 5.1.3: "Revised Preliminary" Response to Comments (Not Bid).** Upon receipt of any comments from the Department following the Department's review of the Preliminary RTC, the Consultant shall, within the limits and limitations of this proposal, revise that document to incorporate those changes, corrections, or revisions identified by the Department and submit a "Revised Preliminary Response to Comments" to the Department for final review. Upon the Department's acceptance, the "Revised Preliminary" Response to Comments shall become the "Response to Comments" (RTP) and, in combination with the DEIR (Task 4.3) constitute the "Final Environmental Impact Report" (FEIR) (Section 15089[a] and 15132, Guidelines) for the proposed project.
- **Task 5.2: "Findings of Fact and Statement of Overriding Consideration."** Should the City approve or conditionally approve the proposed project, the Lead Agency is required to prepare specific "Findings of Fact" (FOF or Findings) (Sections 21081 and 21081.5, CEQA; Section 15091, Guidelines) and, in the event that any "significant" impacts remain, a "Statement of Overriding Considerations" (SOC or Overriding Considerations) (Section 15093, Guidelines).

With regards to the FOF/SOQ, in describing the proposed project's deliverables, the terms "preliminary" and "revised preliminary" are not derived from established CEQA parlance but serve only to describe the two separate rounds Department's internal review.

- ♦ **Subtask 5.2.1: "Preliminary" Findings and Overriding Considerations.** In compliance with CEQA requirements, as a combined document, the Consultant shall, within the limits and limitations of this proposal, prepare and submit a "Preliminary" Findings of Fact/Statement of Overriding Considerations" (Preliminary FOF/SOC) for the Department's review. Because of the critical role that this CEQA document plays with regards to the CEQA process, at a minimum, the Consultant recommends that the Department provide a copy of the Preliminary FOF/SOC to the City Attorney for review.
- ♦ **Subtask 5.2.2: "Revised Preliminary" Findings and Overriding Considerations.** Upon receipt of any comments from the Department following the Department's review of the Preliminary FOF/SOC, the Consultant shall, within the limits and limitations of this proposal, revise that document to incorporate those changes, corrections, or revisions identified by the Department and submit a "Revised Preliminary" Findings and Overriding Consideration" to the Department for the Department's final review. Upon the Department's acceptance, the "Revised Preliminary" Findings and Overriding Consideration" shall become the "Findings of Fact and Statement of Overriding Considerations" (FOF/SOQ) and serve to document the City's rationale, under CEQA, for any subsequent actions by the City's decision-making body.

For the purpose of this proposal, it is assumed that the document provided to the Department in this second-round review will be accepted without the need for further revisions. Except in those circumstances where further revisions may be required based on an identified defect attributable solely to the Consultant, any further revisions thereto constitute "out-of-scope" services and will be invoiced, on a time-and-material and cost-plus basis, in accordance with the Consultant's "Standard Rate Schedule."

## **Major Task 6.0: Environmental Notices**

Included under this major task is the preparation of the "Notice of Preparation" (NOP), "No Effect Determination Request" (NED), "Notice of Completion" (NOC), "Notice of Determination" (NOD), and "10-day notice" provided to those governmental entities commenting on the DEIR. Except where otherwise noted (e.g., Task 6.4), this proposal does not include any costs associated with mailing and other forms of dissemination, newspaper publication, posting, or the payment of any filing or other fees as may be imposed by the County Clerk and/or by the California Department of Fish and Wildlife (CDFW).

- **Task 6.1: "Notice of Preparation."** Following the Department's acceptance of the "Initial Study (Task 2.1)", a "'Preliminary' Notice of Preparation" (Preliminary NOP) will be prepared and forwarded to the Department for the City's execution. Upon its execution, the Preliminary NOP shall become the "Notice of Preparation" and will be used by the Department to announce the Lead Agency's commencement of an EIR for the proposed project.
- **Task 6.2: "No Effect Determination" Request.** Using Form DFW 866, concurrent with the dissemination of the NOP, the Consultant shall prepare, for transmittal by the Department to the CDFW, a "'Preliminary' No Effect Determination Request" (Preliminary NED). Upon its execution, the Preliminary NED shall become the "No Effect Determination Request" (NED) and will be used by the Department to request the CDFW's concurrence with the Lead Agency's determination that the proposed project will not adversely impact fish and wildlife resources.

A project shall not be operative, vested, or final, and local government permits for that project shall not be valid, until the requisite filing fees are paid to the CDFW (Section 711.4[c]((3), California Fish and Game Code [CFGC]); however, all projects found by the CDFW to have no effect on fish and wildlife resources shall incur no CDFW-imposed fee (Section 753.5[c], CFGC). Effective January 1, 2017, CDFW filing fees shall be \$1,046.50 for an EIR and \$2,216.25 for an MND, plus an additional \$50 County Clerk filing fee.

- **Task 6.3: "Notice of Completion."** Concurrent with the dissemination of the DEIR, the Lead Agency is obligated to prepare and disseminate a "Notice of Completion" (NOC), including posting in the office of the County Clerk. Based on the format presented in the Guidelines (Appendix C, Guidelines), the Consultant shall prepare a "'Preliminary' Notice of Completion" (Preliminary NOC) and transmit that document to the Department for the City's execution. Upon its execution, the Preliminary NOC shall become the "Notice of Completion" and shall be used by the Department to announce the City's release of the DEIR.

The Department may also elect to prepare and publish a separate "Notice of Availability" (NOA) announcing the availability of the DEIR. Since a NOA is not specifically required under CEQA, as a document separate from the NOC, its preparation has not been included herein.

- **Task 6.4: "Ten-Day Notice."** As required under Section 21092.5(a) of CEQA, the Lead Agency is required to provide those public agencies responding to the NOC and submitting comments on the DEIR with a minimum 10-day period to review the Lead Agency's responses to those comments prior to taking any action on the FEIR. Under this subtask, the Consultant shall disseminate copies of the RTC (Task 5.1) or portions thereof to those public agencies that are required to receive such notice.

For the purpose of this proposal, it is assumed that no more than four (4) public agencies will elect to comment on the DEIR. It is further assumed that each commenting agency will be provided only the Lead Agency's response to each agency's specific comments rather than the totality of the RTC.

- **Task 6.5: "Notice of Determination."** As required under CEQA, in order to shorten the statute of limitations on subsequent legal challenges to the Lead Agency's CEQA process, the Lead Agency is allowed to file a "Notice of Determination" (NOD) with the County Clerk within five working days after deciding to carry out or approve a non-exempt project. Should the City elect to approve or conditionally approve the proposed project, the Consultant shall prepare a "'Preliminary' Notice of Determination" (Preliminary NOD) and transmit that document to the Department for execution. Upon its execution, the Preliminary NOD shall become the "Notice of Determination" and will be used by the Department to announce the Lead Agency's certification of the FEIR. If the project requires a discretionary approval from any State agency, the Lead Agency is also required to file the NOD with the State Clearinghouse.

### **Major Task 7.0: Meeting Attendance**

Presented under this major task are those additional outreach and coordination efforts associated with the proposed project, including meetings with Department staff and other public meetings.

- **Task 7.1: Department / BMG Meetings.** At project commencement, the Consultant's Project Director (Lewandowski) will attend a "kick-off" meeting involving key project participants. The purpose of this meeting is to establish an open avenue of communication between all parties, obtain additional information concerning the proposed project, obtain copies of applicable documents, and finalize any outstanding issues concerning the project's scope and schedule. In addition, the Consultant's Project Director (Lewandowski) will attend up to three (3) additional meetings with Department staff and others corresponding with key elements/milestones of this work program. Throughout the term of this project assignment, the Consultant shall be available to participate in conference calls to address outstanding issues and/or to keep Department staff fully informed about project status and deliverables.
- **Task 7.2: Public Meetings / Hearings.** The Consultant's Project Director (Lewandowski) will attend up to three (3) public meetings, including a community workshops and noticed public hearings before the Planning Commission (Commission) and the City Council (Council). The Consultant shall be available to make technical presentations and assist Department staff in the preparation of staff reports and other presentation materials for those meetings.

The Department acknowledges that travel time incurred in attending public meetings, the placement of any item on the Commission's and Council's agenda, the nature of any agenda items proceeding the project, the level of public participation at public meetings, and the extend of deliberations by the Commission and the Council are all outside the Consultant's control. As a result, it is not possible to precisely budget the performance of this task; therefore, for budgetary purposes, a specified number of labor hours and a preliminary line-item budget has been established for travel and attendance. Should the number of meetings and/or the number of labor hours assigned thereto exceed those assumed limits, any and all additional efforts in excess of the hours and costs budgeted herein will be invoiced, on a time-and-materials and cost-plus basis, in accordance with the rates and terms in the Consultant's "Standard Rate Schedule."

Not budgeted herein are any labor or other direct costs that may be incurred to prepare presentation materials, including, but not limited to, the preparation or participation in the preparation of agendas, staff reports, graphics, and/or other materials for use and/or dissemination at any public meetings.

### **Major Task 8.0: CEQA Support Services**

This major task includes those activities required to support the Department's preparation and processing of the DEIR (Major Task 4.0), the RTC (Major Task 5.0), and associated environmental



notices (Major Task 6.0). For the purpose of this proposal, other than the NOP (Task 6.1), it is assumed that no other environmental notices and/or environmental documents will be prepared for or transmitted to the State Clearinghouse.

- **Task 8.1: Project Management.** The success of any multi-faceted endeavor is dependent upon the leadership, guidance, support, and tutelage of the project manager. The Consultant's Project Director (Lewandowski) will oversee all aspects of this work plan; provide managerial oversight over any subcontractors and the project schedule, all deliverables, and the timely performance by all members of the Consultant's team; and, subject to the limits and limitations of this proposal, provide quality control over all work products.
- **Task 8.2: "Preliminary" Mailing List.** In consultation with Department staff, the Consultant shall prepare a preliminary mailing list of appropriate local, State, and federal agencies and tribal organizations known to the Consultant that, pursuant to CEQA requirements, should be contacted as part of the Lead Agency's public noticing obligations. Not included herein is the preparation of any radius maps and/or review of any Orange County Assessor's rolls for the purpose of identify and listing those property owners and tenants located upon and in proximity to the project site. This task is limited to the preparation of a preliminary mailing list and does not included any actual mailings or other associated outreach activities.
- **Task 8.3: Reprographic Support Services.** CEQA documents are typically large and unwieldy, incorporating information from a variety of sources. Included herein are those labor hours associated with the preparation and assemblage of documents for publication, delivery of "camera-ready" documents for printing, and the proofing of finish work products prior to delivery to the Department for the Department's dissemination. The following documents will be transmitted to the Department by the Consultant:
  - (1) "'Preliminary' Project Description" (Task 1.1): 3 printed/1 electronic;
  - (2) "'Revised Preliminary' Project Description" (Task 1.2): 5 printed/1 electronic;
  - (3) "Project Description" (Task 1.2): 5 printed/1 electronic
  - (4) "'Preliminary' Initial Study" (Subtask 2.1.1): 5 printed/1 electronic;
  - (5) "'Revised Preliminary' Initial Study" (Subtask 2.1.2): 5 printed/1 electronic;
  - (6) "Initial Study" (Subtask 2.1.1): 5 printed/1 electronic;
  - (7) "'Preliminary' DEIR" (Task 4.1): 5 printed/1 electronic;
  - (8) "'Revised Preliminary' DEIR" (Task 4.2): 5 printed/1 electronic;
  - (9) "Draft Environmental Impact Report" (Task 4.3): 15 printed/30 electronic;
  - (10) "'Preliminary' MRMP" (Subtask 4.1.11): 5 printed/1 electronic;
  - (11) "'Revised Preliminary' MRMP" (Subtask 4.1.11): 5 printed/1 electronic;
  - (12) "Mitigation Monitoring Reporting Program" (Subtask 4.1.11): 5 printed/1 electronic;
  - (13) "'Preliminary' Response to Comments" (Subtask 5.1.1): 5 printed/1 electronic;
  - (14) "'Revised Preliminary' Response to Comments" (Subtask 5.1.2): 5 printed/1 electronic;
  - (15) "Response to Comments" (Subtask 5.1.2): 15 printed/30 electronic;
  - (16) "'Preliminary' FOF/SOQ" (Subtask 5.2.1): 5 printed/1 electronic;
  - (17) "'Revised Preliminary' FOF/SOQ" (Subtask 5.2.2): 15 printed/1 electronic; and
  - (18) "Findings/Statement of Overriding Considerations" (Subtask 5.2.2): 5 printed/1 electronic.

Except where otherwise noted, only one electronic copy (containing both Word and pdf files) of any additional documents referenced herein or subsequently added hereto by the Department will be provided to the Lead Agency and to NG. Should the Department and/or BNG request any greater number of documents beyond the number expressly indicated herein, any and all additional efforts beyond those budgeted herein will be invoiced, on a time-and-materials and cost-plus basis, in accordance with the rates and terms in the Consultant's "Standard Rate Schedule."

- **Task 8.4: Mailings and Deliveries.** The Consultant shall only be responsible for the mailing (via certified mail or other manner providing documentation of delivery) of the following CEQA documents: (1) "Notice of Preparation" (Task 6.1); and (2) "Ten-Day Notice." All other document dissemination activities identified under CEQA and/or described herein shall be undertaken by the Department.

Not included herein is the mailing, delivery, or dissemination of other environmental notices and other environmental documents: (1) to those parties identified on any City-generated "radius map" identifying property owners and tenants upon and within a specific radius around the project site; (2) by means of any general mailings including, but not limited to, announcement regarding scheduled public meetings; (3) by the physical posting of any notices; and (4) through the preparation and the publication of any newspaper or similar announcements.

Performance of this task does not obligate the Consultant to prepare, produce, or reproduce a greater number of environmental notices and environmental documents that specified in Task 8.2 (Reprographic Support Services).

- **Task 8.4: Direct Costs.** This task includes all other incidental expenses related to the implementation of this work program including, but not limited to, document preparation and publication, graphics/reprographics, travel, photo processing, postage, and deliveries.

### 3.0 PERFORMANCE SCHEDULE

The Consultant is committed to the expeditious completion of the CEQA process and will allocate all necessary resources as may be required to complete the project's CEQA documentation within the shortest possible time frame. The completion of this work effort is, however, dependent upon the Consultant's receipt of specific information from the Department and BNG and is dependent upon the Department's timely review and acceptance of those work products identified herein. The time period required for the delivery of that information and the performance of those reviews is beyond the Consultant's control and, unless expeditiously performed, would be expected to add to the timeframe required to complete the major tasks, task, and subtasks presented in this scope of services.

Much of the CEQA process is controlled by statutorily-defined time periods, agency-established outreach efforts, and public hearings before the Commission and the Council. The Consultant shall endeavor to complete the EIR in nine (9) months of receipt of the requested materials.

### 4.0 NOT-TO-EXCEED COST PROPOSAL

Table 1 (Environmental Impact Report – Not-to-Exceed Cost) is an itemized not-to-exceed cost proposal for those major tasks, tasks, and subtasks outlined herein. All authorized costs will be invoiced in accordance with the rates and terms specified in the Consultant's "Standard Rate Schedule" (Table 2). The Consultant reserves the right to internally adjust individual line-items and to internally alter the itemized line-item cost projections presented herein, subject only to the limitation that such adjustments not exceed the project's total not-to-exceed cost.

Should the City elect to delete or modify any of the individual components comprising this work program, to the extent that the deleted or modified work element is a precursor to other activities or is deemed by the Consultant to be critical to the completion of the stated work products, the Consultant reserves the right to submit a revised cost proposal and process associated change orders to reflect any such changes.

Unless explicitly identified herein or in any supplements hereto, all additional efforts, burdened costs, and other expenditures that may be incurred as a result of written or oral requested by the Department

or by BNG are beyond the scope of this work program shall constitute "out of scope" activities that will be billed in accordance with the rates and terms specified in the Consultant's "Standard Rate Schedule."

Operating in good faith, in response to any such requests and independent of whether a precise accounting of supplemental costs has been specified and mutually negotiated, the Consultant agrees to undertake such additional or expanded actions under the premise that the Department will timely prepare such documentation as may be required to fairly compensate the Consultant for such services and shall support such requests before the Council. Should a dispute arise as to appropriateness, amount, and/or nature of any payment and/or change order request that may be submitted to the Department by the Consultant, the Consultant reserves the right to stop work pending dispute resolution of any such dispute. Any resulting cessation of work shall not be deemed a contract violation or justification for payment of any non-disputed invoices or contract termination.

## **5.0 ASSUMPTIONS AND LIMITATIONS**

With regards to BNG's proposed hotel project, BNG shall provide the Department and the Department shall provide the Consultant with a BNG-prepared "project description," including both text and graphics, sufficient to allow for a reasonable analysis of the potential impacts of the proposed project. The "project description" shall, among other items:

- Delineate the precise project boundaries, including any areas outside BNG's ownership or control (including existing ownership interests) subject to any physical changes associated, either directly or indirectly, with the proposed project;
- Detailed information concerning the content of the proposed General Plan amendment and zone change, including any corresponding text or graphic revisions associated with both the "General Plan and Municipal Code";
- A listing of the discretionary actions required by or from the City and from any other governmental entity with jurisdiction over the project or the project site;
- Architectural plans, including 4-sided building elevations, sufficiently detailed to allow for project-level analysis;
- Scaled depiction of internal circulation, identifying the number, size, and location of on-site parking spaces, proposed access controls and devices, and design vehicle minimum turning radii on dimensioned site plans; and
- Such additional information as may be reasonably required to adequately describe the proposed project and the discretionary actions required for the project's effectuation.

All parties acknowledge that post-commencement changes to the "project description," including any aspect thereof and the assumptions upon which the CEQA analysis is based, would predicate the need for unbudgeted consideration of those changes in order to ensure that the environmental analysis accurately reflects the revised project. The Consultant's response to subsequent project changes predicated revisions to the documents and/or the technical analyses identified herein has not been accounted for herein and is not included within this scope of services and its attendant budget. By conveying proposed project revisions to the Consultant, both the Department and BNG acknowledge the Consultant's right, whether then immediately exercised or deferred, to process a change order in response thereto.

For the purpose of this proposal, the Consultant has made certain assumptions concerning the required content of the project's CEQA documentation, the studies that will be prepared under any resulting professional services agreement, the studies that will be provided by others for the Consultant's use, and the efforts comprising the Consultant's recommended scope of services. It is assumed that the Consultant's scope of work does not include:

- Planning-related or environmental activities not explicitly described herein;
- Independent geologic, geotechnical, seismic, and soils investigations;
- Surface or subsurface investigations;
- Soil or water sampling or other laboratory analyses;
- Environmental site assessments, record searches, or other investigations conducted to assess the presence or absence of toxic or hazardous materials and petroleum products upon or within one-quarter mile of the project site;
- Health risk screening analyses and/or health risk assessments (HRA);
- Hydrologic and hydraulic analyses;
- Water supply assessments;
- Civil or other engineering studies documenting the adequacy of water, sanitary sewer, and storm drain supplies, services, and systems;
- Dry utilities analyses;
- Architectural plans, renderings, computer simulations, or physical or analytical models; and
- Formulation or technical review of any project-specific Best Management Practices (BMPs), urban storm water management plans (SUSMP), storm water pollution prevention plans (SWPPPs), or any quantitative or qualitative assessment of any water quality constituents.

Unless tasked and adequately budgeted to complete an independent third-party review, the Consultant makes no representation concerning the quality and/or accuracy of any work products provided to the Consultant by the Department and/or by the Applicant for incorporation into the project's CEQA documentation. Should any issues arise with regards thereto, the Consultant shall not be responsible for any inaccuracies contained therein and shall not be required to defend those documents or to respond to any comments that may be raised with regards thereto.

It is assumed that a number of project-level technical studies will be prepared by the Applicant or by others and will be provided to the Consultant following review and acceptance by the Department. Those studies are assumed to include, but may not be limited to: (1) geologic, geotechnical, seismic, and soils investigation; (2) surface hydrology and water quality assessment; (3) Phase I/II environmental site assessment; and (4) sewer area study. Each technical study is assumed to include the following elements: (A) description of the environmental and regulatory setting; (B) thresholds of significance criteria used to assess the significance of the project's direct, indirect, and cumulative effects; (C) description and analysis of associated construction, operational, and cumulative impacts relating thereto; (D) statement of the whether each identified impact is "significant" based on the identified thresholds; (E) listing of appropriate mitigation measures and/or conditions of project approval; and (F) a clear and definitive statement whether any post-mitigated environmental effect remain "significant." All text shall be provided in both printed (unbound, single-sided, hard-copy) and electronic (Word) format and all accompanying graphics shall be provided to the Consultant as "pdf" or "jpg" files.

The information, analyses, and preliminary findings presented by the Consultant shall be based on available studies and other readily available data and, excerpt where otherwise noted, will neither involve the independent generation of new technical data nor the generation of data or the performance of technical analyses not readily accessible from available published reports.

As required under CEQA, the project's environmental documentation must reflect the independent judgment of the Lead Agency. As such, in fulfillment of the Lead Agency's CEQA obligations, the Department must allocate sufficient personnel and other resources to adequately and timely review all draft documents provided by the Consultant, including, as appropriate, review by the City Attorney. The Department's review and acceptance is required in order to ensure that those documents and the statements presented therein are, in fact, the Lead Agency's documents and adequately and accurately reflect the level of analysis deemed appropriate by and the positions and preliminary conclusions of the Department with regards to each of the issues examined therein.

The Department's acceptance and dissemination of those documents shall serve to demonstrate the Lead Agency's acceptance and adequacy of each associated work product.

The terms "EIS" and "Consultant," as those terms are used herein, are intended to be inclusive of all employees, independent contractors, subcontractors, and other parties (independent of their affiliation) operating under the Consultant's supervision. The City and BNG acknowledge that the Consultant is neither a law firm nor is its principal an attorney. As such, any statements presented herein by the Consultant or in any subsequent work product resulting from his proposal shall not be construed by the City, by BNG, or by any other party as a legally-based interpretation of existing local, State, or federal statutes, rules, or regulations. With regards to CEQA compliance, the Lead Agency is encourages to actively involve the City Attorney and BNG is encouraged to seek early and effective involvement by independent and competent legal counsel.

Table 1  
ENVIRONMENTAL IMPACT REPORT  
NOT-TO-EXCEED COST

Major Task/Task/Subtask	Estimated Hours	Budgeted (\$)
<b>Major Task 1.0: Project Description<sup>(a)</sup></b>		
Task 1.1: "Preliminary" Project Description	-	-
Subtask 1.1.1: Objectives, Land Uses, Entitlements, and Pending Hotel Projects	16	\$ 2,400.00
Subtask 1.1.2: Identification of the Project Site	6	900.00
Subtask 1.1.3: "Speculative" versus "Reasonably Foreseeable" Indirect Impacts	-	Not Bid
Subtask 1.1.4: Environmental Baseline	8	1,200.00
Task 1.2: "Revised Preliminary" Project Description	8	1,200.00
Task 1.3: "Screening-Level" Initial Study (Decision Point 1)	6	900.00
Major Task 1.0 Subtotal	44	\$ 6,600.00
<b>Major Task 2.0: Initial Study and Pre-Circulation Scoping Activities</b>		
Task 2.1: "Initial Study"	-	-
Subtask 2.1.1: "Preliminary" Initial Study	40	\$ 6,000.00
Subtask 2.1.2: "Revised Preliminary" Initial Study	8	1,200.00
Subtask 2.2: Screening-Level Assessment (Decision Point)	4	600.00
Task 2.3: Tribal Consultation	16	2,400.00
Task 2.4: State Clearinghouse Noticing and Coordination <sup>(b)</sup>	6	900.00
Major Task 2.0 Subtotal	74	\$ 11,100.00
<b>Major Task 3.0: Technical Studies<sup>(a)</sup></b>		
Task 3.1: "Consultant-Managed" Technical Analyses	-	-
Subtask 3.1.1: Traffic Impact Study	-	\$ 13,750.00
Subtask 3.1.2: Land Use / Planning	36	5,400.00
Subtask 3.1.3: Air Quality	32	4,800.00
Subtask 3.1.4: Greenhouse Gas Emissions	24	3,600.00
Subtask 3.1.5: Noise	48	7,200.00
Subtask 3.1.6: Public Services	24	3,600.00
Subtask 3.1.7: Energy Resources	12	1,800.00
Subtask 3.1.8: Aesthetics	32	4,800.00
Task 3.1 Subtotal	208	\$ 44,950.00
Task 3.2: "BNG-Managed" Technical Analyses	-	-
Subtask 3.2.1: Geology and Soils	24	3,600.00
Subtask 3.2.2: Hydrology / Water Quality	24	3,600.00
Subtask 3.2.3: Water / Wastewater	16	2,400.00
Subtask 3.2.4: Hazards / Hazardous Materials	16	2,400.00
Task 3.2 Subtotal	80	\$ 12,000.00
<b>Major Task 4.0: Draft Environmental Impact Report<sup>(a)</sup></b>		
Task 4.1: "Preliminary" Draft Environmental Impact Report	-	-
Subtask 4.1.1: Introduction	16	\$ 2,400.00
Subtask 4.1.2: Executive Summary	12	1,800.00
Subtask 4.1.3: Project Description <sup>(c)</sup>	8	1,200.00
Subtask 4.1.4: Related Projects and Cumulative Impacts	12	1,800.00
Subtask 4.1.5: Impact Analysis	-	-
Subtask 4.1.6: Alternatives Analysis	36	5,400.00
Subtask 4.1.7: Growth Inducement	8	1,200.00
Subtask 4.1.8: Significant Irreversible Environmental Changes	6	900.00
Subtask 4.1.9: List of Preparers and Consultation	2	300.00
Subtask 4.1.10: References	2	300.00
Subtask 4.1.11: "Mitigation Reporting and Monitoring Program"	4	600.00
Subtask 4.1.12: Technical Appendices	6	900.00
Task 4.2: "Revised Preliminary: Draft Environmental Impact Report	24	3,600.00
Task 4.3: "Draft Environmental Impact Report"	16	2,400.00
Major Task 4.0 Subtotal	152	\$ 22,800.00

Table 1 (Continued)  
**ENVIRONMENTAL IMPACT REPORT**  
**NOT-TO-EXCEED COST**

Major Task / Task / Subtask	Estimated Hours	Budgeted (\$)
<b>Major Task 5.0: Final Environmental Impact Report</b>		
Task 5.1: "Response to Comments" <sup>(d)</sup>	-	-
Subtask 5.1.3: "Screening-Level" Response to Comments	16	\$ 2,400.00
Subtask 5.1.2: "Preliminary" Response to Comments	-	Not Bid
Subtask 5.1.3: "Revised Preliminary" Response to Comments	-	Not Bid
Task 5.2: "Findings of Fact and Statement of Overriding Considerations"	-	-
Subtask 5.2.1: "Preliminary" Findings and Overriding Considerations	40	6,000.00
Subtask 5.3.2: "Revised Preliminary" Findings and Overriding Considerations	8	1,200.00
Major Task 5.0 Subtotal	64	\$ 9,600.00
<b>Major Task 6.0: Environmental Notices</b>		
Task 6.1: "Notice of Preparation"	2	\$ 300.00
Task 6.2: "No Effect Determination" Request	2	300.00
Task 6.3: "Notice of Completion"	2	300.00
Task 6.4: "Ten-Day Notice"	8	1,200.00
Task 6.5: "Notice of Determination"	2	300.00
Major Task 6.0 Subtotal	16	\$ 2,400.00
<b>Major Task 7.0 Meeting Attendance</b>		
Task 7.1: Department / BNG Meetings <sup>(d)</sup>	24	\$ 3,600.00
Task 7.2: Public Meetings / Hearings <sup>(d)</sup>	24	3,600.00
Major Task 7.0 Subtotal	48	\$ 7,200.00
<b>Major Task 8.0: CEQA Support Services<sup>(b)</sup></b>		
Task 8.1: Project Management	60	9,000.00
Task 8.2: "Preliminary" Mailing List	4	600.00
Task 8.3: Reprographic Support Services	-	3,600.00
Task 8.4: Mailings and Deliveries	-	600.00
Task 8.5: Direct Costs	-	4,800.00
Major Task 8.0 Subtotal	64	18,600.00
All Major Tasks Subtotal	750	135,250.00
Contingency (10%)	-	13,525.00
Total <sup>(e)</sup>	-	\$ 148,775.00
<b>Notes:</b> (a) Based on the assumption that, from an indirect impact perspective, project-induced development opportunities on all other "benefitting properties" (i.e., inclusive of all properties other than BNG's proposed hotel site) are: (1) deemed to be "speculative" and not "reasonably foreseeable"; and (2) do not require analysis herein. (b) Based on the assumption that no permits or approvals are required from any State agencies and that no State agency constitutes a "responsible agency" under CEQA. As a result, notification, consultation, and document dissemination to the State Clearinghouse is assumed to be limited. (c) The "project description" derived through the performance of <u>Major Task 1.0</u> (Project Description) will serve, in its entirety, as the "project description" for the EIR. (d) Based on uncertainty as to the number and substantive nature of any comments that may be submitted to the Lead Agency following the dissemination of the DEIR and "Notice of Completion," it is not presently possible to reasonably predict the level of endeavor that may be required to complete this task and its associated subtasks. As a result, the budget assigned herein is limited to: (1) a review of any comments so received; (2) the preparation of recommendations concerning a reasonable course of action that the Department may elect to undertake in response thereto; and (3) preparation of a task-based budget allowing the Consultant to commence the preparation of the "Response to Comments" (RTC) document. Unless the number and substance of comments received by the City are so minimal as to allow the preparation of written responses thereto within the limits and limitation of this proposal, it is not presently the Consultant's intent to commence the preparation of formal written responses to those comments so received. (e) It is not possible to precisely budget the performance of this task. For budgetary purposes, a specified number of labor hours has been established for travel and attendance. Should the number of labor hours assigned thereto exceed those assumed limits, any and all additional efforts in excess of the hours budgeted herein will be invoiced, on a time-and-materials and cost-plus basis, in accordance with the rates and terms in the Consultant's "Standard Rate Schedule." (f) The Consultant reserves the right to internally adjust all line-item costs and to reassign all associated labor hours and allocated costs as the Consultant may deem appropriate, subject only to the upper limits of the contract.		

Source: Environmental Impact Sciences

Table 2  
**ENVIRONMENTAL IMPACT SCIENCES**  
**STANDARD RATE SCHEDULE**  
 (January 2017)

<u>Position</u>	<u>Rates</u>
<b>Professional</b>	
Principal .....	\$185.00
Senior Engineer .....	175.00
Senior Planner/Scientist.....	150.00
Associate Engineer .....	125.00
Associate Planner/Scientist .....	100.00
Planner/Scientist .....	85.00
Assistant Planner/Scientist .....	75.00
<b>Support</b>	
Word Processor .....	65.00
Technician.....	50.00
Support Services.....	35.00

All direct costs will be billed at cost-plus-twenty (20) percent. Automobile mileage will be billed at \$0.575 per mile and travel time will be billed at the designated rate. All invoices are payable within thirty (30) days of receipt and, unless an alternative billing plan is first specified, will be submitted monthly for all completed or in progress.



Attachment C  
**RK Engineering Group**  
**Traffic Impact Study**

October 23, 2017

Mr. Peter Lewandowski  
ENVIRONMENTAL IMPACT SCIENCES  
26051 Via Concha  
Mission Viejo, CA 92691-5614

**Subject: 13650 Harbor Boulevard Hotel Traffic Impact Study, City of Garden Grove**

Dear Mr. Lewandowski:

**Introduction**

RK ENGINEERING GROUP, INC. (RK) is pleased to submit this proposed Agreement to provide a traffic impact study for the proposed 13650 Harbor Boulevard Hotel Project. The proposed project is located on the east side of Harbor Boulevard in the City of Garden Grove. The project will consist of 124 keys of hotel use and will replace approximately 17,216 of existing specialty retail use.

Based on my conversation with Mr. Lewandowski, the project will require a zone change and general plan amendment. As a result, the City of Garden Grove may require an EIR for the project. However, the applicant is planning to prepare an MND for the project. Per Mr. Lewandowski's recommendation, RK is preparing this proposal to fulfill the requirements of an MND and not an EIR. It should be noted that the City of Garden Grove may require an expanded scope for the traffic analysis. If that is the case, RK will provide an amendment and detailed scope of work to the applicant.

RK's familiarity with the location and relationship with the City of Garden Grove Transportation Engineering Department Staff will be beneficial in completing this analysis efficiently. RK shall continue to work closely with the City of Garden Grove staff in order to obtain project data and an approved scope of work for the traffic study prior to initiating the work effort.

It is anticipated that the traffic study will be required to analyze up to six (6) intersections. Prior to initiating the traffic impact study, a formal scoping agreement will be approved by the City of Garden Grove Traffic Engineer. The study area intersections will be analyzed for both AM/PM peak hour conditions.

The traffic study will analyze the following conditions:

- Existing
- Project Buildout Year Without Project
- Project Buildout Year With Project

The level of service analysis should be performed based upon the ICU (Intersection Capacity Utilization) methodology. In addition, the traffic study will take into account other proposed projects in the area and with an ambient growth rate of one percent (1%) per year. A list of cumulative project will be obtained by the City of Garden Grove and other local jurisdictions.

### **Scope of Work**

The following Scope of Work is proposed by RK for this study effort:

1. Review the Site Plan and project description from a traffic circulation and access standpoint.
2. Discuss the project with the applicant and City of Garden Grove project team in a kick-off meeting.
3. Obtain an approved scope of work for the traffic impact study from the City of Garden Grove.
5. Field review the site to determine Existing conditions.
6. Obtain AM/PM peak hour counts at the six (6) study area intersections during peak summer months.
7. Obtain cumulative project information from the City of Garden Grove and other adjacent jurisdictions if needed.
8. Review public transit, bicycle and pedestrian in the vicinity of the proposed project.
9. Determine existing levels of service at the six (6) study area intersections based upon the ICU methodology.

10. Perform CMP (Congestion Management Program) analysis at all CMP intersections.
11. Determine the project's trip generation, trip distribution and traffic assignment to the adjoining roadway system.
12. Determine Project Buildout Year traffic impacts and level of service without the project at the six (6) study area intersections. This will include a 1% per year growth rate and any known cumulative projects in the study area.
13. Determine Project Buildout Year traffic impacts and level of service with the project at the six (6) study area intersections. This will include a 1% per year growth rate and any known cumulative projects in the study area.
14. Determine project's traffic contribution to the six (6) study area intersections.
15. Review project access and determine the need for any special turn lanes that may be required to serve the project.
16. Develop mitigation measures (i.e. traffic signals, additional traffic lanes, etc.) that may be required to accommodate the project.
17. Develop project recommendations.
18. Summarize the results of the study in a traffic impact report.

### **Professional Fees**

The fee for the work outlined in this proposal is based upon personnel charges plus direct expenses as indicated in the attached Exhibit A. The fixed fee to accomplish the above Scope of Work is \$13,750. **A retainer of \$3,500 is required to initiate the traffic study. This fee is based upon analysis of the Original Site Plan received by RK from the Client at the time RK initiates the work. Should the original Site Plan received by RK be modified (per the Client or their respective associates) after the work is initiated by RK, then RK will require a change Order and budget modification to accommodate changes before completing the work. Any additional intersections required by the City above the six (6) estimated in this scope of work will cost \$1,000 each. Attendance at public hearings is based on Billing Rates attached in Exhibit A.**

Three copies (two bound and one original for the client's use) of the project report would be prepared. Monthly billings for RK will be based upon the attached Exhibit A - BILLING

### Qualifications

RK is located in Newport Beach, California and specializes in transportation planning and traffic/acoustical engineering for governmental agencies and the business community. The firm principals and associates have over 70 years of combined engineering and planning experience throughout Southern California at the regional, local and individual project levels. The experience of the firm's personnel in transportation planning and traffic/acoustical engineering provides the special skills necessary for determining practical and meaningful traffic solutions.

### Limitation of Liability

The Client agrees to limit the Design Professional's liability to the Client and to all construction Contractors and Subcontractors on the project, due to the Design Professional's negligent acts, errors, or omissions, such that the total aggregate liability of the Design Professional to all those named shall not exceed \$50,000 or the Design Professional's total fee for services rendered on this project, whichever is greater.

This letter can serve as a Memorandum of Agreement and our authorization to proceed. Please sign one copy and return it to us for our files. We are looking forward to serving you on this project. **This proposal is valid for sixty days, if signed by the client.**

RK is looking forward to the possibility of teaming with Aecom on this project. If you have any questions regarding this proposal, please call me at (949) 474-0809.

Respectfully submitted,  
RK ENGINEERING GROUP, INC.



Rogier Goedecke  
President

Attachment

CONTRACT APPROVAL:

Approved by: \_\_\_\_\_

Title: \_\_\_\_\_

Firm: \_\_\_\_\_

Date: \_\_\_\_\_

RATES FOR RK ENGINEERING GROUP, INC. Invoices that are more than 90 days past due are subject to interest at the maximum permitted by law.

### **Limitation of Liability**

The Client agrees to limit the Design Professional's liability to the Client and to all construction Contractors and Subcontractors on the project, due to the Design Professional's negligent acts, errors, or omissions, such that the total aggregate liability of the Design Professional to all those named shall not exceed \$50,000 or the Design Professional's total fee for services rendered on this project, whichever is greater.

### **Ownership of Documents**

All reports, plans, specifications, field data, notes and other documents, including all documents on electronic media, prepared by RK, as instruments of service shall remain the property of RK. The Client may use these documents to secure approval of his/her projects; however, they may not be modified or changed in any way. The items in this proposal/contract are to be considered **CONFIDENTIAL** and may not be shared with any other entity without the written permission of RK Engineering Group, Inc.

### **Dispute Resolution**

In an effort to resolve any conflicts that arise during the Project or following the completion of the Project, the Client and RK agree that all disputes between them arising out of or relating to this Agreement or the Project shall be submitted to nonbinding mediation unless the parties mutually agree otherwise.

In the event that a lawsuit is brought for the enforcement of any of the terms of this agreement, the prevailing party should be entitled to attorney fees and costs in addition to any damages. This agreement can be terminated by either party based upon a written request to terminate the work. The client will pay RK for all work that is completed prior to the termination of the work.

### **Time Schedule**

It is estimated that the traffic impact study will take approximately 30 working days to complete from the date of authorization, and date of receipt of data essential for the study. Additionally, any delays resulting from circumstances beyond our control, such as weather, shall extend the time schedule.

**AGREEMENT FOR REIMBURSEMENT  
FOR PREPARATION OF  
ENVIRONMENTAL CLEARANCE DOCUMENTS**

This Agreement is made and entered into as of the \_\_\_\_ day of \_\_\_\_\_, 2017, by and between the **City of Garden Grove** ("City") and **Garden Grove Hotel, LLC** a Louisiana limited liability company ("Developer") (collectively referred to as the "parties").

**RECITALS**

- A. Developer seeks to construct a project in the City of Garden Grove; and
- B. Such project requires that environmental clearance and review be completed in compliance with the California Environmental Quality Act ("CEQA"); and
- C. City will hire a consultant to complete the required environmental review; and
- D. Developer acknowledges and agrees that the costs associated with the preparation of environmental clearance and environmental review documents are project specific costs that are the responsibility of the Developer as part of the entitlement process.

**AGREEMENT**

1. Selection of Consultant. Developer acknowledges and agrees that there is a need to hire an independent third party consultant(s) to use his/her own professional judgment to conduct and prepare the environmental clearance and environmental review documents. City reserves the right to contract the most qualified consultant through the third party contract at the discretion of the Community and Economic Development Director ("Director").
2. Method of Payment. Developer shall deposit 100% of the estimated total cost of completing the environmental review, which includes the traffic impact study, and the parking analysis prior to commencement of the environmental review. **No work shall be performed by an environmental review consultant until Developer has deposited such money with the City.** City shall keep the money deposited to complete the environmental review in a separate non-interest bearing account and will use the money to pay for the consultant's services. When the City has depleted the funds in the account, City shall immediately notify Developer of the additional funds necessary to complete the environmental review. Further, City shall notify consultant that no work should continue on the environmental review process until Developer has deposited additional funds with the City. If Developer fails to provide additional funds to the City, no further environmental review shall be completed. Developer shall be

responsible for all costs incurred by the City for the consultant's services up until the point that the City notifies the consultant to stop work on the project.

3. Administration Costs. In addition to the cost of completing the environmental review, the amounts reimbursed by Developer shall include administrative the costs incurred by City, including, without limitation, staff time, fees and services, which shall be reimbursed on a time and materials basis based on current City reimbursement rates.
4. Examination of Bills. Developer shall have the right to examine all invoices of the environmental consultant that are submitted to the City. Once Developer has made the request to review the invoices from the consultant, City shall have ten (10) days to copy and produce such invoices for inspection by Developer.
5. Authority of City. Because City has the ultimate authority and responsibility to prepare and review the environmental documents prior to approval of a project, City shall guide the environmental consultant as to the appropriate considerations for the review. If additional environmental or technical studies are required as a result of comments received from internal and external agencies, Developer is solely responsible for the costs of such studies. Nothing in this Agreement is meant to be a guarantee that Developer's project will be approved or that the environmental clearance will be obtained. Further, nothing in this Agreement specifies or guarantees the timing of completion of the environmental clearance and review or other related documents. The City has discretion under its police powers to approve land development projects in accordance with pertinent laws and policies.
6. Indemnity. Developer agrees to defend, indemnify and hold harmless the City, its officers, agents, employees and volunteers from and against any and all claims, demands, actions, losses, damages, injuries, and liability, direct or indirect (including any and all related costs and expenses in connection therein), arising out of the performance of this Agreement, except for any such claim arising out of the sole negligence or willful misconduct of the City, its officers, agents, employees or volunteers.
7. No Inducement. Developer declares and represents that no promise, inducement or agreement not herein expressed has been made to it and that this Agreement contains the entire agreement between and among the parties, and that the terms of this Agreement are contractual and not a mere recital. This Agreement is entered into knowingly, freely, intelligently, and voluntarily by the parties, without any duress, or coercion. The parties have had a full opportunity to review and consider the matter prior to executing this Agreement. The parties fully acknowledge that they also have had a full opportunity to discuss its contents with their respective representatives.





both parties hereto. In approving this Agreement, it shall not be necessary to produce or account for more than one such counterpart.

15. Termination. This Agreement may be terminated with thirty (30) days notice if Developer decides not to proceed with the proposed development project. Upon termination, Developer shall be responsible for compensation of the consultant's services performed up to the effective date of termination.
16. Insolvency; Receiver. Either the appointment of a receiver to take possession of all or substantially all of the assets of Developer, or a general assignment by Developer for the benefit of creditors, or any action taken or offered by Developer under any insolvency or bankruptcy action, will constitute a breach of this Agreement by Developer, and in such event this Agreement will automatically cease and terminate.
17. Developer Default. Should Developer fail to perform any of its obligations under this Agreement, then City may, at its option, pursue any one or more or all of the remedies available to it under this Agreement, at law or in equity. Without limiting any other remedy which may be available to it, if Developer fails to perform any of its obligations under this Agreement, City may cease performing its obligations under this Agreement and may bring an action to recover all costs and expenses incurred by the City in completing the Studies, together with interest thereon from the date incurred at the rate of 10% per annum.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the date first written above.

CITY:

\_\_\_\_\_  
City Manager

DEVELOPER: Garden Grove Hotel, LLC  
BN Hotel Group, LLC

By: Bui Nguyen  
Its: Authorized Agent

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

Ameslandoval  
City Attorney

**City of Garden Grove**

**INTER-DEPARTMENT MEMORANDUM**

To:	Scott C. Stiles	From:	Tom Schultz
Dept.:	City Manager	Dept.:	Fire
Subject:	Authorize the issuance of a purchase order to Allstar Fire Equipment Inc. for personal protective equipment for firefighters. (Cost: \$158,309.53) ( <i>Action Item</i> )		
		Date:	11/28/2017

---

**OBJECTIVE**

To secure City Council approval to authorize the Finance Director to issue a purchase order to Allstar Fire Equipment, Inc., for Lion turnouts, which are personal protective equipment used by firefighters; and approve an annual renewal of the purchase order for five years.

**BACKGROUND**

On June 27, 2017, City Council approved the Fiscal Year 2017-18 budget that included a supplemental item for new fire turnouts. The Fire Department currently has 70 sets of turnouts that are red-tagged and are no longer in compliance with the National Fire Protection Agency (NFPA) standards for providing the health and life saving protection for firefighters. Over time, as turnout sets are exposed to fires (soot, chemicals, heat, water etc), and other elements, the fibers in the fabric begin to breakdown compromising the durability of this personal protective equipment. The department needs these turnouts to continue to provide core services to the community and provide firefighters with adequate protective gear at a fire scene.

**DISCUSSION**

After conducting a performance analysis of different vendors, the Fire Department concluded that Lion turnouts provided the personal protective equipment that meets the needs of Firefighters and NFPA standards. Pursuant to Garden Grove Municipal Code Section 2.50.060(d), and based on the Fire Department recommendations, the Finance Director has determined that Allstar Fire Equipment is the sole supplier of Lion turnouts in the Southern California region. In addition, the Fire Department is requesting an annual renewal for five years in the amount of \$100,000, with Allstar Fire Equipment, in order to remain standardized to maintain continuity and minimize maintenance costs.

## FINANCIAL IMPACT

The cost for the 70 turnouts is \$158,309.53. Funding for the turnouts was approved as a supplemental item for the Fiscal Year 2017-18 budget, so there will be no additional burden to the City's general fund.

The extension of the purchase order with Allstar Fire Equipment will allow the Fire Department to purchase additional turnouts, as needed. The annual cost will vary depending on the needs of the Fire Department.

## RECOMMENDATION

It is recommended that the City Council:

- Authorize the Finance Director to issue a purchase order to Allstar Fire Equipment in the amount of \$158,309.53 for the purchase of turnouts; and
- Authorize the Finance Director to issue an annual extension of the purchase order in the amount of \$100,000, with Allstar Fire Equipment for five years.

By: Trevor Smouse, Fiscal Analyst

### **ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>	<b>File Name</b>
Lion Turnouts Sole Source Letter	11/8/2017	Backup Material	Sole_Source_Letter_-_Allstar_Fire_2017.pdf
Allstar Fire Equipment, Inc. Quote	11/8/2017	Backup Material	Allstar_Quote_2017.pdf



January 4, 2017

**Re: Authorized & Approved California Distributor**

To whom it may concern,

Allstar Fire Equipment Inc. and LION have experienced over a decades' long partnership in proudly supplying the California Fire Service with the highest quality personal protective equipment. LION is grateful to the high energy and enthusiasm exhibited by the staff at Allstar Fire Equipment.

Allstar's dedication to the highest standards of service, along with their dedication to LION is why they maintain a position as the **Sole Source distributor for LION's NFPA compliant PPE** to the municipal fire service market in California. Allstar Fire Equipment operates two facilities: one in Hayward, California along with their headquarters in Arcadia, California. Allstar's professional sales staff covers the entire state.

LION provides state-of-the-art Personal Protective Equipment such as V-Force® turnouts, Commander and Primus Structural FF Gloves, Helmets, Boots and other PPE with true innovations such as Isodri®, Semper Dri™, Lite-N-Dri™ and Ventilated Trim™ which directly respond to the needs of the fire service, with focus on metabolic stress reduction, durability, mobility and comfort.

Thank you for your consideration in choosing LION for your personal protection requirements.

Sincerely,

*Will Antunes*

Will Antunes  
Distribution Sales Manager – Region 7  
LION  
503-816-0582  
[WAntunes@LIONprotects.com](mailto:WAntunes@LIONprotects.com)  
[www.LIONprotects.com](http://www.LIONprotects.com)

# ALLSTAR FIRE EQUIPMENT, INC.

12328 Lower Azusa Road  
Arcadia, California 91006  
Phone: (800) 425-5787  
Fax: (626) 652-0919  
www.allstarfire.com

## SALES QUOTE\*

Date: November 7, 2017  
To: Garden Grove Fire Department  
Attn: B/C Justin Truhill  
Email: [justint@garden-grove.org](mailto:justint@garden-grove.org)  
Tel: 714-741-5680  
Cell: 949-632-3684  
Fax:

ITEM	QTY	UNIT	DESCRIPTION	PRICE	EXTENSION
1	70	Each	PGSQ17490 Lion CVBM-C4 V-Force 6.0 oz. Natural PBI Max Bi-Swing Turnout Coat w/ Stedair Center Cut Liner per Garden Grove Specification <b>Sizes:</b> 44 x 32 x R M/F HAWKINS 44 x 32 x R M/F WHITE 46 X 32 X L M/F INGRAM 46 x 35 x L M/F LAIRD	\$1,335.65	\$93,495.50
2	70	Each	Lion PVFM-C4 V-Force 6.0 oz. Natural PBI Max Turnout Pant w/ Stedair Center Cut Liner per Garden Grove Specification <b>Sizes:</b> 36 x L M/F HAWKINS (Low Rise) 36 x XXL M/F WHITE (Low Rise) 36 x XXL M/F LAIRD (Regular Cut) 38 x XXL M/F INGRAM (Regular Cut)  Terms: Net 30 F.O.B.: Destination Estimated Delivery: 45 - 65 Days ARO *Prices, Terms, F.O.B. & Estimated Delivery are Valid for 30 Days. Subject to Change Thereafter. Any Non-Stock or Custom Items may be Non-Returnable or Subject to a Restocking Fee. Any Modification Subsequent to Actual Order Placement May be Subject to Price Adjustment.	\$763.25	\$53,427.50
				Subtotal	\$146,923.00
				7.750%	\$11,386.53
				Est. S & H	\$0.00
Jason Broede, Inside Sales / PPE Specialist				<b>TOTAL</b>	<b>\$158,309.53</b>

**City of Garden Grove**

**INTER-DEPARTMENT MEMORANDUM**

To:	Scott C. Stiles	From:	William E. Murray
Dept.:	City Manager	Dept.:	Public Works
Subject:	Adoption of a Resolution adopting Fiscal Year 2016-17 Measure M2 Annual Expenditure Report. ( <i>Action Item</i> )		
		Date:	11/28/2017

---

**OBJECTIVE**

For the City Council to adopt the attached Resolution adopting the Fiscal Year 2016-17 Measure M2 Annual Expenditure Report as required by the Local Transportation Authority Ordinance Number Three (3).

**BACKGROUND**

In November 2006, Orange County voters approved a thirty-year renewal of the Measure M Program in order to meet regional growth and continue the investment in the County's infrastructure. As in prior years, each local agency is required to submit approved documentation to the Orange County Transportation Authority (OCTA) to maintain Measure M2 eligibility for Local Fair Share appropriations and competitive grant funding.

**DISCUSSION**

Per Local Transportation Authority Ordinance Number Three (3), local jurisdictions are required to adopt an Annual Expenditure Report to account for beginning/ending balances, Local Fair Share distributions, transportation facilities fees, and Maintenance of Effort expenditures. The Expenditure Report has been prepared by the Finance Department and has been signed and certified by the Finance Director.

**FINANCIAL IMPACT**

There is no impact to the General Fund. The attached report is necessary to receive Measure M2 revenues and competitive grant funding.

**RECOMMENDATION**

It is recommended that the City Council:

- Adopt the attached Resolution adopting the Fiscal Year 2016-17 Measure M2 Annual Expenditure Report; and
- Authorize the Finance Director to submit the Measure M2 Annual Expenditure Report to the Orange County Transportation Authority.

By: Ana V. Neal  
Sr. Administrative Analyst

**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>	<b>File Name</b>
Resolution	11/14/2017	Resolution	Resolution.doc
Exhibit A - Measure M2 Annual Expenditure Report	11/14/2017	Exhibit	Final_Report_11-9-17.pdf



GARDEN GROVE CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE  
CONCERNING THE FISCAL YEAR 2016-17 MEASURE M2 ANNUAL EXPENDITURE  
REPORT

WHEREAS, Local Transportation Authority Ordinance No. 3 requires local jurisdictions to adopt an annual Expenditure Report to account for Net Revenues, developer/transportation facilities fees, and funds expended by local jurisdiction which satisfy the Maintenance of Effort requirements; and

WHEREAS, the Expenditure Report shall include all Net Revenue fund balances, interest earned and expenditures identified by type and program or project; and

WHEREAS, the Expenditure Report must be adopted and submitted to the Orange County Transportation Authority (OCTA) each year within six months of the end of the local jurisdiction's fiscal year to be eligible to receive Net Revenues as part of Measure M2.

NOW THEREFORE, BE IT RESOLVED that the City of Garden Grove does hereby inform OCTA that:

- 1) The M2 Expenditure Report is in conformance with the M2 Expenditure Report Template provided in the Renewed Measure M2 Eligibility Guidelines and accounts for Net Revenues including interest earned, expenditures during the fiscal year and balances at the end of fiscal year.
- 2) The M2 Expenditure Report, attached hereto as Exhibit A, is hereby adopted by the City of Garden Grove.
- 3) The City of Garden Grove's Finance Director is hereby authorized to sign and submit the Measure M2 Annual Expenditure Report to OCTA for the fiscal year ending June 30, 2017.

**M2 Expenditure Report**  
**Fiscal Year Ended June 30, 2017**  
**Beginning and Ending Balances**

Description	Line No.	Amount	Interest
<b>Balances at Beginning of Fiscal Year</b>			
A-M Freeway Environmental Mitigation	1	\$ -	\$ -
O Regional Capacity Program	2	\$ -	\$ -
P Regional Traffic Signal Synchronization Program	3	\$ -	\$ -
Q M2 Fair Share	4	\$ 2,186,247	\$ 25,226
R High Frequency Metrolink Service	5	\$ -	\$ -
S Transit Extensions to Metrolink	6	\$ -	\$ -
T Convert Metrolink Station(s) to Regional Gateways that connect Orange County with High-Speed Rail Systems	7	\$ -	\$ -
U Senior Mobility Program or Senior Non-Emergency Medical Program	8	\$ (67,979)	\$ 2,289
V Community Based Transit/Circulators	9	\$ -	\$ -
W Safe Transit Stops	10	\$ -	\$ -
X Water Quality Program***	11	\$ (20,781)	\$ -
Other**	12	\$ 312,662	\$ -
<b>Balances at Beginning of Fiscal Year (Sum Lines 1 to 12)</b>	13	\$ 2,410,149	\$ 27,515
Monies Made Available During Fiscal Year	14	\$ 2,750,114	\$ 13,679
<b>Total Monies Available (Sum Lines 13 &amp; 14)</b>	15	\$ 5,160,263	\$ 41,194
Expenditures During Fiscal Year	16	\$ 2,957,593	\$ 2,851
<b>Balances at End of Fiscal Year</b>			
A-M Freeway Environmental Mitigation	17	\$ -	\$ -
O Regional Capacity Program	18	\$ -	\$ -
P Regional Traffic Signal Synchronization Program	19	\$ -	\$ -
Q M2 Fair Share	20	\$ 2,012,838	\$ 38,343
R High Frequency Metrolink Service	21	\$ -	\$ -
S Transit Extensions to Metrolink	22	\$ -	\$ -
T Convert Metrolink Station(s) to Regional Gateways that connect Orange County with High-Speed Rail Systems	23	\$ -	\$ -
U Senior Mobility Program or Senior Non-Emergency Medical Program	24	\$ -	\$ -
V Community Based Transit/Circulators	25	\$ -	\$ -
W Safe Transit Stops	26	\$ -	\$ -
X Water Quality Program	27	\$ (50,000)	\$ -
Other**	28	\$ 239,832	\$ -

**M2 Expenditure Report  
Fiscal Year Ended June 30, 2017  
Beginning and Ending Balances**

\*\*\* The beginning balance of \$(20,781) includes an overage of expenditures of \$10,643 related to project "2012 Tier 1 Med Prj" which was completed in fiscal year 2013-2014. To adjust for this overage the City of Garden Grove transferred cash from Local FairShare to CTFP in fiscal year 2016-2017. This adjustment to cover the cash shortfall in the CTFP grant is adjusted on the fiscal year 2016-2017 annual Measure M expenditure report by reflecting an increase to expenditure in M2 LocalFairshare (Q) on schedule 3 line "Storm Drains" and a corresponding reduction in CTFP Water Quality Program (X) on schedule 3 line "Other Street Purpose Maintenance." Thus, the City's general ledger reflects a transfer of cash between the Local FairShare fund and the CTFP fund while this Measure M Expenditure Report reflects the transfer as an adjustment to expenditure.

\*\* Other Balance includes balance of \$226,563 SMP-TDA Backfill and the following monies received in FY 15/16:

- \$47,029 of M1 close out money
- \$38,613 additional TDA Backfill
- \$457 for Horizon Repayment

The beginning balance of \$312,662 has been reduced by SMP program costs incurred during FY16/17 resulting in an ending balance of \$239,832.

**M2 Expenditure Report**  
**Fiscal Year Ended June 30, 2017**  
**Sources and Uses**

Description	Line No.	Amount	Interest
<b>Revenues:</b>			
A-M: Freeway Environmental Mitigation	1	\$ -	\$ -
O : Regional Capacity Program	2	\$ -	\$ -
P : Regional Traffic Signal Synchronization Program	3	\$ -	\$ -
Q : M2 Fair Share	4	\$ 2,445,297	\$ 13,117
R : High Frequency Metrolink Service	5	\$ -	\$ -
S : Transit Extensions to Metrolink	6	\$ -	\$ -
T : Convert Metrolink Station(s) to Regional Gateways that connect Orange County with High-Speed Rail Systems	7	\$ -	\$ -
U : Senior Mobility Program or Senior Non-Emergency Medical Program	8	\$ 154,817	\$ -
V : Community Based Transit/Circulators	9	\$ -	\$ -
W : Safe Transit Stops	10	\$ -	\$ -
X : Water Quality Program	11	\$ 150,000	\$ -
: Other*	12	\$ -	\$ 562
<b>TOTAL REVENUES (Sum lines 1 to 12)</b>	<b>13</b>	<b>\$ 2,750,114</b>	<b>\$ 13,679</b>
<b>Expenditures:</b>			
A-M: Freeway Environmental Mitigation	14	\$ -	\$ -
O : Regional Capacity Program	15	\$ -	\$ -
P : Regional Traffic Signal Synchronization Program	16	\$ -	\$ -
Q : M2 Fair Share	17	\$ 2,618,706	\$ -
R : High Frequency Metrolink Service	18	\$ -	\$ -
S : Transit Extensions to Metrolink	19	\$ -	\$ -
T : Convert Metrolink Station(s) to Regional Gateways that connect Orange County with High-Speed Rail Systems	20	\$ -	\$ -
U : Senior Mobility Program or Senior Non-Emergency Medical Program	21	\$ 86,838	\$ 2,289
V : Community Based Transit/Circulators	22	\$ -	\$ -
W : Safe Transit Stops	23	\$ -	\$ -
X : Water Quality Program	24	\$ 179,219	\$ -
: Other*	25	\$ 72,830	\$ 562
<b>TOTAL EXPENDITURES (Sum lines 14 to 25)</b>	<b>26</b>	<b>\$ 2,957,593</b>	<b>\$ 2,851</b>
<b>TOTAL BALANCE (Subtract line 26 from 13)</b>	<b>27</b>	<b>\$ (207,479)</b>	<b>\$ 10,828</b>

\* Please provide a specific description

\* Other - Revenue: Interest earned on beginning balance of \$312,662 which is comprised of SMP-TDA Backfill and Horizon settlement payments received.

\* Other - Expenditures: The senior mobility program utilized a portion of the beginning balance of \$312,662 which is comprised of SMP-TDA Backfill and Horizon settlement payments received to cover program costs.

**M2 Expenditure Report**  
**Fiscal Year Ended June 30, 2017**  
**Streets and Roads Detailed Use of Funds**

Type of Expenditure	Line No.	MOE <sup>2</sup>	+ Developer / Impact Fees	O	O Interest	P	P Interest	Q	Q Interest	X	X Interest	Other M2 <sup>3</sup>	Other M2 Interest	Other*	TOTAL
Administration (Indirect & Overhead)	1	\$ 1,323,077													\$ 1,323,077
Construction & Right-of-Way	2														
New Street Construction	3	\$ 265,179						\$ 2,563,701							\$ 2,828,880
Street Reconstruction	4														\$ -
Signals, Safety Devices, & Street Lights	5														\$ -
Pedestrian Ways & Bikepaths	6														\$ -
Storm Drains	7							\$ 17,033							\$ 17,033
Storm Damage	8	\$ 265,179													\$ -
Total Construction <sup>1</sup>	9							\$ 2,580,734							\$ 2,845,913
Right of Way Acquisition	10	\$ 265,179						\$ 2,580,734							\$ -
Total Construction & Right-of-Way Maintenance	11														\$ 2,845,913
Paving	12	\$ 903,604													\$ -
Overlay & Sealing	13	\$ 134,695						\$ 37,972							\$ 903,604
Street Lights & Traffic Signals	14														\$ 172,667
Storm Damage	15	\$ 3,331,492													\$ -
Other Street Purpose Maintenance	16	\$ 4,365,791						\$ 37,972							\$ 3,510,711
Total Maintenance <sup>1</sup>	17														\$ -
Other	18	\$ 5,958,047						\$ 2,618,706							\$ 8,576,753
GRAND TOTALS (Sum Lines 1, 10, 16, 17)															\$ 8,918,491

## Legend

Project	Description
A-M	Freeway Environmental Mitigation
O	Regional Capacity Program
P	Regional Traffic Signal Synchronization Program
Q	M2 Fair Share
R	High Frequency Metrolink Service
S	Transit Extensions to Metrolink
T	Convert Metrolink Station(s) to Regional Gateways that connect Orange County with
U	Senior Mobility Program or Senior Non-Emergency Medical Program
V	Community Based Transit/Circulators
W	Safe Transit Stops
X	Water Quality Program

<sup>1</sup> Includes direct charges for staff time

<sup>2</sup> Local funds used to satisfy maintenance of effort (MOE) requirements

<sup>3</sup> Other M2 includes A-M, R, S, T, U, V, and W

+ Transportation related only

\* Please provide a specific description

\* Other - Expenditures: The senior mobility program utilized a portion of the beginning balance of \$312,662 which is comprised of SMP-TDA Backfill and Horizon settlement payments received to cover program costs.

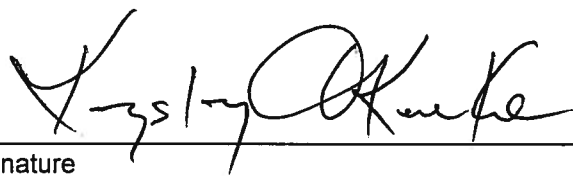
[illegible]

**M2 Expenditure Report**  
**Fiscal Year Ended June 30, 2017**

I certify that the interest earned on Net Revenues allocated pursuant to the Ordinance shall be expended only for those purposes for which the Net Revenues were allocated and all the information attached herein is true and accurate to the best of my knowledge:

Kingsley Okereke  
Assistant City Manager / Director of Finance

11/8/17  
Date

  
Signature

**City of Garden Grove**

**INTER-DEPARTMENT MEMORANDUM**

To:	Scott C. Stiles	From:	William E. Murray
Dept.:	City Manager	Dept.:	Public Works
Subject:	Approval of a Bus Bench License Agreement with Focus Media Group, Inc. for installation and operation of and advertising on non-sheltered bus benches. ( <i>Action Item</i> )		
		Date:	11/28/2017

---

**OBJECTIVE**

For the City Council to approve a Bus Bench License Agreement with Focus Media Group, Inc., for operation of and advertising on non-sheltered bus benches within the City rights-of-way.

**BACKGROUND**

The City's Bus Shelter Ordinance (Title 11, Chapter 36 of the Municipal Code) was established in 1988 and governs the installation, maintenance, and other terms required for license agreements with bus shelter companies. The City provides amenities and services in the public right-of-way and encourages innovative approaches to revitalize public spaces and promote economic vitality without compromising aesthetics, safety, or mobility. Part of this effort includes bus stop ridership amenities involving bus shelters, and bus benches, which help sustain and promote bus ridership throughout the county. Approximately 280 bus stops are located throughout the arterial streets within City limits. Approximately 100 bus shelters are placed around the City and are part of a non-exclusive license agreement with Clear Channel Outdoor. Additionally, the City has installed over 70 city-owned bus benches.

**DISCUSSION**

There are currently two main national advertising companies, Clear Channel Outdoor and OUTFRONT Media that no longer provide advertising bus benches and are more focused on advertising bus shelters. One local advertising company, Focus Media Group, provides bus bench advertisements to the cities of Fullerton, Westminster, Stanton and Seal Beach. Based on the foregoing and per Municipal Code Section 2.50.060(F), the Finance Director has determined that Focus Media Group is a sole



source provider.

Focus Media Group provided a proposal for a 10-year license agreement for advertising-supported bus benches throughout the City. There would be no-cost to the City due to the revenue generated by advertisements and they will fully cover the installation, maintenance and operation of benches. A select number of existing benches will be removed and replaced with these new benches along with the addition of new benches at various locations that do not currently have bus benches. Compensation to the City would be 15% of the advertising revenue. It is estimated that the City will collect approximately \$23,500 annually based on the installation of approximately 175 bus benches. Another benefit of Focus Media Group is their ability to provide local businesses with cost effective advertising rates to support the "Buy in Garden Grove" Program.

#### FINANCIAL IMPACT

There is no impact to the General Fund.

#### RECOMMENDATION

It is recommended that the City Council:

- Approve a ten year License Agreement with Focus Media Group, Inc., to provide and maintain new bus benches; and
- Authorize the City Manager to execute the agreement on behalf of the City.

By: A.J. Holmon III  
Streets and Environmental Manager

#### ATTACHMENTS:

Description	Upload Date	Type	File Name
Bus Bench Agreement	11/20/2017	Backup Material	11-28-17_- _Bus_Bench_License_- _Focus_Media_Group.pdf
Bus Bench Photos	11/21/2017	Backup Material	11-28- 17_bus_bench_photos.pdf

## BUS BENCH LICENSE

THIS LICENSE is made effective as of this \_\_\_\_\_ day of \_\_\_\_\_, 2017 (the "Effective Date") by the CITY OF GARDEN GROVE, a municipal corporation, ("CITY"), and FOCUS MEDIA GROUP, INC. an Oklahoma Corporation ("LICENSEE").

### RECITALS

The following recitals are a substantive part of this License:

- A. This License is entered into pursuant to City Council Authorization on \_\_\_\_\_.
- B. CITY and LICENSEE desire to enter into a license for the construction, installation, maintenance, operation and administration of, and the solicitation, sale and placement of out of home advertising upon, the non-shelter bus benches, including benches, located within City rights-of-way.

### LICENSE

CITY AND LICENSEE MUTUALLY AGREE AS FOLLOWS:

1. GRANT OF LICENSE LICENSEE, with its local address at 11612 Knott Street, Suite 2, Garden Grove, CA 92841, is hereby granted for itself, its successors and assigns, subject to the terms and conditions of this License and Chapter 11.36 of the Garden Grove Municipal Code hereinafter referred to as Chapter 11.36, a ten (10) year period from and after the Effective Date, to construct, install, maintain, operate and administer, and solicit, sell and place out of home advertising upon, non-shelter bus benches upon the public sidewalks within the public ways within the City of Garden Grove, except for the portion of Harbor Boulevard within the Grove Resort District (Harbor Corridor Specific Plan/International West Mixed Use).
2. RIGHT OF CITY TO ISSUE LICENSE LICENSEE acknowledges and accepts the right of CITY to issue a license and LICENSEE agrees it shall not now or at any time hereafter challenge this right in any way or in any city, state, or federal court.
3. LICENSE ACCEPTANCE LICENSEE, by executing this License, guarantees performance by LICENSEE of all LICENSEE'S obligations hereunder imposed by said Chapter 11.36 of the Garden Grove Municipal Code, and as it may be periodically amended.
4. GOVERNING REQUIREMENTS The proposal of LICENSEE shall be incorporated herein as if fully set forth herein. LICENSEE shall comply with the requirements of this License and Chapter 11.36 and all offerings contained in LICENSEE'S license proposal. In the event of any conflict, the provisions of Chapter 11.36 shall first govern, followed by provisions of this License, and finally by LICENSEE's proposal, which is attached as Attachment A hereto and incorporated herein by this reference. Notwithstanding the

foregoing, in the event of any inconsistencies between this License and Chapter 11.36, LICENSEE shall be held to the higher or more stringent standard or term more beneficial to CITY as determined by CITY. All definitions as set forth in Chapter 11.36 shall apply to this License.

5. FINANCIAL PROVISIONS

5.1 LICENSEE FEE LICENSEE shall provide to CITY license fee quarterly payments at a stated percentage of the gross advertising revenues ("Percentage Advertising Revenue") derived from advertising benches within City of Garden Grove. The Percentage Advertising Revenue will be calculated as follows:

a.) Fifteen percent (15%) of the gross advertising revenues collected by LICENSEE, for rental of advertising space on all bus benches located in the City. For the purposes of this Agreement, the term "gross advertising revenues" upon which the quarterly Percentage Advertising Revenue will be paid, includes all advertising space rental charged by LICENSEE, whether for cash or credit, less any advertising agency commissions or non-affiliated third party commission (i.e. media brokers), and further defined as accrued advertising revenue for any calendar quarter, per Generally Accepted Accounting Principles ("GAAP"). All advertising contracts must clearly show the total advertising costs, per panel, per time (e.g., monthly, quarterly, etc.). The compensation provisions contained in Chapter 11.36 shall apply to this License. No additional percentage of gross revenues shall be required to be paid by LICENSEE.

5.2 ACCEPTANCE OF PAYMENT BY CITY No acceptance of any payment shall be construed as an accord that the amount paid is in fact the correct amount, nor shall such acceptance of payment be construed as a release of any claim CITY may have for further or additional sums payable under the provisions of this License. All amounts paid shall be subject to audit and re-computation by CITY.

6. PUBLIC SERVICE ANNOUNCEMENTS LICENSEE shall provide CITY with non-sold advertising space for all benches for CITY'S use for public service advertisements (not to exceed 20% of total advertising space per month) as requested by CITY. LICENSEE shall arrange, at its own cost and expense, service, maintenance, installation, and removal of the public service announcements upon consultation with the CITY. The CITY shall be solely responsible for the cost of poster production. Notwithstanding anything to the contrary herein, CITY shall provide LICENSEE a minimum of ten (10) business days advance written notice of its intent to place public service announcement(s) and LICENSEE shall have a reasonable amount of time to make such space available to CITY. CITY shall provide LICENSEE with all advertising displays ready for installation on the benches.

7. CONSTRUCTION AND MAINTENANCE REQUIREMENTS

- 7.1 GENERAL LICENSEE shall meet or exceed all the construction and maintenance requirements as reasonably required by CITY, as set forth in Chapter 11.36 and, in addition, shall meet or exceed those material construction and maintenance requirements set out in LICENSEE'S proposal. LICENSEE'S failure to meet annual fee projections contained in its proposal shall not relieve LICENSEE from meeting any requirements of this License or Chapter 11.36.
- 7.2 CONSTRUCTION SCHEDULE Consistent with the terms of this License and Chapter 11.36, LICENSEE shall commence provision of bus bench service in accordance with the following schedule:
- 7.2.1 PERMITS Prior to any installation activity, LICENSEE shall obtain permits as provided by Chapter 11.36.
- 7.2.2 TIME OF INSTALLATION LICENSEE shall commence the installation of, and install, the benches in accordance with Section 11.36.120 of the Garden Grove Municipal Code, subject to the CITY'S approval of the design and color of the non-shelter bus benches. Time is of the essence in the installation of the benches.
- 7.3 DESIGN STANDARDS All bus benches installed in the City of Garden Grove must be of a consistent and identical design. No company will be allowed to install a bus bench design different from that approved by the City.
- 7.4 MAINTENANCE LICENSEE shall maintain, repair, clean and service the benches in accordance with Chapter 11.36. LICENSEE shall provide CITY with a maintenance and cleaning schedule. Should the CITY determine that any bench or bus bench and/or surrounding area be in need of a cleaning, LICENSEE shall clean or have cleaned, such bench, bench and/or area within twenty-four (24) hours after notification by CITY.

LICENSEE shall repair, remove or replace damage, vandalism, or graffiti, including etching and other forms of graffiti and/or vandalism damage, within twenty-four (24) hours after having been found or the time of a routine maintenance call or upon notification by the CITY.

8. LOCATIONS

- 8.1 LICENSEE shall in accordance with Chapter 11.36 provide, remove, install, and maintain non-shelter bus benches in the City of Garden Grove. Non-shelter bus benches shall be located only at the locations within City limits. LICENSEE shall not construct, maintain, or install more than two (2) bus benches per location.

9. REGULATION / PENALTIES LICENSEE shall be subject to all of the requirements of Chapter 11.36 of the Garden Grove Municipal Code which are incorporated by this reference as if fully set forth.
10. SURRENDER Upon expiration or termination of the term hereof, all non-shelter bus benches and non-shelter bus benches shall expressly remain the property of LICENSEE, subject to the City of Garden Grove's right to demand removal of the benches and restoration of the respective public improvements to their proper and original condition at LICENSEE'S sole cost and expense.
11. INSURANCE REQUIREMENTS
  - 11.1 COMMENCEMENT OF WORK LICENSEE shall not commence work under this License until it has obtained all insurance required and CITY has approved the insurance. All insurance required by this License shall contain a Statement of Obligation on the part of the carrier to notify the CITY of any material change, cancellation, or termination at least thirty (30) days in advance. All LICENSEE's contractors and subcontractors shall carry the same insurance as that required of LICENSEE herein. LICENSEE shall collect and maintain all insurance from all of its contractors and subcontractors and ensure that all insurance complies with CITY'S requirements. All insurance and certified copies of each policy shall be provided to CITY upon CITY'S request.
  - 11.2 WORKERS' COMPENSATION INSURANCE During the duration of this License, LICENSEE shall maintain and require each of its subcontractors to maintain Worker's Compensation Insurance, in at least the minimum amounts required by California law and with an insurance carrier acceptable to CITY.
  - 11.3 INSURANCE AMOUNTS LICENSEE shall maintain the following insurance covering LICENSEE's obligations and activities pursuant to this License for the duration of this License:
    - (a) Commercial general liability in an amount not less than \$1,000,000 per occurrence; (claims made and modified occurrence policies are not acceptable); Insurance companies must be acceptable to CITY and have an AM Best's Guide Rating of A-, Class VII or better, as approved by the CITY.
    - (b) Automobile liability in an amount not less than \$1,000,000 combined single limit; (claims made and modified occurrence policies are not acceptable); Insurance companies must be acceptable to CITY and have an AM Best's Guide Rating of A-, Class VII or better, as approved by the CITY.

- (c) Other insurance, in a form approved by the CITY, as set forth in Municipal Code Section 11.36.230 with a minimum of \$1,000,000 per occurrence and combined single limits as applicable. Insurance companies must be reasonably acceptable to CITY, be admitted and licensed in California, and have a Best's Rating of A-, Class VII or better.

**Endorsements:**

An Additional Insured Endorsement, **ongoing and products-completed operations**, for the policy under section 4.3 (a) shall designate CITY, its officers, officials, employees, agents, and volunteers, and all public agencies as determined by the City as additional insureds for liability arising out of work or operations performed by or on behalf of the LICENSEE. LICENSEE shall provide to CITY proof of insurance and endorsement forms that conform to City's requirements, as approved by the CITY.

An Additional Insured Endorsement for the policy under section 4.3 (b) shall designate CITY, its officers, officials, employees, agents, and volunteers, and all public agencies as determined by the City as additional insureds for automobiles owned, leased, hired, or borrowed by the LICENSEE shall provide to CITY proof of insurance and endorsement forms that conform to CITY's requirements, as approved by the CITY.

For any claims related to this Agreement, LICENSEE's insurance coverage shall be primary insurance as respects CITY, its officers, officials, employees, agents, and volunteers, and all public agencies as determined by CITY. Any insurance or self-insurance maintained by the CITY, its officers, officials, employees, agents, or volunteers, and all public agencies as determined by the City shall be excess of the LICENSEE's insurance and shall not contribute with it.

If LICENSEE maintains higher insurance limits than the minimums shown above, LICENSEE shall provide coverage for the higher insurance limits otherwise maintained by the LICENSEE.

- 11.4 CITY may, in the exercise of its sole discretion, require the minimum insurance coverages set forth in Section 12.3 to be raised up to \$2,000,000.00 by providing sixty (60) days written notice to LICENSEE pursuant to Section 18 herein.
12. **SURETY BOND** Within forty-five (45) days of the Effective Date, LICENSEE shall furnish bonds, or an irrevocable standby letter of credit, in the form acceptable to the City, in the amount of fifty thousand dollars (\$50,000.00) for the term of the license, to guarantee the faithful performance of the work, and to guarantee payment of all claims for labor and materials furnished. LICENSEE shall not commence any work or bench installation until the surety required herein is/are supplied to and approved by the CITY.

13. NON-LIABILITY OF OFFICIALS AND EMPLOYEES OF THE CITY No official or employee of CITY shall be personally liable to LICENSEE in the event of any default or breach by CITY, or for any amount which may become due to LICENSEE.
14. NON-DISCRIMINATION. LICENSEE covenants there shall be no discrimination against any person or group due to race, color, creed, religion, sex, marital status, age, handicap, national origin, or ancestry, in any activity pursuant to this License.
15. INDEPENDENT CONTRACTOR It is agreed that in the performance of the obligations to be performed by LICENSEE, LICENSEE shall act and be an independent contractor and not an agent or employee of CITY, and shall obtain no rights to any benefits which accrue to CITY'S employees.
16. COMPLIANCE WITH LAW LICENSEE shall comply with all applicable laws, ordinances, codes, and regulations of the federal, state, and local government in the performance of activities pursuant to this License.
17. NOTICES All notices shall be personally delivered or mailed to the below listed address, or to such other addresses as may be designated by written notice. These addresses shall be used for delivery of service of process.

Address of LICENSEE is as follows:

Focus Media Group  
11612 Knott Street, Suite 2  
Garden Grove, CA 92841  
Attention: Managing Director

Address of CITY is as follows:

City Manager  
City of Garden Grove  
11222 Acacia Parkway  
Garden Grove, CA 92840

(with a copy to):  
Garden Grove City Attorney  
11222 Acacia Parkway  
Garden Grove, CA 92840

18. LICENSES, PERMITS, AND FEES At its sole expense, LICENSEE shall obtain a Garden Grove Business License and all other permits and licenses as may be necessary to perform the activities required by this License or as otherwise required by Chapter 11.36.
19. FAMILIARITY WITH WORK By executing this License, LICENSEE warrants that: (1) it has investigated the work to be performed; (2) it has investigated the locations of the proposed non-shelter bus benches and is aware of all conditions there; and (3) it understands the facilities, difficulties, and restrictions of the work under this License.
20. TIME OF ESSENCE Time is of the essence in the performance of Licensee's obligations under this License.

21. **LIMITATIONS UPON SUBCONTRACTING AND ASSIGNMENT** The experience, knowledge, capability, and reputation of LICENSEE, its principals and employees were a substantial inducement for CITY to make this License. LICENSEE shall not contract with any other entity to perform the obligations required without written approval of the CITY. This License may not be assigned voluntarily or by operation of law, without the prior written approval of CITY. If LICENSEE is permitted to subcontract of its obligations under this License, LICENSEE shall be responsible to CITY for the acts and omissions of its subcontractor as it is for persons directly employed. Nothing contained in the License shall create any contractual relationship between any subcontractor and CITY. All persons engaged in the work will be considered employees of LICENSEE. CITY will deal directly with LICENSEE.
22. **INDEMNIFICATION** LICENSEE shall comply with the provisions of Section 11.36.230 of Chapter 11.36. LICENSEE shall protect, defend, and hold harmless CITY and its elective or appointive boards, members, officers, agents, employees and volunteers from any and all claims, liabilities, expenses, or damages of any nature, including attorneys' fees, for injury or death of any person, or damage to property, or interference with use of property, and for any other damage claim arising out of, or in any way connected with performance of the License by LICENSEE and LICENSEE'S agents, officers, employees, subcontractors, and independent contractors. The only exception to LICENSEE'S responsibility to protect, defend, and hold harmless CITY shall be due to the sole negligence of CITY, or any of its elective or appointive boards, officers, agents, contractors, employees or volunteers.
- This hold harmless provision shall apply to all liability regardless of whether any insurance policies are applicable. The policy limits do not act as a limitation upon the amount of indemnification to be provided by LICENSEE. This indemnification provision shall survive the termination of this License and remain in effect until all claims and liability matters pursuant to this provision are fully and finally resolved.
23. **TERMINATION** CITY may terminate this License based on any of the grounds, and according to the procedure, set forth in Garden Grove Municipal Code Section 11.36.100.
24. **LIENS AND CHARGES** LICENSEE shall promptly pay and discharge any and all liens arising out of any construction, alterations or repairs done, suffered or permitted to be done by LICENSEE with respect to the non-shelter bus benches. LICENSEE shall pay when due any taxes, assessments or other charges (collectively, "Taxes") levied or assessed upon the non-shelter bus benches by any governmental or quasi-governmental body or any Taxes levied or assessed against CITY or CITY property that are attributable to the non-shelter bus benches.
25. **INTEGRATION** This License constitutes the entire agreement between CITY and LICENSEE relating to this License. Any prior agreements, promises, negotiations, or representations related to this License not expressly set forth in this License are of no force



and effect. Any amendment to this License shall be of no force and effect unless it is in writing and signed by CITY and LICENSEE.

26. NON-WAIVER A waiver by either party of any breach of any term covenant, or condition contained in this License shall not be deemed to be a waiver of any subsequent breach of the same or any other term, covenant, or condition contained in this License whether of the same or different character.
27. AUTHORITY TO EXECUTE The persons executing this License on behalf of the parties warrant that they are duly authorized to execute this License and that by executing this License, the parties are formally bound.
28. JURISDICTION AND VENUE The parties hereto agree that the State of California is the proper jurisdiction for litigation of any matters relating to this License, and service mailed to the address of LICENSEE set forth herein shall be adequate service for such litigation. The parties further agree that Orange County, California is the proper place for venue as to any such litigation and LICENSEE agrees to submit to the personal jurisdiction of such court in the event of such litigation.
29. SEVERABILITY If any term, covenant, condition, provision or word of this License is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions hereof shall remain in full force and effect and shall in no way be affected, impaired or invalidated thereof.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS THEREOF, these parties have executed this License, to be effective, on the day and year first shown above.

**"CITY"**  
**CITY OF GARDEN GROVE**

**"LICENSEE"**  
**FOCUS MEDIA GROUP, INC.**

By: \_\_\_\_\_  
Scott C. Stiles  
City Manager

By: Michael A. Gibson  
Name: Michael A. Gibson  
Title: Managing Director

**ATTESTED:**

By: \_\_\_\_\_

Name: \_\_\_\_\_

By: \_\_\_\_\_  
City Clerk

Title: \_\_\_\_\_

Taxpayer ID No. 26-2069993

**APPROVED AS TO FORM:**

By: Omar Sandoval  
Omar Sandoval  
City Attorney

If LICENSEE is a corporation, a Corporate Resolution and/or Corporate Seal is required. If a partnership, Statement of Partnership must be submitted to CITY.



# City of Garden Grove

## Transit Bench Proposal

Proposal to the  
**City of Garden Grove**  
for the Installation, Maintenance  
and Monetization of Transit Benches

**Presented to:**

**Raquel Monson, Sr. Administrative Analyst, Dept. of Public Works**  
**AJ Holmon III, Environmental Services Mgr., Streets/Street Trees Mgr.**  
**Bill Murray, Director of Public Works**

**June 1, 2017**

## Our mission

Focus Media Group is dedicated to offering high-quality media assets and marketing opportunities to our clients, partnering with them to solve marketing problems and drive consumer engagement, sales and growth.

Additionally, Focus Media Group partners with various municipalities to provide much needed amenities to communities through public-private partnerships.

## About Us

We are a team of leading experts in the Outdoor Advertising Industry who provide a unique and specialized approach to bus stop services.

Our team collectively has more than seventy-five years of expertise in developing new Street Furniture products in Southern California.

We enjoy an excellent reputation in the industry and are known for superior services by our clients and the municipalities we serve.

Our experienced maintenance team in Los Angeles and Orange County has resulted in community beautification and graffiti abatement programs that are a proven success.

Our success is due to our geographic market knowledge, vast experience in developing new street furniture products and our dedicated maintenance services.

## Current Assets & Partnerships

- ✓ Los Angeles County: Transit Bench
- ✓ City of Stanton: Transit Shelter & Transit Bench
- ✓ City of Westminster: Transit Shelter & Transit Bench
- ✓ City of Seal Beach: Transit Bench
- ✓ City of Fullerton: Transit Bench



## Our proposal

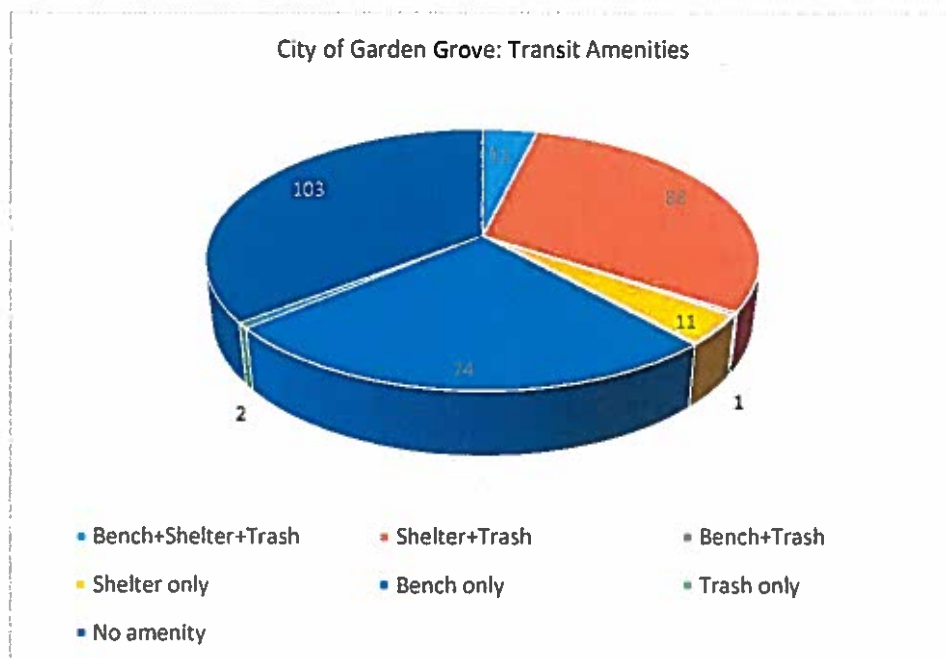
Focus Media Group proposes to partner with the City of Garden Grove, through a services contract, to install, maintain and operate advertising-supported transit benches throughout the City. These transit benches would offer the mass transit-using public a valuable amenity, enhancing the mass transit experience at absolutely no cost to the City.

The services related to maintaining the transit benches would be at no cost to the City. The program is sustained by Focus Media Group monetizing the advertising space available on the benches. In addition to offsetting the substantial expense and logistical challenges of maintain an adequate number of benches for the citizens of Garden Grove, the contract between the City and Focus Media Group would potentially be a revenue-generation partnership since the contract calls for the City to enjoy 15% of all advertising revenue generated.

## Current Amenities

Currently, Clear Channel Outdoor has a contract to provide the city with transit shelters, but the City does not have a partnership with any company to provide transit benches. There are several non-advertising benches at select locations. Focus Media Group feels that the community would be better served by increasing the number of transit benches as well as better positioning to maximize both use of the amenities and advertising impact.

There are a total of 290 OCTA bus stops in the City. Of those, 103 bus stops have no amenity whatsoever. The distribution of current amenities is as follows:



## Services

A brief summary of services that Focus Media Group would provide the City of Garden Grove are as follows:

- ✓ Regular and thorough cleaning of bus stops
- ✓ Sweeping and cleaning in the immediate vicinity
- ✓ Spray washing of bus stops as required
- ✓ Trash removal
- ✓ Ad copy posting, monitoring and repair
- ✓ Posting report verification
- ✓ Bench & Shelter relocation and removal
- ✓ Compliance with all insurance requirements
- ✓ Repairs and modifications

## Benefits to Garden Grove

- ✓ A high-value vendor to provide additional, high-value amenities to the community at no additional cost to the City.
- ✓ Provide a cost-effective vehicle for local businesses to promote their products and services to the local community.
- ✓ Provide an effective, low/no cost communication tool to the City of Garden Grove on available advertising space.
- ✓ Premium maintenance, litter removal and graffiti control.
- ✓ Additional revenue generator for the City

### Proposed Terms

- Ten (10) year contract
- July 1, 2017 start date
- Optional extensions of five (5) one-year periods or one (1) five-year period
- Focus Media Group would:
  - Purchase the transit benches
  - Install, Maintain, Monetize
- The City of Garden Grove would enjoy 15% of the advertising revenue, paid in quarterly payments
- In addition to the ad revenue, the City would avoid the expenses related to transit bench maintenance
- The City would have final say on all advertising copy. There are prohibited categories of advertising
- Although the contract would not specify an exact number of transit benches, Focus Media Group expects to install approximately 175 units upon completion of the project.
- Current dollar value = \$0
- Potential revenue to the City = unknown

*The exact terms of the agreement are found in the Franchise Agreement herein and part of this proposal.*

The following pro forma describes a potential scenario of advertising revenue, based upon rates and occupancy that Focus Media Group believes would be reasonably expected. As with any pro forma, it describes an educated guess and is not offered as a guarantee or promise of revenue to the City.

Following the pro forma is the Franchise Agreement or contact with the City of Garden Grove that we are hereby proposing. The Franchise Agreement will also be submitted in editable form to facilitate revisions to craft the final contract.

### Contact information:

Arthur R. Rockwell

Executive Vice President, Sales & Marketing

Telephone: (305) 878-1279

Email: [arockwell@focusmediagroupinc.com](mailto:arockwell@focusmediagroupinc.com)

Michael A. Culver

Managing Director

Telephone: (714) 441-1300

Email: [mculver@focusmediagroupinc.com](mailto:mculver@focusmediagroupinc.com)



**GARDEN GROVE**  
**PROFORMA - City Revenue Share**

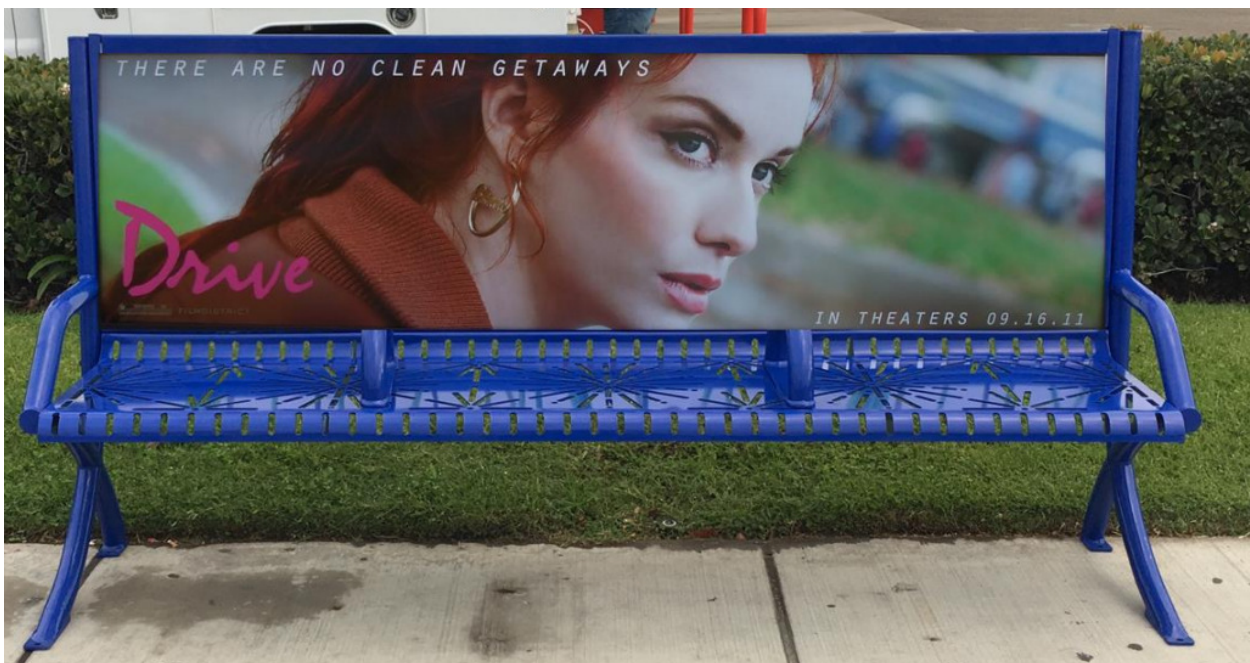
Bench 175

YEAR TWO (Average)	Mo 1	Mo 2	Mo 3	Mo 4	Mo 5	Mo 6	Mo 7	Mo 8	Mo 9	Mo 10	Mo 11	Mo 12	Yr 2
<b>TRANSIT BENCH</b>													
Transit Bench Ad Panels	175	175	175	175	175	175	175	175	175	175	175	175	
Occupancy	65%	65%	65%	65%	65%	65%	65%	65%	65%	65%	65%	65%	
Panels Sold	114	114	114	114	114	114	114	114	114	114	114	114	
Rate per Panel	\$115	\$115	\$115	\$115	\$115	\$115	\$115	\$115	\$115	\$115	\$115	\$115	
<b>BENCH GROSS REVENUE</b>	<b>\$13,081</b>	<b>\$13,081</b>	<b>\$13,081</b>	<b>\$13,081</b>	<b>\$13,081</b>	<b>\$13,081</b>	<b>\$13,081</b>	<b>\$13,081</b>	<b>\$13,081</b>	<b>\$13,081</b>	<b>\$13,081</b>	<b>\$13,081</b>	<b>\$156,975</b>
<b>GROSS REVENUE</b>	<b>\$13,081</b>	<b>\$13,081</b>	<b>\$13,081</b>	<b>\$13,081</b>	<b>\$13,081</b>	<b>\$13,081</b>	<b>\$13,081</b>	<b>\$13,081</b>	<b>\$13,081</b>	<b>\$13,081</b>	<b>\$13,081</b>	<b>\$13,081</b>	<b>\$156,975</b>
<b>REVENUE SHARE TO CITY</b>													
Bench Revenue @ 15%	\$1,962	\$1,962	\$1,962	\$1,962	\$1,962	\$1,962	\$1,962	\$1,962	\$1,962	\$1,962	\$1,962	\$1,962	\$23,546
<b>REVENUE TO CITY</b>	<b>\$1,962</b>	<b>\$1,962</b>	<b>\$1,962</b>	<b>\$1,962</b>	<b>\$1,962</b>	<b>\$1,962</b>	<b>\$1,962</b>	<b>\$1,962</b>	<b>\$1,962</b>	<b>\$1,962</b>	<b>\$1,962</b>	<b>\$1,962</b>	<b>\$23,546</b>

## Current Bus Benches



## Proposed Bus Benches



**City of Garden Grove**

**INTER-DEPARTMENT MEMORANDUM**

To:	Scott C. Stiles	From:	Omar Sandoval
Dept.:	City Manager	Dept.:	City Attorney
Subject:	Adoption of a Resolution adopting a separate bus bench security deposit fee. ( <i>Action Item</i> )		
		Date:	11/28/2017

---

**OBJECTIVE**

To present to the City Council the attached Resolution adopting a bus bench security deposit fee, separate from, and lower than, the existing bus shelter fee.

**BACKGROUND**

The City has negotiated a license agreement with Focus Media Group, Inc., to provide advertising bus benches along the City's right-of-way. Garden Grove Municipal Code section 11.36.140 provides that before the issuance of any permit for the installation of any bus shelter, the licensee shall make a cash deposit, or provide a performance bond in a form acceptable to the City Attorney, in the amount approved by the City Council by resolution. Garden Grove Municipal Code section 11.36.020 provides that the deposit required by Section 11.36.140 applies to both, bus benches and bus shelters.

Currently, the City's Master Fee Resolution only contains a \$500 fee per bus shelter, which also applies to bus benches. Because the cost to install, maintain, and replace/remove bus benches is substantially less than the cost associated with bus shelters, the City has negotiated with Focus Media Group, Inc., to reduce in half the deposit required for bus benches. In order to implement the agreement, a resolution adopting a separate bus bench security deposit fee is required.

**DISCUSSION**

The attached Resolution establishes a separate bus bench security deposit fee at \$250 per bench, which is half the deposit required for bus shelters. The Resolution adds the bus bench fee to the Master Fee Resolution maintained by the City Clerk.

**FINANCIAL IMPACT**

Although the bus bench fee is one-half of the deposit required for bus shelters, it will

enable the City to implement a new agreement with Focus Media Group, Inc., which will have positive financial impacts to the City.

#### **RECOMMENDATION**

It is recommended that the City Council:

- Adopt the attached Resolution adopting a separate bus bench security deposit fee.

#### **ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>	<b>File Name</b>
CC Resolution	11/21/2017	Resolution	11-28-17_CC_GG_Resolution_Adopting_Bench_Fee.pdf

GARDEN GROVE CITY COUNCIL

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE  
ADOPTING A SEPARATE BUS BENCH SECURITY DEPOSIT FEE

WHEREAS, Garden Grove Municipal Code Section 11.36.140 provides that before the issuance of any permit for the installation of any bus shelter, the licensee shall make a cash deposit, or provide a performance bond in a form acceptable to the City Attorney, in the amount approved by the City Council by resolution;

WHEREAS, per Garden Grove Municipal Code Section 11.36.020, the deposit required by Section 11.36.140 applies to both, bus benches or bus shelters;

WHEREAS, the City's Fee Schedule establishes a deposit of \$500 per bus shelter, which also applies to bus benches; and

WHEREAS, the cost of installation, maintenance and removal of bus benches is lower than the costs associated with bus shelter structures.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Garden Grove that the bus shelter fee and security deposit (cash) shall be separately set at \$250.00 per bench for standalone benches.

BE IT FURTHER RESOLVED that in order to provide the public an easy-to-understand schedule of fees, the City Clerk is directed to compile and make available upon request an updated schedule of fees and charges for City services that combines: (1) the list of previously-established service fees and charges that are not addressed by this Resolution, with (2) the fee and charge established herein. The combined list is for public information purposes, and clerical or other errors or omissions in the preparation of the list shall not have the effect of increasing, decreasing, invalidating, or waiving adopted fees or charges.

BE IT FURTHER RESOLVED that the bus bench fee established herein shall become effective upon the adoption of this Resolution.

**City of Garden Grove**

**INTER-DEPARTMENT MEMORANDUM**

To: Scott C. Stiles                      From: Teresa Pomeroy  
Dept.: City Manager                      Dept.: City Clerk  
Subject: Receive and file minutes      Date: 11/28/2017  
            from the meeting held on  
            November 14, 2017. (*Action*  
            *Item*)

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Attached are the minutes from the meeting held on November 14, 2017,  
recommended to be received and filed as submitted or amended.

**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>	<b>File Name</b>
Minutes	11/20/2017	Minutes	cc-min_11_14_2017.pdf

MINUTES

GARDEN GROVE CITY COUNCIL

Regular Meeting

Tuesday, November 14, 2017

Community Meeting Center  
11300 Stanford Avenue, Garden Grove, CA 92840

CONVENE MEETING

At 6:33 p.m., Mayor Jones convened the meeting in the Council Chamber

ROLL CALL      PRESENT:      (7)      Mayor Jones, Council Members Beard,  
O'Neill, T. Nguyen, Bui, Klopfenstein, K.  
Nguyen

ABSENT:      (0)      None

INVOCATION

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

COMMUNITY SPOTLIGHT: IN RECOGNITION OF MIKE DAVIS AND KURTIS GIBSON  
FOR THEIR ARTWORK ON THE PALMA VISTA MURAL (F: 52.3)

INTRODUCTION OF JOHN MONTANCHEZ, NEWLY APPOINTED COMMUNITY  
SERVICES DIRECTOR (F: 52.3)

ORAL COMMUNICATIONS

Speakers: Charles Mitchell, Bob Donelson, Gail Taylor

CONSIDERATION OF A REQUEST FROM WEST GARDEN GROVE YOUTH BASEBALL  
FOR CO-SPONSORSHIP OF THE 2018 OPENING DAY PARADE (F: 88.1)

Following staff presentation and City Council comments, it was moved by Council Member Beard, seconded by Mayor Jones that:

The request from West Garden Grove Youth Baseball for the 2018 Opening Day Parade on Saturday, February 10, 2018, be approved for co-sponsorship to provide Police staff to close city streets, rental of the Showmobile Stage and Public Works staff for set up of the stage for a total cost of \$2500.00.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Beard, O'Neill, T. Nguyen, Bui, Klopfenstein, K.  
Nguyen, Jones  
Noes: (0) None

#### RECESS

At 6:57 p.m., Mayor Jones recessed the meeting.

#### RECONVENE

At 7:00 p.m., Mayor Jones reconvened the meeting in the Council Chamber with all Council Members present.

#### ACCEPTANCE OF PROJECT NO. 7664 – GARDEN GROVE COMMUNITY MEETING CENTER CITY COUNCIL CHAMBER RENOVATION AS COMPLETE (F: 48.4.proj.7664)

It was moved by Council Member Klopfenstein, seconded by Council Member Bui that:

Project No. 7664 - Garden Grove Community Meeting Center City Council Chamber Renovation be accepted as complete;

The City Manager be authorized to execute the Notice of Completion of Public Works Improvement and Work; and

The Finance Director be authorized to release the retention payment when appropriate to do so.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Beard, O'Neill, T. Nguyen, Bui, Klopfenstein, K.  
Nguyen, Jones  
Noes: (0) None

#### AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO NATIONAL AUTO FLEET GROUP FOR ONE (1) FLATBED DUMP TRUCK (F: 60.4)

It was moved by Council Member Klopfenstein, seconded by Council Member Bui that:



The Finance Director be authorized to issue a purchase order in the amount of \$78,146.90 to National Auto Fleet Group for the purchase of one (1) flatbed dump truck.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Beard, O'Neill, T. Nguyen, Bui, Klopfenstein, K.  
Nguyen, Jones  
Noes: (0) None

ADOPTION OF A RESOLUTION AUTHORIZING THE AWARD OF A DEMOLITION CONTRACT PER SECTION 2.50.070 OF THE GARDEN GROVE MUNICIPAL CODE FOR PROPERTIES LOCATED AT 12262 AND 12292 TAMERLANE DRIVE, 12239 CHOISSER ROAD, AND 12401 HARBOR BOULEVARD, GARDEN GROVE (F: A-116.5)

It was moved by Council Member Klopfenstein, seconded by Council Member Bui that:

Resolution No. 9465-17 entitled: A Resolution of the City Council of the City of Garden Grove authorizing the award of a demolition contract in accordance with Section 2.50.070 of the Garden Grove Municipal Code for demolition of vandalized and substandard structures on Tamerlane Drive, Choisser Road, and Harbor Boulevard, and making certain other findings in connection therewith, be adopted.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Beard, O'Neill, T. Nguyen, Bui, Klopfenstein, K.  
Nguyen, Jones  
Noes: (0) None

RECEIVE AND FILE MINUTES FROM THE MEETING HELD ON OCTOBER 24, 2017  
(F: Vault)

It was moved by Council Member Klopfenstein, seconded by Council Member Bui that:

The minutes from the meeting held on October 24, 2017, be received and filed.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Beard, O'Neill, T. Nguyen, Bui, Klopfenstein, K.  
Nguyen, Jones  
Noes: (0) None

## WARRANTS (F: 60.5)

It was moved by Council Member Klopfenstein, seconded by Council Member Bui that:

Payroll Warrants 181767 through 181802; 181803 through 181836; Direct Deposits D320076 through D320783; D320782 through D321485; Wires W2410 through W2413; and W2414 through W2417; be approved as presented in the warrant register submitted, and have been audited for accuracy and funds are available for payment thereof by the Finance Director.

Regular Warrants 630429 through 630699; 630700 through 631303; 631304 through 631607; Wires W1994 through W2003; W2004 through W2012; and Direct Deposits W630699 through W631302; be approved as presented in the warrant register submitted, and have been audited for accuracy and funds are available for payment thereof by the Finance Director; and

The motion carried by a 7-0 vote as follows:

Ayes: (7) Beard, O'Neill, T. Nguyen, Bui, Klopfenstein, K.  
Nguyen, Jones  
Noes: (0) None

## APPROVAL TO WAIVE FULL READING OF ORDINANCES LISTED

It was moved by Council Member Klopfenstein, seconded by Council Member Bui that:

Full reading of Ordinances listed be waived.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Beard, O'Neill, T. Nguyen, Bui, Klopfenstein, K.  
Nguyen, Jones  
Noes: (0) None

## PUBLIC HEARING – AMENDMENT TO TITLE 9 OF THE MUNICIPAL CODE TO UPDATE THE DEFINITIONS, OPERATING CONDITIONS, AND DEVELOPMENT STANDARDS FOR THE CITY'S CIVIC CENTER MIXED USE ZONING DISTRICTS WITH THE INTRODUCTION AND FIRST READING OF AN ORDINANCE APPROVING AMENDMENT NO. A-021-2017 (F: 115.A-01-2017)(XR: 50.3)

*(As approved earlier in the meeting, it was moved by Council Member Klopfenstein, seconded by Council Member Bui, and approved by a 7-0 vote, that full reading of ordinances listed be waived.)*



construction, improvement and equipping of Garden Grove Senior Apartments and certain other matters relating thereto, be adopted.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Beard, O'Neill, T. Nguyen, Bui, Klopfenstein, K.  
Nguyen, Jones  
Noes: (0) None

MATTERS FROM THE MAYOR, CITY COUNCIL MEMBERS, AND CITY MANAGER

DISCUSSION OF THEFT AND SCAVENGING OF RECYCLING MATERIALS FROM RESIDENTIAL GARBAGE CONTAINERS AS REQUESTED BY THE CITY COUNCIL (F: 89.1)

Council Member Beard stated that he has been approached by citizens concerned about theft and scavenging from garbage cans. He noted that one individual has done some research, and that he would like to table this matter for the next meeting in order to gather more information.

Following staff presentation, City Attorney Sandoval's comments regarding enforcement of theft and scavenging from trash receptacles, and City Council discussion, it was moved by Council Member Beard, seconded by Mayor Jones to table this matter to the next City Council meeting.

The motion carried by a 7-0 vote as follows:

Ayes: (7) Beard, O'Neill, T. Nguyen, Bui, Klopfenstein, K.  
Nguyen, Jones  
Noes: (0) None

MATTERS FROM THE MAYOR, CITY COUNCIL MEMBERS, AND CITY MANAGER (Continued)

Council Member Beard wished Council Member O'Neill a Happy Birthday; and he wished everyone a Happy Thanksgiving and encouraged everyone to reflect, be thankful, and to enjoy your family and the holiday.

Council Member O'Neill wished everyone a safe and Happy Thanksgiving.

Council Member T. Nguyen wished Council Member O'Neill a Happy Birthday and everyone a safe and Happy Thanksgiving, and expressed her thankfulness to everyone for supporting the City Council.

Council Member K. Nguyen wished Council Member O'Neill a Happy Birthday and everyone a Happy Thanksgiving. She commented that a recent event motivated her to work with Garden Grove Animal Care Services on creating window decals

available to Garden Grove residents that would serve to notify first responders if pets are within a home. She gave kudos to Garden Grove Animal Care Services for their help and care for Garden Grove animals.

Council Member Klopfenstein wished Council Member O'Neill a Happy Birthday and everyone a Happy Thanksgiving. She asked for and received clarification from City Manager Stiles that a report on short term rentals will be provided to the City Council at the December 12, 2017, meeting. She noted that short term rentals are an issue for many residents and encouraged people to attend the December 12, 2017, meeting.

Council Member Bui wished Council Member O'Neill a Happy Birthday and everyone a Happy Thanksgiving. He noted that he will be volunteering through We Give Thanks on Thanksgiving and encouraged everyone to visit their website at [wegivethanksinc.org](http://wegivethanksinc.org).

Mayor Jones congratulated Sarah Bui for winning the Miss Garden Grove 2018 pageant noting she is the first Vietnamese American to be Miss Garden Grove; and Sophie Nessary for winning Miss Garden Grove's Outstanding Teen 2018. He also congratulated Julie Diep with OC Autism on her successful annual banquet held November 11, 2017, to raise awareness of autism. He expressed his appreciation for Ms. Diep's work and hopes to see OC Autism continue.

City Manager Stiles noted that February 10, 2018, will be a busy day as there will be the opening day ceremony for West Garden Grove Little League, and the Cypress Americana Awards Dinner. He noted that he attended the Bob Hope USO event at the Elks Lodge in honor of Veterans Day. He announced that the Community and Economic Development Department has been nominated by the Orange County Business Association for two awards: "Streamlining Superstars," and the California Association for Local Economic Development's "Awards of Excellence" for the Department's work on the Wesley Village project and community outreach with import/export businesses. The winners will be awarded at the Business Council's seventh annual "Turning Red Tape into Red Carpet" Awards Reception on Thursday, November 16, 2017.

#### ADJOURNMENT

At 7:50 p.m., Mayor Jones adjourned the meeting. The next City Council Meeting will be held on Tuesday, November 28, 2017, at 5:30 p.m. at the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

Teresa Pomeroy, CMC  
City Clerk

## City of Garden Grove

## INTER-DEPARTMENT MEMORANDUM

To:	Scott C. Stiles	From:	Teresa Pomeroy
Dept.:	City Manager	Dept.:	City Clerk
Subject:	Approval of warrants. (Action Item)	Date:	11/28/2017

Attached are the warrants recommended for approval.

**ATTACHMENTS:**

Description	Upload Date	Type	File Name
Warrants	11/22/2017	Warrants	CC_Warrants_11-28-17.pdf

PAYROLL WARRANT REGISTER BY WARRANT NUMBER 11/23/17 PAGE 1

181810	AMANDA M POLLOCK	(VOID)	-1077.04	181837	AMANDA M POLLOCK	1077.04
181838	JUDITH A MOORE		1912.10	181839	DIANE BELAIR	1621.69
181840	PHU T NGUYEN		1376.05	181841	JO ANNE M CHUNG	2158.84
181842	THOMAS E BUTTERS		2103.39	181843	JUSTIN E DAVENPORT	536.45
181844	CHRIS M VERES		2988.39	181845	ROBERT R MOUNGEY	390.50
181846	MICHAEL F ROCHA		2652.77	181847	KEVIN L RAY	678.35
181848	DANIEL C MOSS		1326.82	181849	YUKIYOSHI NAKAGAWA	1444.44
181850	FRANK X DE LA ROSA		2486.72	181851	ANA E PULIDO	3313.84
181852	STEPHANIE AMBRIZ		190.65	181853	DEANNA M CHUMACERO	1038.75
181854	STEVEN E GOMEZ		436.65	181855	ISABELLA H KUBES	124.56
181856	EMILY PATINO MARQUEZ		97.14	181857	PHILIP J SEYMOUR	178.07
181858	AMANDA M POLLOCK		1077.04	181859	CHRISTOPHER C DOVEAS	264.94
181860	ISAAC DAVILA		347.45	181861	JULIAN TAPIA	209.41
181862	RANDY L TUCKER		1711.87	181863	JOAN M CEPLIUS	845.25
181864	O.C.E.A. GENERAL		2425.56	181865	O.C.E.A.	1201.19
181866	COMMUNITY HEALTH CHARITI		50.00	181867	GARDEN GROVE POLICE ASSO	1520.00
D321484	KRIS C BEARD		301.46	D321485	PHAT T BUI	24.37
D321486	STEVEN R JONES		198.98	D321487	STEPHANIE L KLOPFENSTEIN	221.98
D321488	DIEDRE THU HA NGUYEN		272.26	D321489	KIM B NGUYEN	274.05
D321490	JOHN R O'NEILL		296.97	D321491	PAMELA M HADDAD	1486.35
D321492	SHAWN S PARK		1851.29	D321493	SCOTT C STILES	6150.57
D321494	MARIA A STIPE		6088.65	D321495	MEENA YOO	1938.95
D321496	DENISE KEHN		2024.43	D321497	MARITZA PIZARRO	1745.75
D321498	TERESA L POMEROY		6135.82	D321499	LIZABETH C VASQUEZ	1662.76
D321500	SHAUNA J CARRENO		1945.67	D321501	TERESA G CASEY	1401.65
D321502	VIRGINIA DELGADO		1471.86	D321503	DANNY HUYNH	4078.06
D321504	VILMA C KLOESS		1832.52	D321505	IVY LE	2181.87
D321506	TAMMY LE		1537.87	D321507	LINDA MIDDENDORF	2520.13
D321508	ROSALINDA MOORE		1281.61	D321509	MARIA A NAVARRO	2178.99
D321510	PHUONG VIEN T NGUYEN		2436.21	D321511	QUANG NGUYEN	2315.14
D321512	TINA T NGUYEN		2028.95	D321513	THYANA T PHI	2189.04
D321514	MARIA RAMOS		2048.53	D321515	TANYA L TO	1487.25
D321516	CUONG K TRAN		2019.22	D321517	ELAINE TRUONG	1346.93
D321518	THANH-NGUYEN VO		1701.48	D321519	SYLVIA GARCIA	2019.54
D321520	KINGSLEY C OKEREKE		4870.99	D321521	HEIDI M JANZ	2152.07
D321522	CHRISTI C MENDOZA		573.86	D321523	ANN C EIFERT	2645.08
D321524	DEBORAH A POWELL		1610.20	D321525	MARGARITA A ABOLA	1764.11
D321526	MARISA ATIN RAMOS		1124.32	D321527	ELLIS EUN ROK CHANG	2456.09
D321528	JANET J CHUNG		1946.33	D321529	CLAUDIA FLORES	3322.38
D321530	RHONDA C KAWELL		2998.51	D321531	ROBERT W MAY	1337.67
D321532	SHAWNA A MCDONOUGH		1390.82	D321533	HEIDY Y MUNOZ	2038.24
D321534	ALEXANDER TRINIDAD		2451.54	D321535	LIGIA ANDREI	1299.67
D321536	ARIANA B BAUTISTA		1490.96	D321537	KAREN J BROWN	658.54
D321538	CORINNE L HOFFMAN		2317.00	D321539	JEFF N KURAMOTO	2158.16
D321540	CHELSEA E LUKAS		1423.74	D321541	EDWARD E MARVIN JR	1670.28
D321542	ANGELA M MENDEZ		1679.18	D321543	MONICA A NEELY	2843.70
D321544	JENNIFER L PETERSON		1753.11	D321545	ANH PHAM	4061.56
D321546	EVA RAMIREZ		1622.61	D321547	JAIME F CHAVEZ	1430.43

\*\*\*\* PAGE TOTAL = 164497.19

D321548	GARY F HERNANDEZ	1465.15	D321549	NEAL M MANALANSAN	1414.67
D321550	DANIEL J SANCHEZ	1543.64	D321551	SANDRA E SEGAWA	3148.90
D321552	ALANA R CHENG	2184.74	D321553	LISA L KIM	3907.76
D321554	JAYME K AHLO	2154.51	D321555	MICHAEL G AUSTIN	2320.69
D321556	DAVID A DENT	3499.92	D321557	TODD C HARTWIG	2166.69
D321558	AARON J HODSON	1955.79	D321559	DONALD E LUCAS	2606.31
D321560	SVETLANA MOURE	2010.19	D321561	LORENA J QUILLA-SOULES	2209.81
D321562	DANIEL A WINDHAM	2417.59	D321563	CHRISTOPHER CHUNG	2526.14
D321564	PAUL GUERRERO	2853.41	D321565	LEE W MARINO	3346.05
D321566	MARIA L MEDRANO	1859.82	D321567	MARIA C PARRA	2579.67
D321568	ERIN WEBB	3158.77	D321569	GREG BLODGETT	2618.57
D321570	MONICA COVARRUBIAS	2496.16	D321571	GRACE E LEE	2263.73
D321572	AMEENAH ABU-HAMDIYYAH	1679.25	D321573	JULIE A ASHLEIGH	1802.85
D321574	RITA M CRAMER	1978.89	D321575	RALPH V HERNANDEZ	2083.18
D321576	JIMMY NGUYEN	1844.14	D321577	ROY N ROBBINS	2693.31
D321578	ALLISON D WILSON	1820.42	D321579	MICHAEL C BOS	2208.81
D321580	DANIEL J CANDELARIA	4164.48	D321581	VINCENT L DE LA ROSA	1787.51
D321582	KAMYAR DIBAJ	1000.00	D321583	ALICIA M HOFER	1504.52
D321584	NICOLAS C HSIEH	2740.51	D321585	ROSEMARIE JACOT	1972.01
D321586	NAVIN B MARU	3350.99	D321587	JUAN C NAVARRO	2106.15
D321588	MICHAEL F SANTOS	2171.44	D321589	MARK P UPHUS	3295.26
D321590	JOSE A VASQUEZ	2027.29	D321591	ANA G VERGARA NEAL	2072.38
D321592	DAI C VU	3479.63	D321593	KHANG L VU	2828.60
D321594	JOSHUA J ARIONUS	1589.45	D321595	JAN BERGER	1859.87
D321596	ROBERT P BERMUDEZ	2872.71	D321597	TIM P CANNON	3306.96
D321598	MYUNG J CHUN	3512.93	D321599	CARINA M DAN	495.31
D321600	RYAN H DAVIS	1220.19	D321601	RONALD W DIEMERT	2572.87
D321602	CHRIS N ESCOBAR	3596.66	D321603	JASON A FERTAL	1643.69
D321604	ALEXANDER L GERRY	1152.18	D321605	ALEJANDRO GONZALEZ	2032.45
D321606	MICHAEL J GRAY	1071.38	D321607	LARRY GRIFFIN	1610.78
D321608	ROBERT A HAENDIGES	2435.44	D321609	RYAN S HART	2079.55
D321610	ROBERT M HIGGINBOTHAM	1240.84	D321611	EDWARD A HUY	4149.23
D321612	VIDAL JIMENEZ	1770.85	D321613	SAMUEL K KIM	3588.91
D321614	BRENDA L LAI	441.72	D321615	SHAN L LEWIS	1649.84
D321616	REBECCA PIK KWAN LI	2954.24	D321617	SCOTT T LOWE	2639.63
D321618	DAVID MA'AE	1755.19	D321619	TYLER MEISLAHN	1738.26
D321620	JESSE K MONTGOMERY	1915.73	D321621	STEVEN J MOYA JR	1834.15
D321622	BASIL G MURAD	1167.78	D321623	KIRK L NATLAND	752.21
D321624	DUC TRUNG NGUYEN	1784.84	D321625	CORNELIU NICOLAE	2271.75
D321626	ANDREW I ORNELAS	1447.33	D321627	DAVID A ORTEGA	1897.45
D321628	CELESTINO J PASILLAS	3603.82	D321629	WILLIAM F PEARSON	2057.28
D321630	LES A RUITENSCHILD	2646.79	D321631	JONATHAN RUIZ	5664.15
D321632	MODESTO R SALDANA	1830.79	D321633	ALEXIS SANTOS	1006.46
D321634	ADRIAN M SARMIENTO	2357.75	D321635	ALBERT TALAMANTES JR	1274.83
D321636	MINH K TRAN	2467.05	D321637	ALEJANDRO VALENZUELA JR	1100.25
D321638	ALEJANDRO N VALENZUELA	1381.79	D321639	KATHLEEN N VICTORIA	777.24
D321640	RONALD J WOLLAND	2125.18	D321641	VICTOR K YERGENSEN	1786.31
D321642	ALICE K FREGOSO	1710.45	D321643	RAQUEL K MANSON	2410.38

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D321644	CAROLYN E MELANSON	1536.57	D321645	WILLIAM E MURRAY JR	5982.40
D321646	EMILY H TRIMBLE	1469.43	D321647	ALFRED J AGUIRRE	2615.55
D321648	ANTHONY U AGUIRRE	673.71	D321649	RODOLPHO M BECERRA	2779.07
D321650	HELEN L CAMDEN	312.74	D321651	EDGAR A CANO	1287.74
D321652	ALBERT J CARRISOZA	1639.43	D321653	MARRAY R CHAPMAN	478.94
D321654	GABRIELA R CONTRERAS	2326.37	D321655	JULIE T COTTON	855.89
D321656	ERIC M ESPINOZA	1580.35	D321657	HECTOR M ESPINOZA	1771.12
D321658	ROBERT J FRANCO	644.86	D321659	MAURICIO S GARCIA	2606.54
D321660	GLORIA GAW	1948.22	D321661	RICHARD R GOSSELIN	3100.37
D321662	HERMILO HERMANDEZ	1435.54	D321663	DONALD A HORNE JR	1060.10
D321664	DARNELL D JERRY	510.08	D321665	BRENT KAYLOR	3229.67
D321666	MARK W LADNEY	2176.62	D321667	RAUL LEYVA	3088.38
D321668	ANTONIO R MARTIN	2132.99	D321669	ROBERT P MCLOGAN	526.16
D321670	KEVIN E MEJIA	650.24	D321671	RIGOBERTO MENDEZ	2521.27
D321672	JON A MIHAILA	517.07	D321673	STEVEN T ORTIZ	1664.11
D321674	RICHARD L PINKSTON	1906.06	D321675	BRADLEY J POINDEXTER	524.60
D321676	STEVE J TAVANU'U	1863.08	D321677	SUSAN VITALI	789.57
D321678	STEPHANIE A WASINGER	653.52	D321679	IOAN ANDREI	566.59
D321680	JEFFREY G CANTRELL	1874.92	D321681	THOMAS C COUNTS	70.03
D321682	JAMES CUNNINGHAM	1941.48	D321683	EARNEST L DOMINGUEZ	830.50
D321684	JULIA ESPINOZA	1121.63	D321685	ALBERT R EURS II	2274.48
D321686	CECELIA A FERNANDEZ	1106.29	D321687	CONRAD A FERNANDEZ	932.88
D321688	DIANA GOMEZ	502.48	D321689	JORGE GONZALEZ	1055.95
D321690	MICHAEL R GREENE	1810.36	D321691	RONALD D GUSMAN	839.95
D321692	GLORIA A HARO	1169.84	D321693	ERIC W JOHNSON	988.51
D321694	URIEL MACIAS	789.66	D321695	LUIS Y MENDOZA AGUILAR	868.29
D321696	KHUONG NGUYEN	1122.26	D321697	ALEJANDRO ORNELAS	890.86
D321698	WILLIAM R PICKRELL	2392.53	D321699	DELFRADO C REYES	1122.27
D321700	RAFAEL ROBLES	1034.16	D321701	JAVIER RODRIGUEZ	1027.09
D321702	RODERICK THURMAN	1511.50	D321703	EVARISTO VERA	1578.28
D321704	RICHARD L WILLIAMS	1564.46	D321705	ANSELMO AGUIRRE	1787.51
D321706	CHRISTOPHER L ALLEN	1740.83	D321707	PHILLIP J CARTER	2180.11
D321708	RICK L DUVAL	2609.64	D321709	AARON R HANSEN	1832.90
D321710	PATRICIA CLAIR HAYES	2888.75	D321711	HUY HOA HUYNH	1987.99
D321712	BRYAN D KWIATKOWSKI	1489.79	D321713	CHRISTOPHER B PRUDHOMME	349.57
D321714	ROLANDO QUIROZ	1628.73	D321715	TODD R REED	2078.80
D321716	ESTEBAN H RODRIGUEZ	1668.85	D321717	LUIS A TAPIA	2363.41
D321718	MICHAEL W THOMPSON	2483.37	D321719	WILLIAM J WHITE	1957.16
D321720	JEREMY J GLENN	470.29	D321721	JESSE GUZMAN	2693.99
D321722	BRETT A MEISLAHN	1698.45	D321723	MARK E MONSON	2185.89
D321724	AUSTIN H POWELL	1763.61	D321725	MELVIN P REED	1456.11
D321726	STEPHEN D SUDDUTH	2824.82	D321727	TIMOTHY WALLINGFORD	3311.79
D321728	HILLARD J WILLIAMS	704.95	D321729	SOUHELIA K GOUNTOUA	1580.48
D321730	ALBERT J HOLMON III	3014.01	D321731	ALLEN L SERNA	2332.41
D321732	VICTOR T BLAS	2154.46	D321733	ERVIN DUBRUL	2419.76
D321734	JOSE GOMEZ	1790.16	D321735	BRENT W HAYES	2598.21
D321736	FRANK D HOWENSTEIN	2152.87	D321737	ALLEN G KIRZHNER	2127.96
D321738	KEON DONTRAY NELSON	1793.40	D321739	BRANDON S NUNES	1049.45

\*\*\*\* PAGE TOTAL = 159016.09

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D321740	STEPHEN PORRAS	4174.98	D321741	JESSE VIRAMONTES	1324.53
D321742	JOHN ZAVALA	4925.78	D321743	VERONICA AVILA	488.20
D321744	JEFFREY P DAVIS	2091.48	D321745	NOELLE N KIM	1614.06
D321746	MISSY M MENDOZA	578.36	D321747	MARIE L MORAN	2321.57
D321748	KRISTY H THAI	2068.84	D321749	KYLAN C ACOSTA	324.75
D321750	EDWARD D AMBRIZ GARCIA	296.77	D321751	GABRIELLA E BALANDRAN	123.64
D321752	VALERIA J BARON	265.00	D321753	JOSUE BARREIRO MENDOZA	519.22
D321754	NICHOLAS J BARRETT	82.87	D321755	ALEXIS R BAUTISTA-MOYANO	73.75
D321756	ALEJANDRA CAMARENA	190.39	D321757	RACHEL M CAMARENA	3474.51
D321758	RENE CAMARENA	3091.39	D321759	MARTI CARROLL	979.10
D321760	VICTORIA M CASILLAS	1691.71	D321761	CYNTHIA A CHEW	1755.32
D321762	AMANDA D CROSS	1032.96	D321763	GEISEL L CRUZ	533.19
D321764	KENNETH E CUMMINGS	576.89	D321765	KEVIN J CUMMINGS	303.19
D321766	GRISSELL V EVERASTICO	199.62	D321767	JARED D GARCIA	234.08
D321768	VANESSA L GARCIA	60.63	D321769	JACOB R GRANT	2912.75
D321770	KIMBERLY K HOLER	96.45	D321771	CAROLINA HONSTAIN	423.97
D321772	KELLY L HOWENSTEIN	408.43	D321773	ANA C IZQUIERDO	606.76
D321774	MARITZA JIMENEZ	276.16	D321775	MARISSA D LOPEZ	46.71
D321776	LUIS A LUNA	389.27	D321777	STEPHANIA LUNA	296.48
D321778	ELAINE M MA'AE	2215.13	D321779	JESUS MEDINA	1662.70
D321780	JUAN MEDINA	1882.47	D321781	JOHN A MONTANCHEZ	3811.86
D321782	BRIANNA M MOORE	1006.30	D321783	KIRSTEN K NAKAISHI	131.11
D321784	GINA D NECCO	327.94	D321785	JACOB J NEELY	376.89
D321786	NOEL N NICHOLAS	1183.90	D321787	JENNIFER GODDARD NYE	2357.26
D321788	GABRIELA O'CADIZ-HERNAND	2530.69	D321789	LORI OCHOA	1893.61
D321790	CHRISTIAN PANGAN	483.28	D321791	JANET E PELAYO	2718.54
D321792	PERLA PERALTA	88.50	D321793	JESUS PEREZ	540.39
D321794	SUGEIRY REYNOSO	2332.53	D321795	MARINA Y ROMERO	1623.10
D321796	MONICA K ROMO	163.60	D321797	TANYA ROSAS	324.50
D321798	DIANA SALDIVAR	331.25	D321799	RICARDO SALDIVAR	452.52
D321800	DANA MARIE SAUCEDO	2105.61	D321801	EMERON J SCHLUMBERGER	903.24
D321802	AUSTIN M ST MARSEILLE	326.84	D321803	MIRANDA M TORRES	185.49
D321804	KENNETH P TRAVIS III	250.75	D321805	CLAUDIA VALDIVIA	2692.73
D321806	JEFFREY VAN SICKLE	1964.71	D321807	JOSEFINA L VELAZQUEZ	534.21
D321808	DAISY O VENCES	471.89	D321809	JOSHUA VENCES	158.99
D321810	PAUL E VICTORIA	1197.39	D321811	JACOB D VIRAMONTES	318.00
D321812	DAVID M WILMES	363.73	D321813	THOMAS R SCHULTZ	2888.07
D321814	TREVOR G SMOUSE	1903.61	D321815	ALBERTO ACOSTA	4777.95
D321816	ANTHONY R ACOSTA	1517.15	D321817	JOHN D BARANGER III	3501.46
D321818	LUCAS B BAUER	2692.37	D321819	BRADLEY D BELL	4645.35
D321820	JERRY R BRENNEMAN	3798.46	D321821	GUY BROWN	6985.47
D321822	JOSE J CAMBEROS	3446.50	D321823	DANIEL L CLEARWATER	4134.64
D321824	YVES G CLERMONT	3175.85	D321825	JOE W CRAWFORD	3701.22
D321826	TIMOTHY A CRAWFORD	4943.71	D321827	JUSTIN D DOYLE	2595.62
D321828	MICHAEL G ECKHARDT JR	5302.82	D321829	DAVID W EDNOFF	6254.33
D321830	STEVE P FELLNER	5416.60	D321831	JAMES L GABBARD	3456.71
D321832	DREW R GARCIA	2742.28	D321833	JEFF W HANNA	2851.40
D321834	MATTHEW R HENSHAW	3859.36	D321835	MICHAEL L JACOBS	2245.06

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D321836	WILLIAM R JAEGER	2110.11	D321837	JORDAN R JEMIOLA	3490.95
D321838	MATTHEW C KLEIBACKER	2815.67	D321839	SCOTT A KUHLMAN	3680.26
D321840	NICHOLAS A LERARIO	1944.67	D321841	COREY L LINDSAY	1453.74
D321842	NORMAN M LOVELY	2426.79	D321843	JOHN M MARQUEZ JR	2973.76
D321844	CHEYNE C MAULE	3441.14	D321845	TERRY A MCGOVERN JR	3676.39
D321846	SHANE D MELLEME	2027.89	D321847	TRAVIS M MELLEME	3389.34
D321848	MARK A MICKELSEN	3978.24	D321849	SON L NGUYEN	3917.58
D321850	THANH Q NGUYEN	5358.91	D321851	FREDERICK N NIBLO	4269.70
D321852	BRENT C PARDOEN	2545.10	D321853	MICHAEL KURT RIETH	2878.85
D321854	WADE E RUHMAN	3462.15	D321855	DENNIS L RUZICKA	3413.88
D321856	DAVID C SANCHEZ	1961.85	D321857	TIMOTHY S SAWYER	4345.08
D321858	NICK R SCHAEFER	2671.56	D321859	SCOTT A SCHERER	3244.08
D321860	MORRIS B SPELL	3658.23	D321861	WILLIAM S STROHM	3242.90
D321862	JUSTIN D TRAVER	2401.96	D321863	CHRISTOPHER B TRENHOLM	4829.09
D321864	JUSTIN TRUHILL	3899.41	D321865	MARIO G VALDERRAMA	1921.31
D321866	DAVID S WALDSCHMIDT	3859.47	D321867	MARK S WEISS	2947.70
D321868	JOSEPH A WINGERT JR	2089.68	D321869	JASON R BLOMGREN	2899.51
D321870	MYLES A BURROUGHS	2275.89	D321871	DAVID M CARLSON	2581.69
D321872	PARKER W CARY	3492.75	D321873	JOSHUA A FELDMAN	6811.06
D321874	TIMOTHY D FISHER	5808.62	D321875	GARRET M FURUTA	2481.98
D321876	SHANE S HOWEY	4201.80	D321877	PETER M HUBER	3425.50
D321878	JAYCEN R JUSTUS	2549.80	D321879	ANTHONY L KNAACK	4413.10
D321880	JOSHUA D LEE	3960.14	D321881	DANIEL J MOORE	3236.99
D321882	GRANT A NOBLE	3645.39	D321883	ERIC S NORRDMIN	3626.86
D321884	ANTHONY J PAGE	3516.24	D321885	ERIC M PALOMO	2748.75
D321886	ANDREW J ROACH	4664.00	D321887	RICHARD RONSTADT	4666.11
D321888	TIMOTHY N STOWE	5237.50	D321889	ERIC THORSON	3399.65
D321890	RYAN D VAN WIE	2634.48	D321891	GREGORY D WILLIAMS	1860.82
D321892	JEREMIE E YORKE	3513.66	D321893	BRYSON T DAHLHEIMER	1717.18
D321894	LISA S GUARDI	660.16	D321895	DON T NGUYEN	2169.72
D321896	NICHOLAS S SEELEY	145.32	D321897	JOSEPH I VALENZUELA	143.13
D321898	PAUL J WHITTAKER	4031.83	D321899	RANDY ABRAHAMSON	4806.22
D321900	TODD D ELGIN	5523.66	D321901	CAROLIE A KANEGAE	2452.15
D321902	WILLIAM ALLISON	3448.45	D321903	KRISTEN A BACKOURIS	1548.20
D321904	SHARON S BAEK	1533.60	D321905	GENA M BOWEN	1485.06
D321906	JESSENIA CAMPOS	1151.62	D321907	THOMAS R DARE	4832.20
D321908	HELENA ELSOUSOU	2414.66	D321909	ROBERT D FOWLER	3675.19
D321910	AI KELLY HUYNH	1820.73	D321911	CINDY S NAGAMATSU HANLON	1797.56
D321912	JEFFREY C NIGHTENGAL	4101.95	D321913	REYNA ROSALES	1497.21
D321914	TIMOTHY R ASHBAUGH	3315.46	D321915	ALFREDO R AVALOS	3189.51
D321916	CARLOS BAUTISTA JR	7467.27	D321917	RYAN S BERLETH	1977.06
D321918	SUMMER A BOGUE	1754.87	D321919	ROBERT W CAMPBELL	3468.56
D321920	JEROME L CHEATHAM	2723.47	D321921	GARY L COULTER	2604.90
D321922	NATHANIEL D COX	4263.88	D321923	BRIAN D DALTON	2166.93
D321924	CHARLIE DANIELEY III	1764.57	D321925	NICHOLAS A DE ALMEIDA LO	1939.64
D321926	KEVIN DINH	2722.52	D321927	JARED R DOYLE	2002.85
D321928	MICHELLE N ESTRADA-MONSA	2184.15	D321929	KARI A FLOOD	2237.81
D321930	JOSEPH P GROSS JR	2722.60	D321931	TROY HALLER	3155.92

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D321932	ALLAN S HARRY	4539.82	D321933	WILLIAM T HOLLOWAY	8041.56
D321934	MICHAEL J JENSEN	4429.22	D321935	NICKOLAS K JENSEN	2337.60
D321936	PATRICK R JULIENNE	2641.58	D321937	KRISTOFER D KELLEY	2339.80
D321938	TIMOTHY P KOVACS	5318.18	D321939	AUSTIN C LAVERTY	2011.84
D321940	CHRISTOPHER LAWTON	3239.61	D321941	JON D LOQUIST	2886.46
D321942	BRADLEY A LOWEN	2147.42	D321943	MATTHEW P MARCHAND	2788.91
D321944	MARIO MARTINEZ JR	3684.46	D321945	BRYAN J MEERS	2771.17
D321946	JEREMY N MORSE	2420.00	D321947	MITCHEL S MOSSER	2206.79
D321948	JASON M MURO	2808.51	D321949	AARON S NELSON	4156.54
D321950	ADAM C NIKOLIC	3896.49	D321951	JASON S PERKINS	5209.41
D321952	PHILLIP H PHAM	2294.27	D321953	DOUGLAS A PUJARD	3198.15
D321954	COREY T POLOPEK	2375.59	D321955	JOHN E REYNOLDS	2671.02
D321956	CHRISTIN E ROGERS	2674.19	D321957	GAREY D STAAAL	2846.18
D321958	BRADLEY D STENE	1877.47	D321959	BRIAN T STROUD	3317.94
D321960	VINCENTE J VAICARO	6368.68	D321961	EDGAR VALENCIA	3005.15
D321962	DANIEL J VILLEGAS	3299.81	D321963	JONATHAN B WAINWRIGHT	3750.73
D321964	CHRISTOPHER A WASINGER	3346.14	D321965	ADAM D ZMIJA	3805.11
D321966	MARCOS R ALAMILLO	3167.78	D321967	CLAUDIA ALARCON	3657.36
D321968	BOBBY B ANDERSON	2636.32	D321969	PEDRO R ARELLANO	8720.33
D321970	JOHN F BANKSON	2565.47	D321971	JOSHUA K BEHZAD	2286.09
D321972	JOSHUA D BRANNON	2295.54	D321973	VANESSA M BRODEUR	1979.99
D321974	JUAN C CENTENO	2863.57	D321975	DAVID Y H CHANG	2562.72
D321976	BRIAN M CLASBY JR	3095.22	D321977	CHASEN P CONTRERAS	2344.37
D321978	AMIR A EL-FARRA	2161.44	D321979	JOSHUA N ESCOBEDO	2710.07
D321980	HECTOR FERREIRA JR	4015.33	D321981	GEORGE R FIGUEROA	2302.14
D321982	ROGER A FLANDERS	1032.70	D321983	MICHAEL E GERDIN	2584.42
D321984	ROBERT J GIFFORD	2769.87	D321985	SEAN M GLEASON	3175.22
D321986	BRIAN HATFIELD	2569.80	D321987	MICHAEL J JOHNSON	3404.07
D321988	ARION J KNIGHT	4052.89	D321989	RAFAEL M LEE	1237.42
D321990	DEREK M LINK	11234.00	D321991	RAFAEL LOERA JR	3441.31
D321992	CHARLES H LOFFLER	2623.70	D321993	MARK A LORD	5151.28
D321994	TAYLOR A MACY	3139.31	D321995	GIANLUCA F MANIACI	2682.87
D321996	NATHAN D MORTON	2576.09	D321997	PATRICK W MURPHY	2316.90
D321998	RUDOLPH J NEGRON	3414.86	D321999	JEFFREY C NGUYEN	2877.94
D322000	STEVEN TRUJILLO ORTIZ	1987.42	D322001	LUIS A PAYAN	5697.60
D322002	OMAR F PEREZ	2221.33	D322003	SINDY RAMIREZ OROZCO	2092.98
D322004	JOHN E RANEY	8657.31	D322005	RYAN R RICHMOND	2182.44
D322006	ERIC T RUZIECKI	2547.98	D322007	SEAN M SALAZAR	2638.95
D322008	LINO G SANTANA	3608.32	D322009	PHILIP E SCHMIDT	4633.19
D322010	CHRISTOPHER M SHELIGREN	2123.62	D322011	ROBERT M STEPHENSON III	4646.09
D322012	ARTHUR F TINTLE JR	3649.53	D322013	JOHN J YERGLER	2599.39
D322014	KATHERINE M ANDERSON	5332.39	D322015	PAUL W ASHBY	3749.49
D322016	RYAN V BUSTILLOS	2270.50	D322017	THOMAS A CAPPS	3050.50
D322018	MICHAEL K ELHAM	2671.32	D322019	PATRICK E GILDEA	5733.05
D322020	DANNY J MIHALIK	5715.44	D322021	RON A REYES	2808.05
D322022	ROCKY F RUBALCABA	3079.52	D322023	ROYCE C WIMMER	3192.56
D322024	JUAN L DELGADO JR	3118.08	D322025	CHRISTOPHER M EARLE	3758.31
D322026	BENJAMIN M ELIZONDO	2575.88	D322027	OTTO J ESCALANTE	10715.84

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D322028	GEORGE KAISER	2760.03	D322029	PETER M KUNKEL	2682.91
D322030	NICHOLAS A LAZENEBY	4170.60	D322031	LUIS F RAMIREZ	3063.56
D322032	PETER HOANG VI	2149.60	D322033	JEFFREY A BROWN	3869.27
D322034	DONALD J HUTCHINS	3872.73	D322035	JASON L JOHNSON	2275.38
D322036	ERICK LEYVA	3863.22	D322037	RYAN M LUX	3163.91
D322038	RAUL MURILLO JR	3626.08	D322039	JOSHUA T OLIVO	3185.80
D322040	COURTNEY P ALLISON	2940.14	D322041	LISA A BELTHIUS	577.71
D322042	ADAM B COUGHRAN	232.63	D322043	DANIEL S EDWARDS	1265.01
D322044	CRAIG A HERRICK	1.67	D322045	VERONICA NELSON	967.34
D322046	JOHN O OJEISEKHOBIA	128.38	D322047	TRAVIS J WHITMAN	6263.80
D322048	CARL J WHITNEY	3097.62	D322049	FRANCISCO AVALOS JR	335.88
D322050	KRYSTAL L N JEANG	323.76	D322051	FELICIA H PEREZ	345.86
D322052	KENTON TRAN	349.61	D322053	KEIRA LONG	1520.06
D322054	KAREN D BRAME	1003.77	D322055	KENNETH L CHISM	1715.97
D322056	JAMES E COLEGROVE	4408.45	D322057	RUSSELL B DRISCOLL	480.16
D322058	MICHAEL FEHER	1026.78	D322059	KORY C FERRIN	6523.05
D322060	VICTORIA M FOSTER	1293.99	D322061	VICTORIA A GILL	1698.06
D322062	EFRAIN A JIMENEZ JR	1840.61	D322063	SHAYLEN L MAO	1875.66
D322064	KENNETH E MERRILL	526.01	D322065	PATRICK J MUSCHETTO	1820.50
D322066	AARON T SHIPLEY	1698.06	D322067	CHARLES W STARNES	4686.20
D322068	JOHN J STEPANOVICH	888.05	D322069	PATRICK M THRASHER	1114.89
D322070	MICHAEL J VISCOMI	3980.86	D322071	TUONG-VAN NGUYEN VU	1882.49
D322072	ROBERT L BOGUE JR	4055.79	D322073	FLOR DE LIS ELIZONDO	855.73
D322074	GARY E ELKINS	2150.56	D322075	JOHN A FLAWS	2279.92
D322076	JASON S FULTON	1976.90	D322077	JAMES C HOLDER	2716.40
D322078	ROBERT J KIVLER	1228.00	D322079	VICTORIA L LAWTON	2121.30
D322080	EDUARDO C LEIVA	4056.97	D322081	RAQUEL D MATA	821.42
D322082	REBECCA S MEERS	2276.61	D322083	MICHELLE L OLMSTEAD	996.26
D322084	DAVID C YOUNG	3662.91	D322085	MARIA A ALCARAZ	1732.89
D322086	CARISSA L BRUNICK	1396.29	D322087	TAMMY L CHAURAN-HAIGROV	1654.26
D322088	VERONICA FRUTOS	865.42	D322089	DAVID L GEORGE	2218.75
D322090	JENNIFER A GERACI	1330.07	D322091	JOAN L HIGHTOWER	1759.73
D322092	PINKY C HINGCO	1974.60	D322093	SHELBY KEULIAN	1461.20
D322094	ALLYSON T LE	1644.88	D322095	ANGELA LEDESMA	1966.18
D322096	MARIA C MCFARLANE	1808.20	D322097	TRINA T NGUYEN	1687.23
D322098	DEBRA J NICHOLS	1897.77	D322099	DIANA L O'BRIEN	1064.78
D322100	ASHLEY C ROJAS	1634.01	D322101	JENNIFER V ROMBOUGH	1762.53
D322102	KIMBRA S VELLANOWETH	2107.94	D322103	KRISTIN M WEISS	1802.96
D322104	SHANNON M YELENSKY	1754.47	D322105	JENNIFER A DIX	2792.44
D322106	KATHERINE M FRANCISCO	1470.30	D322107	AMANDA B GARNER	2083.23
D322108	ARCHIE GUZMAN	2035.36	D322109	ROBERT D LUX	2569.63
D322110	MELISSA MENDOZA-CAMPOS	2515.30	D322111	MICHAEL A MOSER	1983.42
D322112	BRANDY J PARK	2251.44	D322113	CRISTINA V PAYAN	2689.62
D322114	JENNIFER M RODRIGUEZ	4003.44	D322115	TANYA L SAMOFF	2256.04
D322116	SUSAN A I SEYMOUR	2494.83	D322117	NICOLE D SHORROW	168.67
D322118	DANNY J SOSEBEE	1631.34	D322119	MARSHA D SPELLMAN	2399.77
D322120	SPENCER T TRAN	2621.05	D322121	SANTA WARDLE	912.86
D322122	CHERYL L WHITNEY	2284.45	D322123	RICHARD A ALVAREZ-BROWN	2342.19

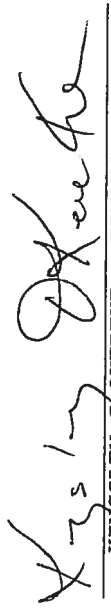
\*\*\*\* PAGE TOTAL = 199724.43

D322124	EVAN S BERESFORD	2390.46	D322125	RAY E BEX	3212.96
D322126	RICHARD O BURILLO	4972.47	D322127	DANIEL A CAMARA	2325.18
D322128	JOHN CASACCIA II	3243.71	D322129	HAN J CHO	3248.49
D322130	SCOTT A COLEMAN	3636.12	D322131	AARON J COOPMAN	3156.74
D322132	RICHARD E DESBIENS	1304.84	D322133	STEPHEN C ESTLOW	1157.11
D322134	MICHAEL D FARLEY	3632.83	D322135	JAMES D FRANKS	1973.25
D322136	PETE GARCIA	1916.93	D322137	STEVEN H HEINE	1503.42
D322138	JOSE D HERRERA	2972.13	D322139	THI A HUYNH	2999.41
D322140	GERALD F JORDAN	4533.03	D322141	JOSEPH L KOLANO	2580.87
D322142	LEA K KOVACS	2668.00	D322143	DAVID LOPEZ	2418.01
D322144	STEVEN W LUKAS	1408.89	D322145	TERRA M RAMIREZ	1944.49
D322146	ORLONZO REYES	3331.45	D322147	PAUL M TESSIER	3173.94
D322148	DENNIS WARDLE	2601.65	D322149	RONALD A DOSCHER	694.41
D322150	ERIC A QUINTERO	2170.23	D322151	HINA J AHMAD	532.35
D322152	MARY C CERDA	1878.18	D322153	NICOLE L CHUNG	1995.68
D322154	NICHOLAS G FRANC	1720.97	D322155	SUSAN A HOLSTEIN	2345.47
D322156	LIANE Y KWAN	2677.41	D322157	JANY H LEE	3241.44
D322158	SHERRILL A MEAD	2071.26	D322159	CAITLYN M STEPHENSON	1320.82
D322160	LAURA J STOVER	4470.87	D322161	FRANA K CASSIDY	1618.38
D322162	ANNA L GOLD	1597.31	D322163	HIEN Q PHAM	1631.85
D322164	KATRENA J SCHULZE	439.89	D322165	MATTHEW T SWANSON	1217.72
D322166	ANTHONY VALENZUELA	1364.27	D322167	CANDY G WILDER	1808.25
D322168	STEVEN F ANDREWS	1487.87	D322169	TERENCE S CHANG	2123.69
D322170	VERNA L ESPINOZA	1736.11	D322171	CESAR GALLO	2229.14
D322172	CHARLES D KALIL	1716.66	D322173	GEOFFREY A KLOESS	2695.03
D322174	RACHOT MORAGRAAN	3244.91	D322175	NOEL J PROFFITT	3066.94
D322176	ANAND V RAO	3544.20	D322177	JOSEPH M SCHWARTZ	2275.08
D322178	ROD T VICTORIA	3538.13	D322179	TERREL KEITH WINSTON	3310.42
D322180	POLICE ASSN	15817.25	D322181	GG FIRE FIGHTERS 2005	21188.87
D322182	SO CAL CU	87053.00	D322183	SOUTHLAND CU	9901.94
W2418	GREAT WEST LIFE 457 #340	109426.01	W2419	GREAT WEST LIFE OBRA#340	2438.50
W2420	INTERNAL REVENUE SERVICE	393191.57	W2421	EMPLOYMENT DEVELOPMENT D	109273.95

\*\*\* PAGE TOTAL = 882362.41

TOTAL CHECK PAYMENTS	32	36,708.88
TOTAL DIRECT DEPOSITS	700	1,759,744.57
TOTAL WIRE PAYMENTS	4	614,330.03
GRAND TOTAL PAYMENTS	736	2,410,783.48

Checks #181837 thru #181867, and Direct Deposits #D321484 thru #D322183, and wire #W2418 thru #W2421 presented in the Payroll Register submitted to the Garden Grove City Council 28 NOV 2017, have been audited for accuracy and funds are available for payment thereof.

  
 KINGSLEY C OKEREKE - FINANCE DIRECTOR

## WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 11/28/17

WARRANT	VENDOR	DESCRIPTION	AMOUNT
624459	YUBICO INC	REV & VOID	-1,954.50 *
624961	ANDERSEN'S DOOR SERVICE	REV & VOID	-445.00 *
626497	CAMBRIDGE HEIGHTS, LP	REV & VOID	-1,009.00 *
630249	TRANSPORTATION STUDIES, INC.	REV & VOID	-1,620.00 *
630562	SAFETY 1st PEST CONTROL, INC	REV & VOID	-4,865.00 *
630850	HARBOR GROVE LUXURY APARTMENTS C/O RENTAL OFFICE	REV & VOID	-24,126.00 *
630996	NGHIEM, DALE XUAN	REV & VOID	-11,676.00 *
631458	STRADLING, YOCCA, CARLSON & RAUTH	REV & VOID	-10,951.78 *
631462	THOMCO CONSTRUCTION, INC.	REV & VOID	-172,624.80 *
631524	AMERICAN ASPHALT SOUTH, INC.	REV & VOID	-1,448.11 *
631566	WAYNE ELECTRIC COMPANY	REV & VOID	-651.84 *
631608	STATE OF CALIF-FRANCHISE TAX BOARD	WAGE ATTACHMENT	1,148.01 *
631609	EL-FARRA, AMIR	TRAVEL ADVANCE-P.D. L/S/A TRANSPORTATION SUBSISTENCE OTHER CONF/MTG EXP	-374.00 120.00 374.00 180.00 300.00 *
631610	HERNANDEZ, GARY	MED TRUST REIMB	253.38 *
631611	CHUNG*, NICOLE	MILEAGE REIMB OTHER CONF/MTG EXP	337.05 45.00 382.05 *
631612	LEE*, JANY H.	MILEAGE REIMB LODGING FOOD OTHER FOOD ITEMS	113.42 577.59 32.92 65.60 789.53 *
631613	MARYLAND CHILD SUPPORT ACCOUNT	WAGE ATTACHMENT	343.38 *



## WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 11/28/17

WARRANT	VENDOR	DESCRIPTION	AMOUNT
631614	PETTY CASH-SPEC INVESTIGATIONS	OTHER	9,995.00 *
631615	POMEROY*, TERESA L.	MED TRUST REIMB	360.00 *
631616	CO. OF ORANGE	WAGE ATTACHMENT	461.54 *
631617	RUITENSCHILD, LES	DEP CARE REIMB	162.70 *
631618	THOMCO CONSTRUCTION, INC.	STREET CONSTR CONT	172,624.80 *
631619	WASINGER, JEAN M.	WAGE ATTACHMENT	134.31 *
631620	ORANGE COUNTY TRANSIT AUTHORITY	ENGINEERING SERVICES	1,500.00 *
631621	CO. OF ORANGE	WAGE ATTACHMENT	276.92 *
631622	ORANGE COUNTY SHERIFF/ LEVYING OFFICER CENTRAL DIV	WAGE ATTACHMENT	618.82 *
631623	INTERNAL REVENUE SERVICE	WAGE ATTACHMENT	37.50 *
631624	MARIE CALLENDER'S	FOOD	1,034.65 *
631625	M. GANNON ECKHARDT	MED TRUST REIMB	208.78 *
631626	KWAN, LIANE Y	L/S/A TRANSPORTATION	172.96
		SUBSISTENCE	54.23
		LODGING	387.78
		OFFICIAL HOSPITALITY	6.00
			620.97 *
631627	TRUONG, ELAINE	DEP CARE REIMB	660.00 *
631628	UNITED STATES TREASURY	WAGE ATTACHMENT	130.00 *
631629	SHANNON WAINWRIGHT	WAGE ATTACHMENT	553.85 *
631630	GEO DANDELION LLC	MISC DEP REFUND	321,063.00 *
631631	SMART & FINAL	FACT:PROGRAM EXP	49.09
		FOOD	230.31
		FOOD SERV SUPPL	98.00
		BOTTLED WATER	16.76
		OTHER FOOD ITEMS	328.13

PAGE TOTAL FOR "\*" LINES = 510,442.84

## WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 11/28/17

WARRANT	VENDOR	DESCRIPTION	AMOUNT
631632	WESTCOAST MUFFLER	REPAIRS-FURN/MACH/EQ	722.29 *
631633	ASTRA BUILDERS, INC.	STREET CONSTR CONT	2,448.86 *
631634	CENTENO, JUAN	TRAVEL ADVANCE-P.D.	35,509.86 *
631635	COSTCO C/O CAPITAL ONE COMMERCIAL	SEEDS/PLANTS	40.08 *
		FOOD	25.84
		FOOD SERV SUPPL	174.52
		BOTTLED WATER	144.63
		OTHER FOOD ITEMS	144.54
		PHOTO/BLUEPRINT SUPP	348.39
		CAMERAS	172.39
		OFFICE SUPPLIES/EXP	438.74
		AWARDS/TROPHIES	21.98
			275.00
			1,746.03 *
631636	HALLER, TROY	TRAVEL ADVANCE-P.D.	40.08 *
631637	MICROCEPTION, INC.	16/17 SLESA	9,445.50 *
631638	PLUARD*, DOUGLAS A.	TRAVEL ADVANCE-P.D.	221.30 *
631639	S.C. YAMAMOTO, INC.	MAINT-SERV CONTRACTS	9,684.29 *
631640	SPILLMAN TECHNOLOGIES	MAINT-SERV CONTRACTS	177,031.02 *
631641	U.S. POSTAL SERVICE (HASLER)	POSTAGE	20,000.00 *
631642	VU, TUONG-VAN NGUYEN	TRAVEL ADVANCE-C.S.	306.50 *
631643	CARL WARREN & CO	SELF-INS ADMN	9,000.00 *
631644	WHITNEY, CARL	TRAVEL ADVANCE-P.D.	306.50 *
631645	MACFARLANE, MARIA	TRAVEL ADVANCE-P.D.	375.78 *
631646	MARTINEZ, MARIO	TRAVEL ADVANCE-P.D.	40.08 *
631647	PERFORMANCE BICYCLE	EMPL BICYCLE PURCH	958.93
		EXP REIMBURSEMENT	-958.93

PAGE TOTAL FOR "\*" LINES = 266,918.17

## WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 11/28/17

WARRANT	VENDOR	DESCRIPTION	AMOUNT
631648	XEROX CORPORATION DBA: XEROX FINANCIAL SERVICES	EMP BICYCLE PUR	958.93 958.93 *
		INTEREST COSTS	300.12
		LONG TERM DEBT	5,019.60
		PROPERTY TAXES	412.28
			5,732.00 *
631649	ASTRA BUILDERS, INC. AND AWESOME BLINDS	STREET CONSTR CONT	4,460.55 *
631650	ASTRA BUILDERS, INC. AND ELECTROLURGY MFG., INC.	STREET CONSTR CONT	8,850.00 *
631651	ASTRA BUILDERS, INC. AND FLOOR TECH AMERICA, INC.	STREET CONSTR CONT	10,997.00 *
631652	AT&T	TELEPHONE	278.34 *
631653	ANAHEIM, CITY OF	ELECTRICITY	77.73 *
631654	SPOK, INC.	TELEPHONES/BEEPERS	189.36 *
631655	FRONTIER COMMUNICATIONS	TELEPHONE/BEEPERS	581.84 *
631656-631657	VOID WARRANTS		
631658	SO CALIF EDISON CO	ELECTRICITY	116,986.78 *
631659	SO CALIF GAS CO	NATURAL GAS	2,387.31 *
631660	VERIZON WIRELESS-LA	TELEPHONE/BEEPERS	15,048.74 *
631661	FAIRVIEW FORD SALES, INC	MOTOR VEHICLE ADD	37,070.44 *
631662	UNION BANK	L/S/A TRANSPORTATION LODGING REGISTRATION FEES FOOD UNIFORMS OFFICE SUPPLIES/EXP	847.94 -12.36 50.00 800.00 211.19 133.60 2,030.37 *

PAGE TOTAL FOR "\*" LINES = 205,649.39

## WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 11/28/17

WARRANT	VENDOR	DESCRIPTION	AMOUNT
631663	UNION BANK	MEDICAL SUPPLIES	150.83
		MINOR OFFICE FURN/EQ	476.23
		OTHER MINOR TOOLS/EQ	56.54
		AWARDS/TROPHIES	200.00
		OTHER REC/CULT SUPP	300.24
			1,183.84 *
631664	UNION BANK	TUITION/TRAINING	385.00
		OTHER EDUCATION EXP	377.00
		TREES	207.96
			969.96 *
631665	UNION BANK	OTHER CONF/MTG EXP	1,002.83
		REGISTRATION FEES	200.00
		BOOKS/SUBS/CASSETTES	447.44
			1,650.27 *
631666	UNION BANK	OFFICE SUPPLIES/EXP	2.99 *
631667	UNION BANK	MV GAS/DIESEL FUEL	263.93 *
631668	UNION BANK	MV GAS/DIESEL FUEL	511.67 *
631669	UNION BANK	MV GAS/DIESEL FUEL	656.32 *
631670	UNION BANK	CONTR SVC REIMB	29.14
		LODGING	5,298.92
		OTHER CONF/MTG EXP	90.02
		TUITION/TRAINING	77.00
			5,495.08 *
631671	UNION BANK	ADVERTISING	-886.60
		FOOD	559.93
		PAPER/ENVELOPES	131.44
		AWARDS/TROPHIES	210.00
			14.77 *
631672	UNION BANK	L/S/A TRANSPORTATION	78.47
		LODGING	3,167.50
		OTHER CONF/MTG EXP	240.57
		OFFICE SUPPLIES/EXP	43.13
			3,529.67 *

PAGE TOTAL FOR "\*" LINES = 14,278.50

## WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 11/28/17

WARRANT	VENDOR	DESCRIPTION	AMOUNT
631673	UNION BANK	NETWORKING SERVICES	52.95
		OFFICE SUPPLIES/EXP	64.32
			117.27 *
631674	UNION BANK	TUITION/TRAINING	199.00
		TREES	134.69
		AIR COND SUPPLIES	196.96
		OTHER CONST SUPPLIES	213.35
			744.00 *
631675	UNION BANK	TAXES/LICENSES	246.99
		FOOD SERV SUPPL	49.08
		OTHER FOOD ITEMS	53.77
		OTHER REC/CULT SUPP	8.34
			358.18 *
631676	UNION BANK	FACT:PROGRAM EXP	30.85 *
631677	UNION BANK	FACT:YTH ENRCH	122.22
		OTHER PROF SERV	9.34
		ADMN/ENTRANCE FEE	203.64
		FACT:OFFICE EXP	4.43
		FACT:PROGRAM EXP	507.35
		FOOD	436.75
		OTHER CLOTHING ITEMS	178.90
		OTHER FOOD ITEMS	382.22
		OFFICE SUPPLIES/EXP	114.75
		OTHER MINOR TOOLS/EQ	497.13
		CRAFT SUPPLIES	33.50
		AUDIO/VISUAL SUPP	45.52
		AWARDS/TROPHIES	50.00
		OTHER REC/CULT SUPP	194.77
			2,780.52 *
631678	UNION BANK	LAUNDRY SERVICES	50.46
		OTHER PROF SUPPLIES	8.98
		OFFICE SUPPLIES/EXP	532.10
		GEN PURPOSE TOOLS	227.50
			819.04 *
631679	UNION BANK	LODGING	137.85
		MV GAS/DIESEL FUEL	253.26
		MOTOR VEH PARTS	172.78

PAGE TOTAL FOR "\*" LINES = 4,849.86

## WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 11/28/17

WARRANT	VENDOR	DESCRIPTION	AMOUNT
631680	VOID WARRANT		563.89 *
631681	ABSOLUTE INTERNATIONAL SECURITY	OTHER PROF SERV	4,521.85 *
631682	ADAMSON POLICE PRODUCTS	MOTOR VEH PARTS	134,050.74 *
631683	BURILLO*, RICHARD O	TRAVEL ADVANCE-P.D. SUBSISTENCE LODGING OTHER CONF/MTG EXP	-904.30 170.00 704.35 105.00 75.05 *
631684	CRAMER, RITA	MED TRUST REIMB	710.83 *
631685	DALTON, BRIAN	TRAVEL ADVANCE-P.D. L/S/A TRANSPORTATION SUBSISTENCE	-374.00 50.00 374.00 50.00 *
631686	DARE, THOMAS R	TRAVEL ADVANCE-P.D. L/S/A TRANSPORTATION	-374.00 424.00 50.00 *
631687	EL-FARRA, AMIR	TRAVEL ADVANCE-P.D. L/S/A TRANSPORTATION SUBSISTENCE LODGING OTHER CONF/MTG EXP	-1,043.74 50.00 142.50 851.24 76.00 76.00 *
631688	ESPINOZA, VERNA	MED TRUST REIMB	780.00 *
631689	CITY OF GARDEN GROVE-WORK COMP ACCT	SELF-INS CLAIMS	335,908.94 *
631690	i.i. FUELS, INC	MV GAS/DIESEL FUEL	24,468.95 *
631691	LEE, GRACE	DEP CARE REIMB	192.30 *
631692	PHI, THYANA	DEP CARE REIMB	129.23 *

PAGE TOTAL FOR "\*" LINES = 501,577.78

## WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 11/28/17

WARRANT	VENDOR	DESCRIPTION	AMOUNT
631693	RUITENSCHILD, LES	DEP CARE REIMB	192.30 *
631694	SANCHEZ, DAVID	DEP CARE REIMB	4,615.20 *
631695	TRANSPORTATION STUDIES, INC.	ENGINEERING SERVICES	180.00
		ENGINEERING SERVICES	1,440.00
			1,620.00 *
631696	VALDIVIA, CLAUDIA	DEP CARE REIMB	184.62 *
631697	EMBASSY SUITES ANAHEIM SOUTH	FOOD	809.64 *
631698	HODSON, AARON	DEP CARE REIMB	138.46 *
631699	HUTCHINS, DONALD	TRAVEL ADVANCE-P.D.	643.03 *
631700	RAGAN COMMUNICATIONS, INC.	DUES/MEMBERSHIPS	29.95 *
631701	MATTEL, INC.	DONATION REFUND	1,831.18 *
631702	VOID WARRANT		
631703	GUZMAN, ARCHIE	TRAVEL ADVANCE-P.D.	208.30 *
631704	ORANGE COUNTY CLERK RECORDER HALL OF FINANCE & RECORDS	EXEMPT FEE REFUND	450.00 *
631705	KLOESS, GEOFFREY	DEP CARE REIMB	107.54 *
631706	PHAM, ANH	MED TRUST REIMB	936.00 *
631707	TAM LE	N/R ISSUANCE	50,000.00 *
631708	PIERCE MANUFACTURING, INC.	MOTOR VEHICLE REPL	398,489.54 *
631709	A&A WIPING CLOTH, INC	WHSE INVENTORY	1,111.18 *
631710	AKM CONSULTING ENGINEERS	ENGINEERING SERVICES	126,372.79 *
631711	ADAMSON POLICE PRODUCTS	HARDWARE	1,175.00 *
631712	ALAN'S LAWN AND GARDEN CENTER INC.	REPAIRS-FURN/MACH/EQ	865.41
		MOTOR VEH PARTS	1,162.35
		GEN PURPOSE TOOLS	129.28

PAGE TOTAL FOR "\*" LINES = 588,914.73

## WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 11/28/17

WARRANT	VENDOR	DESCRIPTION	AMOUNT
631713	ALLSTAR FIRE EQUIPMENT INC.	SAFETY EQUIP SAFETY EQ/SUPPLIES	2,157.04 * 1,659.35 505.11 2,164.46 *
631714	ALTA PLANNING + DESIGN INC	OTHER PROF SERV	4,000.00 *
631715	AMTECH ELEVATOR SERVICES	MAINT-SERV CONTRACTS	704.40 *
631716	AUTO PARTS DISTRIBUTOR	MOTOR VEH PARTS	999.44 *
631717	BARR AND CLARK, INC.	OTHER PROF SERV	2,560.00 *
631718	BAY ALARM COMPANY	MAINT OF REAL PROP	60.00 *
631719	BIG RON'S AUTO BODY & PAINT, INC.	REPAIRS-FURN/MACH/EQ	3,094.07 *
631720	BISHOP CO.	WHSE INVENTORY	601.74 *
631721	BLODGETT, GREG	L/S/A TRANSPORTATION LODGING	356.40 525.56 881.96 *
631722	BOUND TREE MEDICAL LLC	MEDICAL SUPPLIES	5,444.49 *
631723	CDW-GOVERNMENT INC	OTHER MINOR TOOLS/EQ	2,234.74 *
631724	CSG CONSULTANTS, INC.	OTHER PROF SERV	31,585.00 *
631725	C.WELLS PIPELINE MATERIALS INC.	WHSE INVENTORY	465.48 *
631726	CASILLAS, VICTORIA	FOOD SERV SUPPL OTHER FOOD ITEMS	4.82 103.85 108.67 *
631727	CAMERON WELDING SUPPLY	OTHER PROF SERV FACT: PROGRAM EXP MOTOR VEH PARTS OTHER REC/CULT SUPP	44.27 20.09 430.48 44.27 539.11 *
631728	CHEM PRO LABORATORY, INC	MAINT-SERV CONTRACTS	360.00 *



## WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 11/28/17

WARRANT	VENDOR	DESCRIPTION	AMOUNT
631729	SUPPLYWORKS	WHSE INVENTORY	152.81
		JANITORIAL SUPPLIES	51.00
			203.81 *
631730	WM CURBSIDE, LLC AT YOUR DOOR	OTHER PROF SERV	1,080.00 *
631731	DENNIS GRUBB & ASSOCIATES, LLC	OTHER PROF SERV	1,300.00 *
631732	ENERGY RES. CONS. & DEV. COMM.	INTEREST COSTS	1,382.75
		LONG TERM DEBT	22,818.67
			24,201.42 *
631733	EWING IRRIGATION PRODUCTS, INC.	PIPES/APPURTENANCES	982.86 *
631734	EXCLUSIVE AUTO DETAIL	MOTOR VEHICLE MAINT	696.00 *
631735	EXPERIAN INFO SOLUTIONS INC	OTHER PROF SERV	77.80 *
631736	FEDERAL EXPRESS CORP	DELIVERY SERVICES	63.70 *
631737	FLOWERS BY CINA, INC.	OTHER AGR SUPPLIES	59.26 *
631738	FORD OF ORANGE	MOTOR VEH PARTS	869.38 *
631739	FRANCISCAN GARDENS APTS	RENT SUBSIDY	531.00 *
631740	FRANKS, JAMES D.	UNIFORMS	500.00 *
631741	MONTROSE ENVIRONMENTAL GROUP ES ENGINEERING SERVICES	OTHER PROF SERV	4,927.50 *
631742	GANAHL LUMBER COMPANY	WHSE INVENTORY	728.34
		LUMBER	99.75
			828.09 *
631743	GARDEN GROVE CHAMBER OF COMMERCE	DUES/MEMBERSHIPS	149.00 *
631744	CITY OF GARDEN GROVE-LIABILITY ACCT	ACCRUED LIAB CLAIMS	20,389.55
		LEGAL FEES	22,783.60
		MUN CLAIMS BD PMT	12,706.71
			55,879.86 *

PAGE TOTAL FOR "\*" LINES = 92,349.68

## WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 11/28/17

WARRANT	VENDOR	DESCRIPTION	AMOUNT
631745	REPUBLIC SERVICES #676	TRASH/CLEANING SERV	37.87 *
631746	GOLDEN OFFICE TRAILERS INC	LAND/BLDG/ROOM RENT	862.00 *
631747	HARTWIG, TODD	DUES/MEMBERSHIPS	115.00 *
631748	HAZ EQUIPMENT RENTAL	OTHER RENTALS	361.66 *
631749	LEDESMA, ANGELA	MILEAGE REIMB	24.40 *
631750	HILCO FASTENER WAREHOUSE	MOTOR VEH PARTS HARDWARE	62.97 2.43 65.40 *
631751	HILL'S BROS LOCK & SAFE INC	MOTOR VEH PARTS OTHER MOTOR VEH SUPP HSHLD EQUIP/SUPPLIES OTHER MAINT ITEMS OTHER MINOR TOOLS/EQ HARDWARE	15.52 19.93 26.98 11.85 52.91 705.32 832.51 *
631752	HINDERLITER, DE LLAMAS & ASSOCIATES	OTHER PROF SERV	2,250.00 *
631753	HOTSY OF SOUTHERN CALIFORNIA	REPAIRS-FURN/MACH/EQ	222.14 *
631754	HUNSAKER & ASSOCIATES INC	ENGINEERING SERVICES	680.00 *
631755	INTERVAL HOUSE	OTHER PROF SERV	16,806.16 *
631756	J.B. BOSTICK CO., INC.	MAINT OF REAL PROP MAINT-SERV CONTRACTS	15,700.00 1,300.00 17,000.00 *
631757	J & M SERVICE, INC.	MOTOR VEH PARTS	258.44 *
631758	KELLY PAPER	WHSE INVENTORY	895.78 *
631759	KLEIBACKER, MATT	TUITION/TRAINING	325.00 *
631760	KOA CORPORATION	ENGINEERING SERVICES	19,735.68 *
631761	LAWSON PRODUCTS, INC.	MOTOR VEH PARTS	2,409.54 *

PAGE TOTAL FOR "\*" LINES = 62,881.58

## WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 11/28/17

WARRANT	VENDOR	DESCRIPTION	AMOUNT
631762	LA-Z-BOY FURNITURE GALLERIES	MINOR FURN/EQUIP	2,756.25 *
631763	NAN MCKAY & ASSOCIATES INC	BOOKS/SUBS/CASSETTES	400.00 *
631764	MERCHANTS BLDG MAINT LLC	MAINT-SERV CONTRACTS	26,704.28 *
631765	MERCY HOUSE LIVING CENTERS	OTHER PROF SERV	1,767.16 *
631766	MOMAR, INC	AIR COND SUPPLIES	714.57 *
631767	MR. D'S AUTOMOTIVE	MOTOR VEHICLE MAINT	165.00 *
631768	NATIONAL CONSTRUCTION RENTALS	OTHER RENTALS	250.69 *
631769	CABCO YELLOW, INC.	L/S/A TRANSPORTATION	17,921.50 *
631770	VOID WARRANT		
631771	OFFICE DEPOT, INC	OFFICE SUPPLIES/EXP	4,426.52 *
631772	NIAGARA PLUMBING	PIPES/APPURTENANCES	3.34 *
631773	OCEAN BLUE ENVIRONMENTAL SERVICES, INC.	MAINT-SERV CONTRACTS HAZMAT REMOVAL	1,764.50 653.58 2,418.08 *
631774	OPPERMAN & SONS TRUCK	MOTOR VEH PARTS	1,062.08 *
631775	ORANGE COUNTY APPLIANCE PARTS	OTHER MAINT ITEMS	61.06 *
631776	ORANGE COUNTY NEWS	ADVERTISING	837.00 *
631777	ORANGE COUNTY TREASURER REVENUE RECOVERY/ACCTS RCV UNIT	OTHER MAINT ITEMS	332.19 *
631778	OVERLAND, PACIFIC & CUTLER INC.	RELOCATION SERVICES	455.00 *
631779	PETDATA	OTHER PROF SERV	2,978.90 *
631780	PACIFIC COAST CABLING, INC. PCC NETWORK SOLUTIONS	NETWORKING SERVICES NETWORKING SUPPLIES	7,516.28 3,700.14 11,216.42 *
631781	PACIFIC 4	WHSE INVENTORY	1,295.81 *

## WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 11/28/17

WARRANT	VENDOR	DESCRIPTION	AMOUNT
631782	PACIFIC ROOTER DAY & NIGHT PLUMBING	MAINT-SERV CONTRACTS	854.50 *
631783	PENCO ENGINEERING, INC.	OTHER PROF SERV	5,714.00 *
631784	PLAYPOWER LT FARMINGTON INC.	OTHER MAINT ITEMS	2,505.76 *
631785	PUBLIC EMPLOYEES' RETIREMENT SYSTEM	PENSION PAYMENT	1,184,087.00 *
631786	RADI'S CUSTOM UPHOLSTERY	MOTOR VEH PARTS	2,500.00 *
631787	SHI INTERNATIONAL CORP	MAINT-SERV CONTRACTS	29.38
		MINOR FURN/EQUIP	796.61
			825.99 *
631788	REDFLEX TRAFFIC SYSTEMS, INC.	OTHER PROF SERV	60,961.01 *
631789	RED WING SHOE STORE	SAFETY EQ/SUPPLIES	1,034.83 *
631790	REGAL CINEMEDIA C/O CBO FULFILLMENT	DELIVERY SERVICES	10.00
		ADMN/ENTRANCE FEE	1,700.00
			1,710.00 *
631791	ALEXANDER'S CONTRACT SERVICES, INC.	OTHER MAINT ITEMS	597.00 *
631792	RICOH USA, INC DBA RICOH LEGAL DOC SERV	MAINT-SERV CONTRACTS	1,343.28 *
631793	LASALLE GROUP INC. DBA RIDDLE APPLIANCE & TV SVC	MAINT-SERV CONTRACTS	75.25 *
631794	NEWHOPE P & L, INC. DBA NEWHOPE PAINT & COATINGS	REPAIRS-FURN/MACH/EQ	200.00 *
631795	ROSEBURROUGH TOOL, INC.	OTHER MAINT ITEMS	1,891.23
		GEN PURPOSE TOOLS	141.46
			2,032.69 *
631796	SAFETY 1st PEST CONTROL, INC	MAINT OF REAL PROP	725.00
		OTHER MAINT ITEMS	900.00
			1,625.00 *
631797	SHIELDS, HARPER, & CO	MOTOR VEH PARTS	1,619.70 *
631798	SHRED CONFIDENTIAL, INC.	OTHER PROF SERV	126.00 *
631799	SIMPSON CHEVROLET OF GG	MOTOR VEH PARTS	206.87 *

PAGE TOTAL FOR "\*" LINES = 1,268,018.88

## WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 11/28/17

WARRANT	VENDOR	DESCRIPTION	AMOUNT
631800	SOUTH COAST EMERGENCY VEHICLE SERVICES	MOTOR VEH PARTS	540.47 *
631801	SOUTHERN CALIFORNIA GAS CO ML 711D	REPAIRS-FURN/MACH/EQ	5,775.63 *
631802	SOUTHERN COUNTIES LUBRICANTS LLC.	WHSE INVENTORY	2,675.97 *
631803	SPARKLETT'S	BOTTLED WATER	346.20 *
631804	SPECTRUM GAS PRODUCTS, INC.	MEDICAL SUPPLIES	152.00 *
631805	STATE INDUSTRIAL PRODUCTS	WHSE INVENTORY	1,127.56 *
631806	STRADLING, YOCCA, CARLSON & RAUTH	LEGAL FEES	24,420.33 *
631807	SUNBELT RENTALS	HEAVY EQUIP RENTAL	1,921.49 *
631808	TT TECHNOLOGIES, INC	WHSE INVENTORY	1,212.20 *
631809	TELEPACIFIC COMMUNICATIONS	NETWORK COMMUNICT	1,135.11 *
631810	TIRE CENTERS, LLC	TIRES/TUBES	7,837.23 *
631811	TRUCK & AUTO SUPPLY INC. TrucParCo	MOTOR VEH PARTS	740.61 *
631812	TURNOUT MAINTENANCE COMPANY	FIRE TURNOUTS REPAIR	1,444.79 *
631813	TYCO INTEGRATED SECURITY LLC	MAINT-SERV CONTRACTS	536.42 *
631814	UNIFIRST CORP	LAUNDRY SERVICES	2,370.30 *
631815	UNITED PARCEL SERVICE	DELIVERY SERVICES	40.79 *
631816	UNITED RENTALS NORTHWEST, INC	AGGREGATES/MASONRY	1,929.28 *
631817	VISION MARKING DEVICES	OFFICE SUPPLIES/EXP	56.62 *
631818	VULCAN MATERIALS COMPANY WESTERN DIVISION	ASPHALT PRODUCTS	846.96 *
631819	GRAINGER	WHSE INVENTORY	449.37
		ELECTRICAL SUPPLIES	268.63
		OTHER MINOR TOOLS/EQ	16.69
		FURN/MACH/EQUIP REPL	1,994.16
			2,728.85 *

WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 11/28/17

WARRANT	VENDOR	DESCRIPTION	AMOUNT
631820	WALTERS WHOLESALE ELECTRIC	ELECTRICAL SUPPLIES	482.48 *
631821	WATERLINE TECHNOLOGIES, INC.	LABORATORY CHEMICALS	1,269.84 *
631822	FERGUSON ENTERPRISES, INC	PIPES/APPURTENANCES	108.70 *
631823	WESTERN OIL SPREADING SERVICES	ASPHALT PRODUCTS	230.98 *
631824	CITY OF WESTMINSTER	PISTOL RANGE RENTAL	600.00 *
631825	WOODRUFF, SPRADLIN & SMART A PROFESSIONAL CORP	LEGAL FEES	310.50 *
631826	YELLOW CAB OF GREATER OC	L/S/A TRANSPORTATION	99.00 *
631827	SPROUTING ARTISTS INC DBA YOUNG REMBRANDTS-JOHN KUDO	INSTRUCTOR SERVICES	547.47 *
631828	ANELLE MANAGEMENT SERVICES, INC. DBA FLEETCREW	REPAIRS-FURN/MACH/EQ	768.19 *
631829	JASON BLOMGREN	TUITION/TRAINING	1,350.00 *
631830	GROUP DELTA CONSULTANTS, INC	ENGINEERING SERVICES	2,936.50 *
631831	2-1-1 ORANGE COUNTY	OTHER PROF SERV	1,304.25 *
631832	ALBERT GROVER & ASSOCIATES	ENGINEERING SERVICES	3,750.00 *
631833	OTC BRANDS, INC ORIENTAL TRADING	OTHER REC/CULT SUPP	88.92 *
631834	ARIN-AMERICAN REGISTRY FOR INTERNET NUMBERS	NETWORKING SERVICES	150.00 *
631835	HANDY HOSE SERVICES ADVANTAGE HOSE SERVICES LLC	REPAIRS-FURN/MACH/EQ	5,650.02 *
631836	GRIFFIN, LARRY	DUES/MEMBERSHIPS	120.00 *
631837	TRELOAR, TOM	OTHER PROF SERV	550.00 *
631838	MCFADDEN DALE INDUSTRIAL HARDWARE	MOTOR VEH PARTS	137.49 *
631839	GFOA	REGISTRATION FEES	380.00 *
631840	KBI CONSTRUCTION, INC	OTHER PROF SERV	5,000.00 *
631841	HOSHIZAKI WESTERN	PIPES/APPURTENANCES	498.46 *

## WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 11/28/17

WARRANT	VENDOR	DESCRIPTION	AMOUNT
631842	CROSBY, JERRIT	INSTRUCTOR SERVICES	490.00 *
631843	ADVANCED CAR CARE INC	TIRES/TUBES	519.38 *
631844	O'REILLY AUTO PARTS	MOTOR VEH PARTS	3,041.34 *
631845	MAJOR LEAGUE SOFTBALL, INC.	OTHER PROF SERV	490.00 *
631846	BEST TINT	MOTOR VEHICLE MAINT	280.00 *
631847	VORTEX INDUSTRIES INC	MAINT OF REAL PROP	335.00 *
631848	GARDEN GROVE AUTOMOTIVE GARDEN GROVE KIA	MOTOR VEH PARTS	9.85 *
631849	VERITIV OPERATING COMPANY	WHSE INVENTORY	1,860.17 *
631850	911 VEHICLE	REPAIRS-FURN/MACH/EQ	1,591.69 *
631851	DISCOVERY SCIENCE CENTER	OTHER PROF SERV	1,862.00 *
631852	GIE TECHNOLOGIES INC.	ENGINEERING SERVICES	34,718.82 *
631853	GUZMAN, SANDRA JAZMIN	TENANT UTILITY REIMB	53.00 *
631854	DEPARTMENT OF CONSUMER AFFAIRS	DUES/MEMBERSHIPS	115.00 *
631855	COUNTY OF ORANGE DA'S OFFICE, ASSET FORFEITURE	PROP/EV REFUND INTEREST	63,800.00 1,277.03 65,077.03 *
631856	CHIEF SIGN COMPANY, INC.	MAINT SUPP-TRAFF SIG	1,699.25 *
631857	TAYLOR, ANNA LAVINE	TENANT UTILITY REIMB	5.00 *
631858	KIRZHNER, ALLEN	GEN PURPOSE TOOLS SAFETY EQ/SUPPLIES	98.99 240.00 338.99 *
631859	AMERINATIONAL COMMUNITY SERVICES, INC.	OTHER PROF SERV	255.00 *
631860	MARIE'S DANCE ACADEMY	INSTRUCTOR SERVICES	157.50 *
631861	SECOND HARVEST FOOD BANK OF ORANGE COUNTY, INC.	FACT:EMRGY NEEDS	261.28

PAGE TOTAL FOR "\*" LINES = 112,899.02

## WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 11/28/17

WARRANT	VENDOR	DESCRIPTION	AMOUNT
631862	BATTERY SYSTEMS INC.	OTHER FOOD ITEMS	250.00
631863	SHOP EQUIPMENT LA		511.28 *
631864	MONTGOMERY, JESSE	MOTOR VEH PARTS	109.01 *
631865	AMERICAN ASPHALT SOUTH, INC.	MOTOR VEH PARTS	369.16 *
631866	SASE COMPANY, INC	DUES/MEMBERSHIPS	100.00 *
631867	NGUYEN, BECKY	MAINT-SERV CONTRACTS	4,250.40 *
631868	ROADLINE PRODUCTS INC. USA	MINOR FURN/EQUIP	1,448.11 *
631869	DEPARTMENT OF JUSTICE	TENANT UTILITY REIMB	50.00 *
631870	STAR LAMINATORS, INC.	MOTOR VEH PARTS	924.50 *
631871	TRAN, SOPHIE	LIFESCAN FEE-DOJ	64.00 *
631872	BANNER BANK	PRINTING	134.69 *
631873	TANGENT COMPUTER	OTHER PROF SERV	220.00 *
631874	MAINTENANCE SOLUTIONS, INC.	BLDGS/IMPROVEMENTS	3,973.09 *
631875	SCHAFFER CONSULTING, INC.	MAINT-SERV CONTRACTS	5,995.00 *
631876	MARIA LUISA M. MENDOZA	PAINT/DYE/LUBRICANTS	799.70 *
631877	RABC-ECC A JOINT VENTURE	OTHER PROF SERV	412.50 *
631878	MARK BEDOR	TRUST FUND EXP	274.96 *
631879	EASTENAL INDUSTRIAL CONSTRUCTION SUPPLY	BLDGS/IMPROVEMENTS	75,488.41 *
631880	SUPPLY SOLUTIONS	OTHER PROF SERV	105.00 *
631881	HF&H CONSULTANTS, LLC	WHSE INVENTORY	227.60 *
		WHSE INVENTORY	1,921.56 *
		OTHER PROF SERV	7,797.09 *

PAGE TOTAL FOR "\*" LINES = 105,176.06



## WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 11/28/17

WARRANT	VENDOR	DESCRIPTION	AMOUNT
631882	SHAMROCK SUPPLY COMPANY, INC	WHSE INVENTORY	2,226.95 *
631883	TOPAZ ALARM CORP	OTHER PROF SERV	35.00 *
631884	YO-FIRE SUPPLIES	WHSE INVENTORY	1,878.66 *
631885	ORANGE COUNTY CLERK RECORDER HALL OF FINANCE & RECORDS	EXEMPT FEE REFUND	100.00 *
631886	LINE GEAR FIRE & RESCUE EQUIPMENT	GEN PURPOSE TOOLS	116.37 *
631887	CORELOGIC SOLUTIONS, LLC	SOFTWARE	394.50 *
631888	AMERICAN INTERNET SERVICES, LLC	NETWORK COMMUNICT	669.56 *
631889	GRP2 UNIFORMS, INC KEYSTONE UNIFORMS, OC	UNIFORMS	172.39 *
631890	D'ALESIO, INC.	SAFETY EQ/SUPPLIES	194.39 *
631891	MAXX DIGITAL	OFFICE SUPPLIES/EXP	957.90 *
631892	SOUTHERN COMPUTER WAREHOUSE, INC	MAINT-SERV CONTRACTS MINOR FURN/EQUIP MONITORED MINOR EQ MONITORED EQUIP PROJECT REAPPROP	7,944.82 501.71 1,757.92 853.02 3,702.48 14,759.95 *
631893	ALERT-ALL CORP	OFFICE SUPPLIES/EXP	1,266.07 *
631894	GRM INFORMATION MANAGEMENT SERVICES OF CALIFORNIA	OTHER PROF SERV	302.43 *
631895	JD FUTURE ENTERPRISES INC DBA: BLUEDOGINK	OFFICE SUPPLIES/EXP	1,047.20 *
631896	NATEC INTERNATIONAL INC	OTHER MAINT ITEMS	995.00 *
631897	STOMMEL INC DBA LEHR AUTO	REPAIRS-FURN/MACH/EQ MOTOR VEH PARTS	600.00 152.90 752.90 *
631898	VU, KIM CUC THI	TENANT UTILITY REIMB	22.00 *
631899	LY, NANCY	TENANT UTILITY REIMB	16.00 *

PAGE TOTAL FOR "\*" LINES = 25,907.27

## WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 11/28/17

WARRANT	VENDOR	DESCRIPTION	AMOUNT
631900	SOBHANI, ELAHEH	TENANT UTILITY REIMB	16.00 *
631901	LACEY CUSTOM LINENS, INC.	LAUNDRY SERVICES	72.28 *
631902	FAILSAFE TESTING	MAINT-SERV CONTRACTS	1,300.00 *
631903	PRINT MASTERS 85	ADVERTISING	998.00 *
631904	LYNN LAI BITE SIZED CATERING	FOOD	90.00 *
631905	ESPINOZA, HECTOR	SAFETY EQ/SUPPLIES	92.97 *
631906	NGUYEN, JIMMY	TENANT UTILITY REIMB	87.00 *
631907	FEHR & PEERS	PROJECT REAPPROP	413.01 *
631908	NATIONAL CREDIT REPORTING	OTHER PROF SERV	94.65 *
631909	ADVANCED DOCUMENT SYSTEMS&SUPP LY INC DBA: SCREWPOST.COM	MAINT-SERV CONTRACTS	2,849.00 *
631910	ORANGE COUNTY THERMAL INDUSTRIES, INC	OTHER MAINT ITEMS	1,733.45 *
631911	ORANGE COUNTY CLERK-RECORDER'S OFFICE	OTHER PROF SERV	29.00 *
631912	JAZMIN AVALOS	OTHER PROF SERV	150.00 *
631913	SONSHINE GLASS MIRROR	OTHER PROF SERV	4,750.00 *
631914	LION GROUP, INC.	SAFETY EQUIP	913.00 *
631915	LESLIE ROBERT	CITATION DIST	76.00 *
631916	RENEE WOOD	CITATION DIST	47.00 *
631917	TRUST ACCOUNT FOR THE LENTZ LAW FIRM P.C.	PROP/EV REFUND INTEREST	52,200.00 1,044.84 53,244.84 *
631918	TRAN, LIEN	OTHER PROF SERV TENANT UTILITY REIMB	450.00 66.00 516.00 *
631919	EDMUNDO GONZALEZ	CITATION DIST	42.00 *

## WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 11/28/17

WARRANT	VENDOR	DESCRIPTION	AMOUNT
631920	CIVIC, LLC	OTHER PROF SERV	900.00 *
631921	CORE & MAIN LP	OTHER MAINT ITEMS	93.06 *
631922	DAMEWOOD CONSULTING GROUP	OTHER EDUCATION EXP	1,000.00 *
631923	WAYNE ELECTRIC COMPANY	MOTOR VEH PARTS	609.84 *
631924	GGHS CHOIR BOOSTER'S	OTHER PROF SERV	75.00 *
W2013	CALIFORNIA STATE DISBURSEMENT UNIT	WAGE ATTACHMENT	4,233.51 *
W2014	DELTA CARE USA	SELF-INS ADMN	8,010.35 *
W2015	MUNICIPAL WATER DISTRICT OF ORANGE COUNTY	IMPORT WTR-MWDOC	667,951.68 *
W2016	ANAHEIM/ORANGE COUNTY VISITOR & CONVENTION BUREAU	AMT DUE VCB	120,469.19 *
W2017	DELTA DENTAL OF CALIFORNIA	SELF-INS ADMN	2,873.10 *
W2018	KS STATE BANK	INTEREST COSTS LONG TERM DEBT	117.75 7,759.33 7,877.08 *
W2019	LINCOLN FINANCIAL GROUP	LIFE INS PREMIUM	7,750.00 *
W2020	SUNTRUST	INTEREST COSTS LONG TERM DEBT	2,284.96 24,349.35 26,634.31 *
W2021	PUBLIC EMPLOYEES' RETIREMENT SYSTEM	PENSION PAYMENT	496,375.96 *
W2022	DELTA DENTAL OF CALIFORNIA	SELF-INS CLAIMS	21,538.10 *
W2023	PUBLIC EMPLOYEES' RETIREMENT SYSTEM	PENSION PAYMENT	50.31 *

PAGE TOTAL FOR "\*" LINES = 1,366,441.49

WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 11/28/17

WARRANT

VENDOR

DESCRIPTION AMOUNT

FINAL TOTAL 5,183,561.83 \*

DEMANDS #631608 - 631924 AND WIRES W2013 - W2023 AS PRESENTED IN THE WARRANT REGISTER SUBMITTED TO THE GARDEN GROVE CITY COUNCIL NOVEMBER 28, 2017, HAVE BEEN AUDITED FOR ACCURACY AND FUNDS ARE AVAILABLE FOR PAYMENT THEREOF

  
KINGSLEY C. OKEKE - FINANCE DIRECTOR

**City of Garden Grove**

**INTER-DEPARTMENT MEMORANDUM**

To:	Scott C. Stiles	From:	Lisa L. Kim
Dept.:	City Manager	Dept.:	Community and Economic Development
Subject:	Adoption of a Resolution approving General Plan Amendment No. GPA-003-2017 and adoption of a Mitigated Negative Declaration for property located at 12111 Buaro Street, Garden Grove. ( <i>Action Item</i> )		
		Date:	11/28/2017

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**OBJECTIVE**

The purpose of this report is to transmit a recommendation of the Planning Commission to adopt the Mitigated Negative Declaration and approve General Plan Amendment No. GPA-003-2017, to change the General Plan Land Use designation of a .987 acre parcel from Civic/Institutional to Medium Density Residential. The subject property is located on the west side of Buaro Street, south of Chapman Avenue, between Jentges Avenue and Twintree Avenue, at 12111 Buaro.

**BACKGROUND**

On September 21, 2017, the Planning Commission recommended adoption of a Negative Declaration and approval of General Plan Amendment No. GPA-003-2017 to City Council by a 6-0 vote. Other than the applicant, no one spoke in favor of or in opposition to the request. The Planning Commission also approved Site Plan No. SP-041-2017, Variance No. V-016-2017, and Tentative Tract Map No. TT-18117 to construct 17 attached townhouses in two buildings and subdivide the site into a single parcel with condominiums.

The property is located immediately to the north of the Walton Intermediate School on Buaro Street. Surrounding the property to the north and west are multiple family residential buildings. The site was originally developed with the Happyland Preschool in 1956. The use transitioned to the Page Private School in 1974 which remained on the site until June 2016. The buildings on the site have been unoccupied since the Page School closure.

The subject site and the neighboring residential apartments are zoned R-3 Multi-

Family Residential and have a General Plan Land Use Designation of Civic/Institutional. The Civic/Institutional designation was added for the first time in the current General Plan 2030, adopted in 2008. The R-3, Multi-Family Residential zoning is not consistent with the Civic/Institutional General Plan designation.

## DISCUSSION

A General Plan Amendment is required to change the General Plan Land Use designation from Civic/Institutional to Medium Density Residential to allow the development of 17 attached townhouses. The subject property and six neighboring parcels to the north, east, and northeast were in the Medium Density Residential Land Use designation under the prior General Plan. The Civic/Institutional Land Use designation was added for the first time in 2008 when the current General Plan 2030 was adopted. This new designation is intended for educational uses, such as, elementary, middle, and high schools, colleges, universities, hospitals, and governmental facilities. This Civic/Institutional designation was appropriately added to the Walton Intermediate School property just to the south of the subject property. The Civic/Institutional was also mapped onto the subject property and the six neighboring properties that had been in the Medium Density Residential and were mostly developed with multi-family residences.

Planning staff has reviewed the history and determined that a mapping error occurred when the General Plan 2030 was written. The mapping error included the subject property and six neighboring multi-family residential properties in the Civic/Institutional land use designation with the Walton School site. By amending the General Plan designation for the subject property back to the Medium Density Residential designation, the site will have consistency between the General Plan and the existing zoning (R-3), and appropriate development can occur on the site. The site will be developed with a 17-unit project, which is similar to the existing scale of the surrounding apartment buildings that range from 20 to 50 units.

## FINANCIAL IMPACT

None.

## RECOMMENDATION

- Conduct a Public Hearing; and
- Adopt the attached Resolution approving General Plan Amendment No. GPA-003-2017 and adopting the Mitigated Negative Declaration.

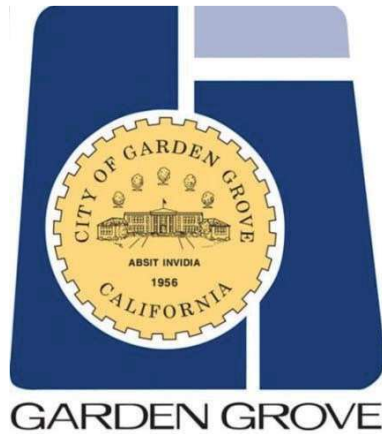
By: Erin Webb, Sr. Planner

## ATTACHMENTS:

Description	Upload Date	Type	File Name
-------------	-------------	------	-----------

Initial Study/Mitigated Negative Declaration	11/14/2017	Backup Material	Buaro_Street_Initial_Study_(8- 29-17)_Circ..docx
Planning Commission Staff Report	11/14/2017	Backup Material	GPA_3_17StaffReport.pdf
Planning Commission Resolution No. 5896-17	11/14/2017	Resolution	GPA-003- 2017PCResoAttachment.doc
Minute Excerpt Sept_9_2017	11/14/2017	Minutes	MinuteExcerpt9_21_17.pdf
CC Resolution w map	11/21/2017	Resolution	11-28-17_CC_GPA-003- 2017_w_map.pdf

# **12111 Buaro Street Project Initial Study/Mitigated Negative Declaration**



Lead Agency:

**City of Garden Grove**

Community Development Department Planning Division

11222 Acacia Parkway

Garden Grove, California 92840

714.741.5312 [www.ci.garden-grove.ca.us](http://www.ci.garden-grove.ca.us)

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**August 2017**





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## APPENDICES INCLUDED ON ENCLOSED CD-ROM

1. **Appendix 1, Project Plans:**
  - a. 12111 Buaro Street Site Plan (March 20, 2017).
  - b. Architectural Elevations Exhibits (May 18, 2017).
  - c. Concept Grading Plan (May 31, 2017).
  - d. General Plan Amendment Exhibit (August 28, 2017).
  - e. Tentative Tract Map (May 31, 2017).
2. **Appendix 2, Air Quality:** *12111 Buaro Street Project Air Quality and Global Climate Change Impact Analysis*, prepared by Kunzman Associates, Inc. (March 2, 2017).
3. **Appendix 3, Cultural Resources:**
  - a. Local Government Tribal Consultation List Request to Native American Heritage Commission.
  - b. Native American Heritage Commission Response Letter and List of Tribes (March 24, 2017).
  - c. *Project Notification Pursuant to Assembly Bill 52 (AB 52) and Senate Bill 18 (SB 18) Formal Notification for Consultation for the Property Located at 12111 Buaro Street, City of Garden Grove, Orange County, California*, prepared by City of Garden Grove, mailed out to 16 Tribes, as directed by the NAHC (April 12, 2017).
4. **Appendix 4, Geology and Soils:** *Preliminary Geotechnical Investigation Report and Liquefaction Study for the Multi-Family Residential Development Located at 12111 Buaro street in the City of Garden Grove, Orange County, California*, prepared by LGC Geo-Environmental, Inc. (October 14, 2016).
5. **Appendix 5, Hazards and Hazardous Materials:** *Phase I Environmental Site Assessment Report, Page Private School, 12111 Buaro Street, Garden Grove, California, 92840*, prepared by Partner Engineering & Science, Inc. (October 6, 2016).
6. **Appendix 6, Hydrology and Water Quality:**
  - a. *Water Quality Management Plan (WQMP), Buaro Street TTM - Pinnacle Homes*, prepared by Proactive Engineering Consultants, Inc. (June 6, 2017).
  - b. *Preliminary Drainage Report*, prepared by Proactive Engineering Consultants, Inc. (March 21, 2017).
7. **Appendix 7, Noise:** *12111 Buaro Street Project Noise Impact Analysis*, prepared by Kunzman Associates, Inc. (February 28, 2017).
8. **Appendix 8, Transportation/Traffic:** *12111 Buaro Street Project Focused Traffic Analysis*, prepared by Kunzman Associates, Inc. (February 21, 2017).

9. **Appendix 9, Utilities and Service Systems:** City of Garden Grove Public Works Water and Sewer Service for Proposed Project at 12111 Buaro Street Letter (June 15, 2017).

**Note to Reader:** To save natural resources, the appendices are contained on a CD-ROM included with the printed copy of this Initial Study. The appendices are also available on the City of Garden Grove Planning Department website: <http://www.ci.garden-grove.ca.us/>

A printed copy of the Initial Study is also available as part of the Project file and can be reviewed at the following location:

**City of Garden Grove, Planning Department**

Community Development Department Planning Division

11222 Acacia Parkway

Garden Grove, California 92840

714.741.5312

Hours: Monday – Thursday, 7:30 a.m. – 5:30 p.m. Alternating

Fridays, 7:30 a.m. – 5:00 p.m.



## MITIGATED NEGATIVE DECLARATION

**Title of Project:** 12111 Buaro Street Project.

**Brief Description of Project:** The 0.99-acre Project (12111 Buaro Street) is located on the west side of Buaro Street between Jentges Avenue and Hampton Avenue in the City of Garden Grove. Please see the enclosed Project Location Map. The existing land use designation from the City of Garden Grove General Plan is Civic/Institutional (CI) and the zoning classification is Multiple-Family Residential (R-3).

The Project proposes the development of 17 attached 2- and 3-story condominium townhomes in 2 buildings. Each of the units shall have a 2-car garage, for a total of 34 garage parking spaces. In addition, the Project also includes 22 open parking spaces (20 standard parking spaces and 2 handicapped accessible parking spaces).

Implementation of the Project would require a General Plan Amendment (GPA). The Project site currently has a land use designation of Civic Institution (CI). Following approval of the requested GPA, the Project site would have a land use designation of Medium Density Residential (MDR).

**Project Location:** West side of Buaro Street, south of Chapman Avenue, between Jentges Avenue and Twintree Avenue, City of Garden Grove, County of Orange, (12111 Buaro Street).

**Name of the Project Proponent:** Pinnacle Residential, 2 Venture, Suite 350, Irvine, CA 92618.

**Cortese List:** The Project is not located on the Cortese List.

**Finding:** The Initial Study/Mitigated Negative Declaration (IS/MND) found that the environmental effects associated with the Project would be less than significant following implementation of the mitigation measures listed below.

**Mitigation Measures:** MM-BIO-1, MM-CUL-1, MM-CUL-2, MM-CUL-3, MM-GEO-1, MM-HAZ-1, MMHAZ-2, and MM-NOI-1.

## MITIGATED NEGATIVE DECLARATION

### 1. PROJECT TITLE:

***12111 Buaro Street Project***

General Plan Amendment No. GPA-003-2017; Site  
Plan No. SP-041-2017;  
Variance No. V-016-2017; and  
Tentative Tract Map No. TT-18117-2017.

**2. LEAD AGENCY:**

City of Garden Grove  
11222 Acacia Parkway  
P.O. Box 3070  
Garden Grove, California 92840

**3. CONTACT PERSON AND TELEPHONE NO.:**

Erin Webb, Senior Planner  
City of Garden Grove Planning Services Division 11222 Acacia Parkway  
Garden Grove, California 92840  
714.741.5313

**4. PROJECT LOCATION:**

12111 Buaro Street, Garden Grove, California 92840 Assessor Parcel Number (APN) 231-331-012.  
Reference **Figure A-1, *Regional Location Map***.

**5. PROJECT PROPONENT AND ADDRESS:**

Pinnacle Residential  
2 Venture, Suite 350, Irvine, CA 92618

**6. ENVIRONMENTAL SETTING**

The Project site is improved with an unoccupied pre-school. Currently, there are no on-site operations. The Project site consists of a one-story building located on the south side of the property. In addition to the current structure, the Project site is also improved with asphalt-paved parking areas, playgrounds, associated landscaping, drainage features, and one pool. The Project is located within a mixed commercial and residential area of Orange County.

**7. GENERAL PLAN LAND USE DESIGNATION**



As illustrated by **Figure A-2, General Plan Land Use Designations**, the .99-acre parcel is currently designated as Civic/Institutional (CI) on the City's General Plan Land Use Diagram (Exhibit LU-3). General Plan Amendment No. GPA-003-2017 will be required to change the General Plan Land Use Diagram designation to Medium Density Residential (MDR).

## **8. ZONING**

As illustrated by **Figure A-3, Zoning Designations**, the .99-acre parcel has a zoning designation on the City's Zoning Map of Multi-Family Residential Development (R-3). According to Chapter 9.12 (MultiFamily Residential Development Standards), Section 9.12.020.020.A.2 (Summary of Zones of the City's Municipal Code, "the R-3 zone is intended to provide for a variety of types and densities of multiplefamily residential dwellings. This zone is intended to promote housing opportunities in close proximity to employment and commercial centers."

## **9. DESCRIPTION OF PROJECT**

A request to develop .99 acres with 17 attached condominium townhome units. The request includes a General Plan Amendment to change the land use designation from Civic Institution (CI) to Medium Density Residential (MDR), **Figure A-4, General Plan Amendment**; Tentative Tract Map No. 18117 proposes the subdivision of the site for condominium purposes, **Figure A-5, TTM No. 18117**; a Site Plan approval to allow the construction of two, two and three-story buildings with 17 attached condominium units, and 1,628 square feet of open space, **Figure A-6, Site Plan**; and two Variances to setback from drive aisle to living space; required setback is 10-feet, Project proposes 5-feet, and setback from Public Open Space to living space; required setback is 5-feet, Project proposes 3-feet.

## **10. AGENCIES WHOSE APPROVAL IS REQUIRED**

City of Garden Grove Planning Commission; and City of Garden Grove City Council.

# **1.0 INTRODUCTION**

## **1.1 PURPOSE OF THE INITIAL STUDY**

This purpose of this Initial Study/Mitigated Negative Declaration (IS/MND) is to evaluate the potential environmental impacts that would occur as a result of construction and the subsequent operation of the 12111 Buaro Street Project (Project).

The Project is considered a project per California Environmental Quality Act (CEQA). The City of Garden Grove is the Lead Agency for the Project, and as such, is responsible for the Project's environmental review. (Public Resources Code Section 21067.)

As part of the environmental review process for the Project, the City has authorized the preparation of an IS/MND to assess the project's environmental impacts. The primary purpose of this IS/MND is to analyze and disclose the environmental implications of the Project to the City's decision-makers and to the public.

Although this IS/MND has been prepared with the assistance of a consultant, the analysis, conclusions, and findings herein are representative of the City's position, in its capacity as the Lead Agency for the Project. Based on the initial study, the City has determined that with the incorporation of mitigation, the Project will not have a significant effect on the environment.

This IS/MND and an associated Notice of Intent (NOI) will be forwarded to all applicable responsible agencies, trustee agencies, and the public for review and comment for a period of 20 days to allow these entities and other parties to comment on the Project and the findings in the IS/MND.

## 2.0 PROJECT DESCRIPTION

### 2.1 PROJECT LOCATION AND ENVIRONMENTAL SETTING

#### Surrounding Land Uses

The Project site is located in the northwest portion of the City on the west side of Buaro Street just south of Jentges Avenue. The Project site is located in an urbanized area, surrounded by multi-family residences to the north and west, a skilled nursing facility to the west across Jentges Avenue, Walton Intermediate School to the south, and single-family homes and a Marriott Suites to the east. Reference **Figure 2-1, Aerial Photo**.

#### Existing Site

As illustrated by **Figure 2-1, Aerial Photo**, the .99-acre Project site consists of one (1) parcel located at 12111 Buaro Street.

The existing pre-school facility includes a one-story building located on the south side of the property. In addition to the current structure, the site is also improved with asphalt-paved parking areas, playgrounds, associated landscaping, drainage features, and one pool.

The Project site was formerly agricultural land as early as 1938 to circa 1953; and developed with the current structure in 1956. Tenants on the Project site have included Happyland Pre-School (1958-1972) and Page Private School (1976-June 2016). The Project site building has been vacant since June 2016.

### 2.2 PROJECT DETAILS

As shown in **Table 2.2-1, Project Details**, the Project proposes to develop 17 attached 2- and 3-story townhomes within 2 buildings. Each of the units is to have a 2-car garage for a total of 34 garage parking spaces. In addition, the Project includes 22 open parking spaces (20 standard parking spaces and 2 accessible parking spaces).

Landscaping will be provided in the parking areas and there will also be a common open space area.

**Table 2.2-1  
Project Details**

<b>To be Demolished</b>			
Existing Pre-School Building – approximately 8,250 square feet (sq. ft.)			
<b>Proposed Townhome Construction</b>			
Plan 1 (6 units)	New Construction	3 bed / 2.5 baths	1 <sup>st</sup> floor: 649 sq. ft. 2 <sup>nd</sup> floor: 818 sq. ft. 1,467 sq. ft. living area 418 sq. ft. garage
Plan 2 (11 units)	New Construction	3 bed / optional den or 4 <sup>th</sup> bed / 3.5 baths	1 <sup>st</sup> floor: 379 sq. ft. 2 <sup>nd</sup> floor: 662 sq. ft. 3 <sup>rd</sup> floor: 596 sq. ft. 1,627 sq. ft. living area 436 sq. ft. garage 145 sq. ft. deck
Building Height: 35'-0"			
Total Building Area Coverage: 16,360 sq. ft.			
Drive Aisle: 10,153 sq. ft. / Parking Area: 6,623 sq. ft.			
Total Landscape Area: 4,892 sq. ft. <ul style="list-style-type: none"> <li>• Common Open Space Area: 1,646 sq. ft.</li> <li>• Private Open Space Area: 3,515 sq. ft.</li> <li>• Total Open Space, Recreation, and Leisure Areas; 5,161 sq. ft.</li> </ul>			
Total Parking: 56 Spaces <ul style="list-style-type: none"> <li>• 34 garage spaces</li> <li>• 20 open spaces &amp; 2 Accessible (ADA)</li> </ul>			

Source: Project Plans 2017 (**Appendix 1a**)

The Project requires a General Plan Amendment (GPA No. GPA-003-2017) to change the land use designation of the 0.99 acre parcel from CI to MDR. No zone change is required.

**Parking and Access.** Vehicular access to the Project site would be provided by a new driveway on Buaro Street. Pedestrian access to the Project would be facilitated by proposed sidewalks and walkways.

The Project would provide a total of 56 new parking spaces, 34 of which will be garage spaces for the residents, 20 open parking spaces, and 2 spaces which are accessible per the Americans with Disabilities Act (ADA). The open spaces will be located on the west side of the Project site. In addition, that area will also provide a fire-truck turnaround.

**Building Design.** The Project proposes two well-designed buildings that incorporate traditional architectural details in an innovative, modern style. The Project will add to the character of the adjacent and surrounding residential development and will provide high-quality buildings. The Project's design includes elements such as siding, balconies with composite wood railings, and awnings. Buildings would include stucco color finish, asphalt shingle tiles, and window trim.

**Figure 2-2, Elevations,** provide exterior elevations for Buildings A and B. Both buildings have three stories and would be constructed to a height of 35 feet (ft.). Building A would provide 9 units and Building B would provide 8 units.

**Landscaping.** **Figure A-6** denotes a total of 4,892 s.f. of landscaping would be installed. The Project proposes ample landscaping around the site, in setback areas, along walkways, and in the active recreation area. The plantings are a mix of trees, shrubs, and groundcovers, reference **Figure 2-3, Landscape Plan.** All landscaping for the Project would be required to comply with Section 9.12.040.070 of the City's Municipal Code's Landscaping design standards.

**Lighting.** According to the City's Municipal Code Section 9.12.040.210, Parking Dimensions and Design Lay-Outs, lighting in the parking area shall be directed, positioned, or shielded in such a manner so as not to unreasonably illuminate the window area of nearby residences.

**Sustainability Features.** The Project would incorporate a number of design features that would reduce impacts to greenhouse gas (GHG) emissions, water use, waste generation, and energy demands. These features are listed below:

**Project Design Feature GCC-1:** To ensure that the Project complies with and would not conflict with or impede the implementation of reduction goals identified in the City of Garden Grove (City) General Plan, Assembly Bill (AB) 32, Senate Bill (SB) 375, the Governor's Executive Order (EO) S-3-05, and other strategies to help reduce greenhouse gases (GHGs) to the level proposed by the Governor, the project shall implement a variety of measures that would further reduce its GHG emissions. To the extent feasible, and to the satisfaction of the City, the following measures shall be incorporated into the design and construction of the Project:

- **Construction and Building Materials.**

- Divert at least 50 percent of the demolished and/or grubbed construction materials from landfills for reuse or recycling (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard).
  - Use of low-VOC interior paint and paperless drywall in bathrooms.
  - CRI Green Label low-VOC carpeting, underlayment, and low-VOC adhesives.
  - Indoor air quality management plan and verification testing during construction.
- **Energy Efficiency Measures.** Design all project buildings to meet or exceed the latest (2013) California Building Code's (CBC) Title 24 energy standard, such as installing energyefficient (ENERGY STAR) heating and cooling systems, appliances and equipment, tankless water heaters, and control systems.
- **Water Conservation and Efficiency Measures.**
  - Create water-efficient landscapes within the development.
  - Flow reducers in kitchen and bathroom faucets.
  - Water efficient low-flow toilets.
  - Install water-efficient irrigation systems and devices, such as soil moisture-based irrigation controls.
  - Restrict watering methods (e.g., prohibit systems that apply water to nonvegetated surfaces) and control runoff.

**Water Quality.** To meet the requirements of the City of Garden Grove's Urban Water Management Plan (UWMP) and the Garden Grove Municipal Code (GGMC), the Project would include installation of an underground infiltration basin. Runoff would be pretreated by this infiltration basin to offset any increase in stormwater runoff that would result from the increased impervious surface area. This BMP and all other BMPs are described in complete detail within the *Water Quality Management Plan (WQMP)* for the Project, which was prepared for the Project by Glenn A. Budd, dated November 18, 2016.

Because the Project would disturb greater than approximately 1 acre of soil (with the inclusion of disturbances/improvements in the right-of-way), the Project is subject to the requirements of the State Water Resources Control Board National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ, NPDES No. CAS000002) (Construction General Permit), or subsequent permit. Prior to construction, the Project would obtain coverage under the Construction General Permit. The Waste Discharge Identification Number (WDID) would be provided to the City to demonstrate proof of coverage under the Construction General Permit.

**Implementation/Phasing.** The Project is planned for development in a single phase, with construction expected to begin no earlier than September 2017 and be completed in approximately August 2018. The Project would begin with the demolition of approximately 8,250 square feet of existing building. Thereafter, Project construction would continue with grading, site preparation, construction, and landscaping. All construction equipment, including construction worker vehicles, would be staged on site.

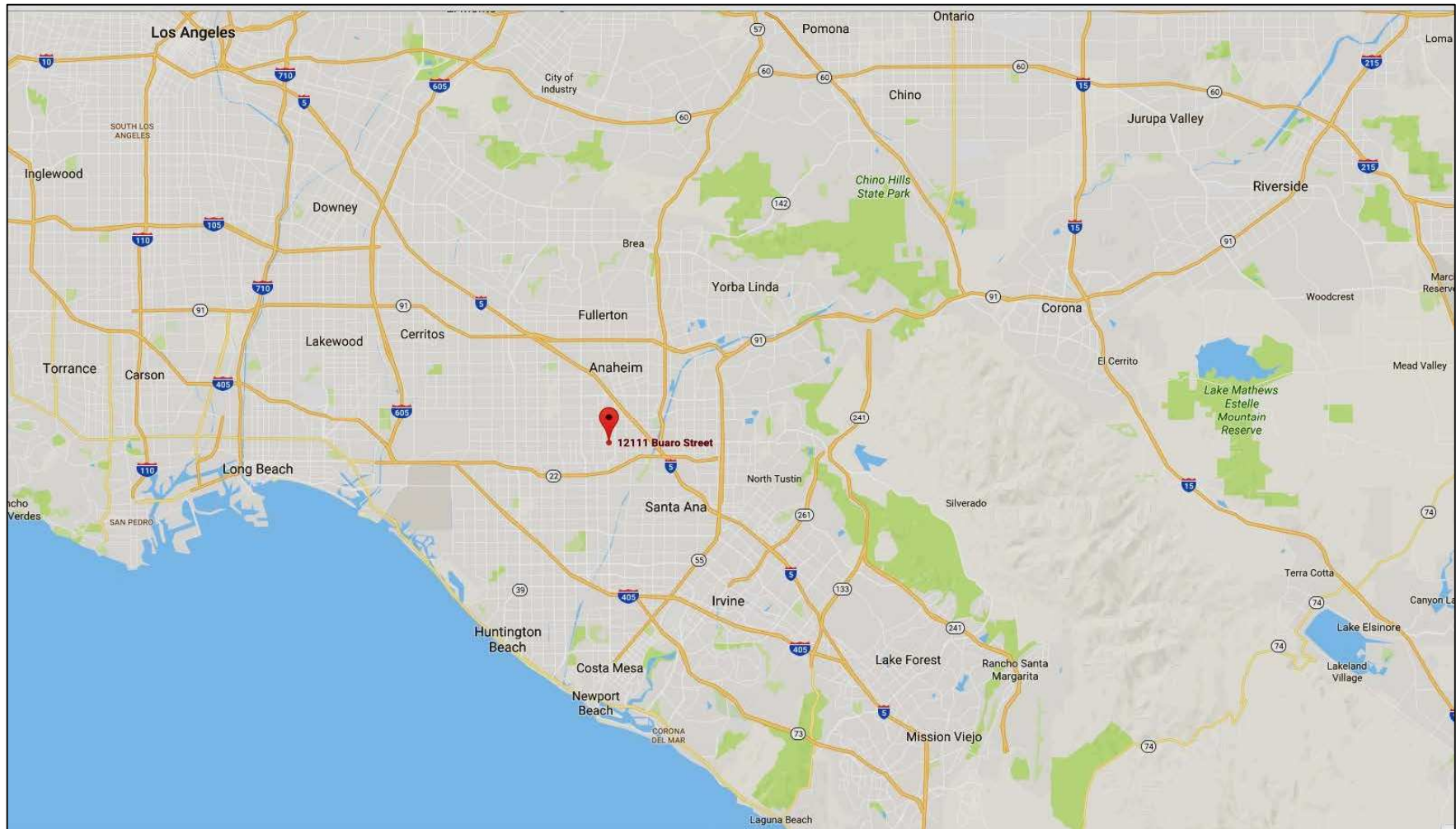
**Discretionary Actions.** Development of the Project would require discretionary approvals by the City as the Lead Agency, and Responsible Agencies. The City's discretionary actions include the following:

- **General Plan Amendment Approval.** A General Plan Amendment would be required to change the land use designation for the 0.99 acre parcel from CI to MDR.
- **Site Plan Review and Approval.** Site Plan Review allows multiple departments in the City to analyze the utilities, building, safety, streets, parking, landscape, fire access, land use compatibility, and overall site design to allow the construction of 17 townhomes, and make recommendations based on staff review.
- **Setback Variance Approval.** Approval of two variances to allow the Project to provide setback from drive aisle to living space - required setback is 10-feet, Project proposes 5-feet, and setback from Public Open Space to living space - required setback is 5-feet, Project proposes 3-feet.
- **Tentative Tract Map Approval.** A Tentative Tract Map (TTM 18117) to allow the subdivision of the site for condominium purposes.
- **Development Agreement.** A Development Agreement would be required for Development Impact Fees and when they are required to be paid.
- **Adoption of the Mitigated Negative Declaration.** The City Planning Commission will consider the MND and make a recommendation to the City Council on adoption of the MND in conjunction with approval of the Project.

**Other Ministerial City Actions.** Ministerial permits/approvals (e.g., demolition and grading permits, building permits) would be issued by the City to allow demolition of the existing structures on-site, site preparation, curb cuts, and connections to the utility infrastructure.

**Probable Future Actions by Responsible Agencies.** N/A.

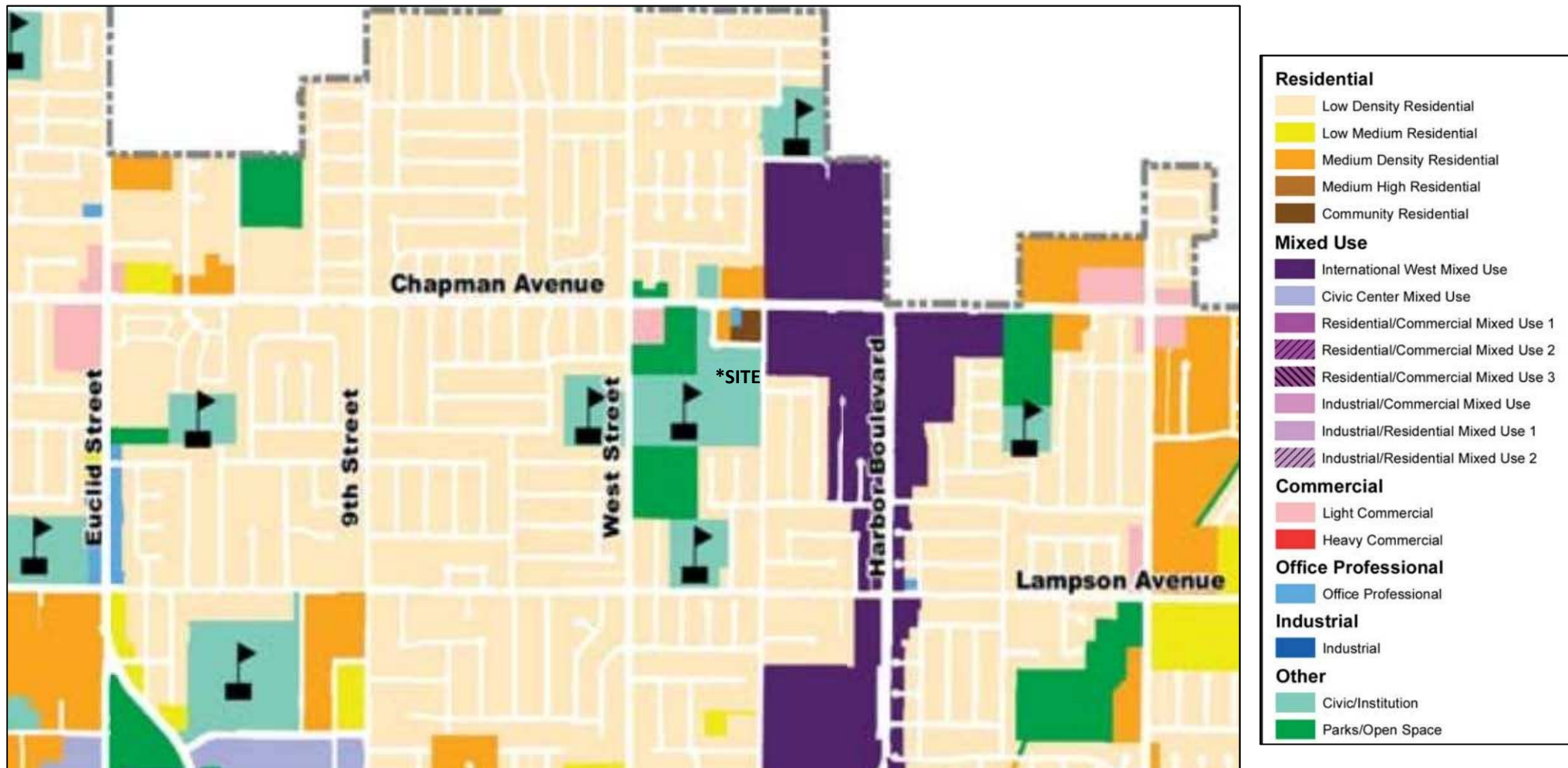
**FIGURE A-1, Regional Location Map**



Source: Google Maps 2017

**FIGURE A-2, General Plan Land Use Designations**





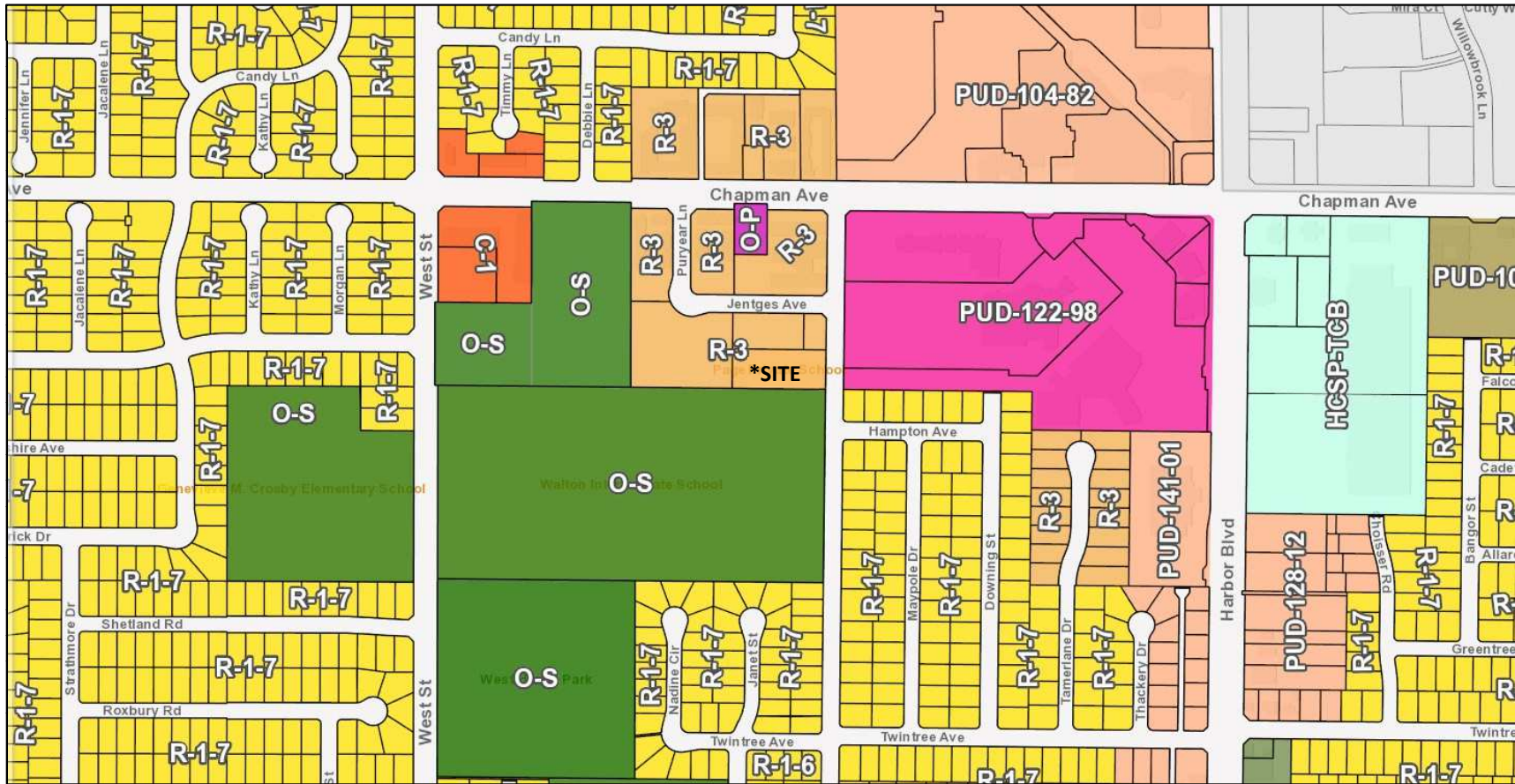
Source: City of Garden Grove General Plan Land Use Map

**EXISTING GP LAND USE: Civic/Institution (CI).**

**PROPOSED GP LAND USE: Medium Density Residential (MDR).**

**FIGURE A-3, Zoning Designations**



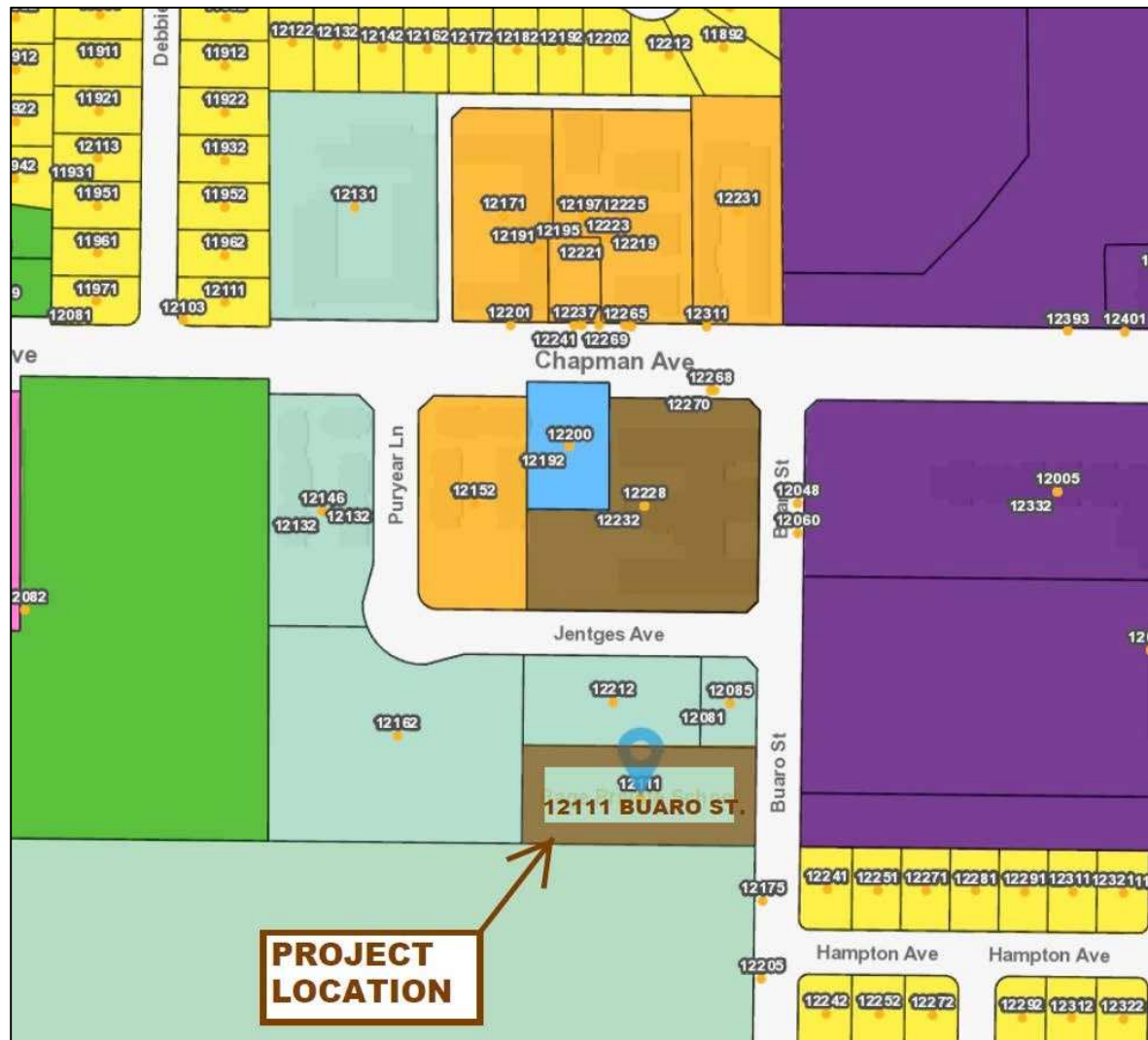


Source: City of Garden Grove Zoning Map

**EXISTING ZONING:** Multiple-Family Residential (R-3).

**PROPOSED ZONING:** Multiple-Family Residential (R-3).

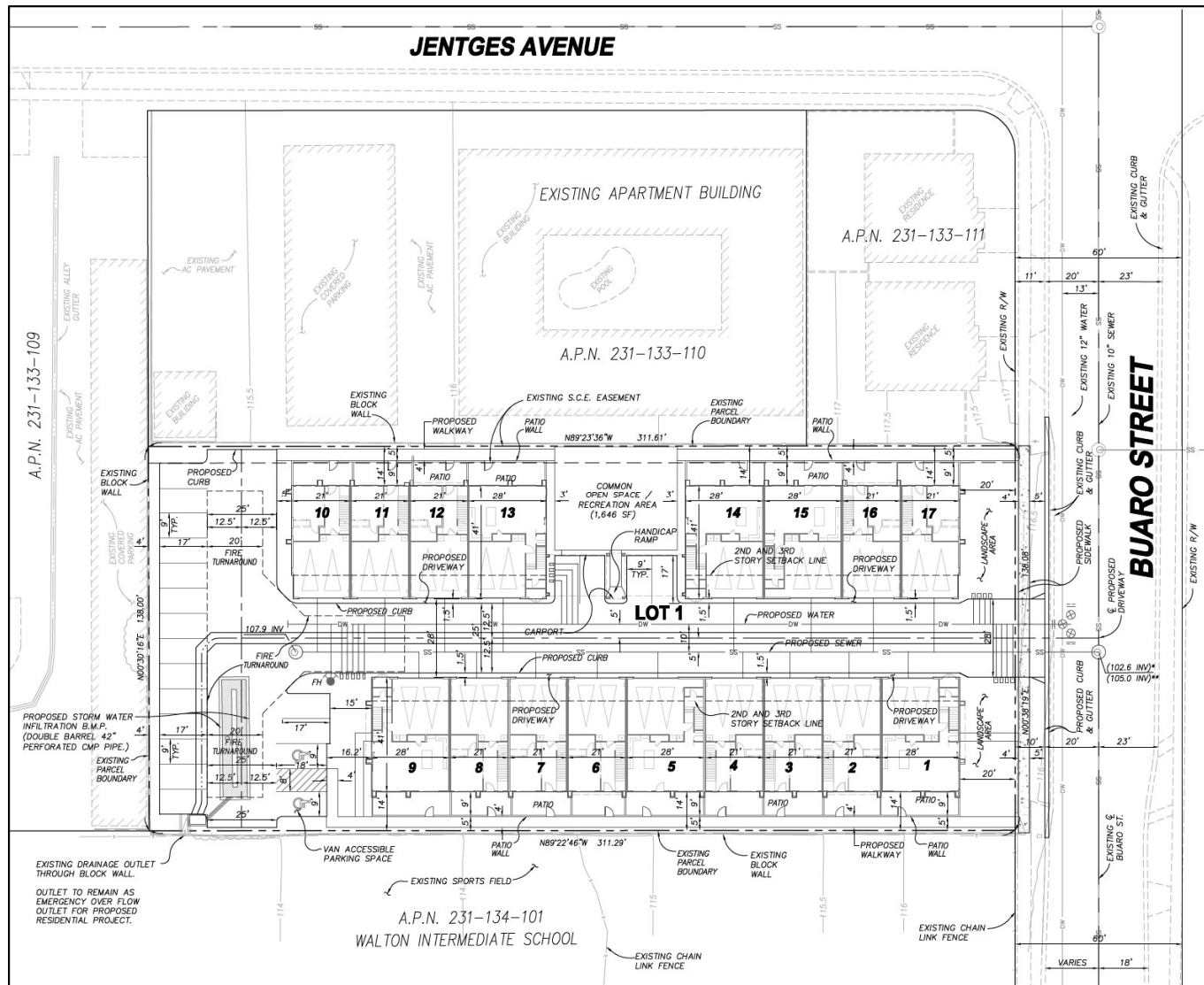
**FIGURE A-4, General *Plan Amendment***



**Source:** Project Plans 2017 (Appendix 1d)

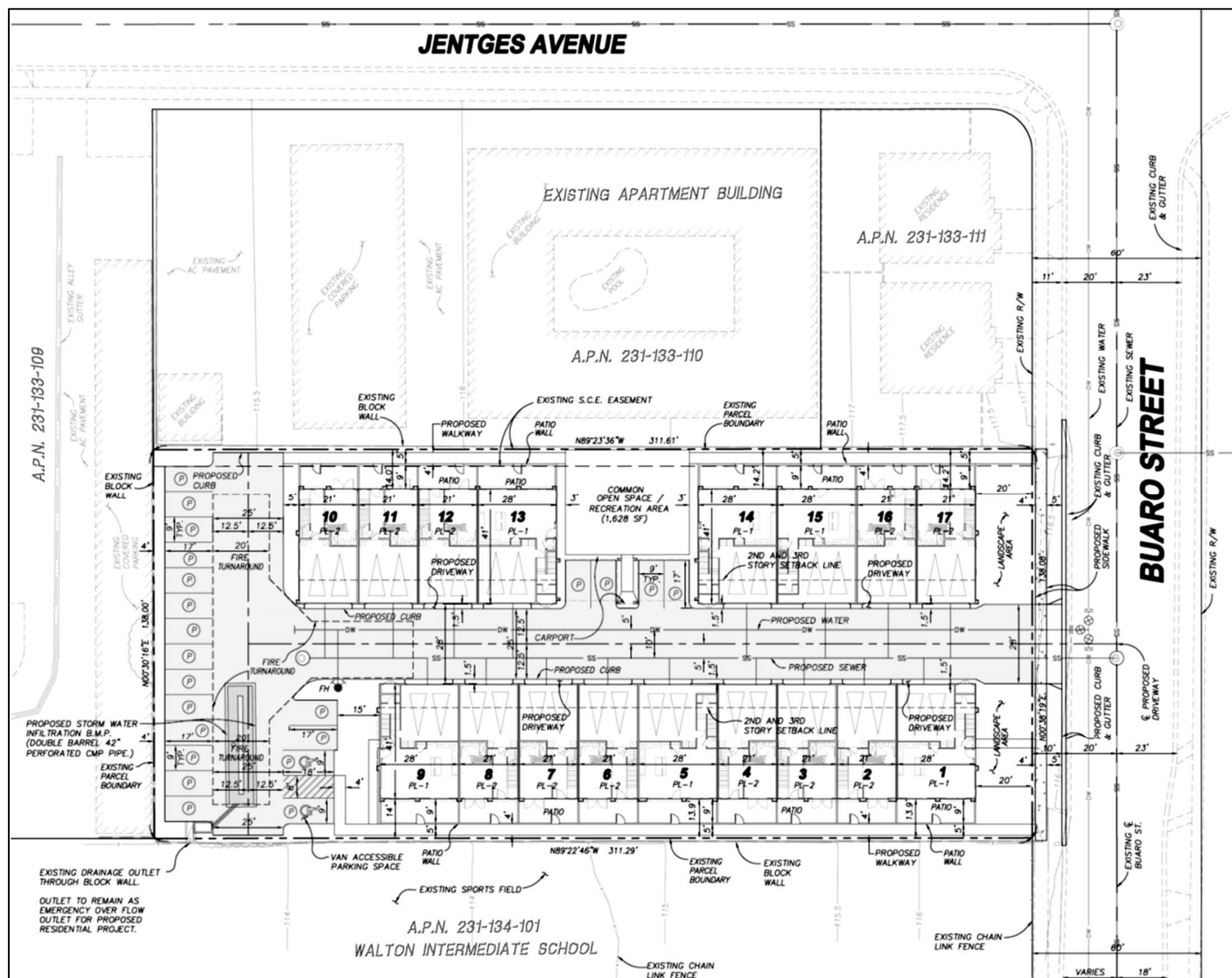


FIGURE A-5, *TTM No. 18117*



Source: Project Plans 2017 (Appendix 1e)

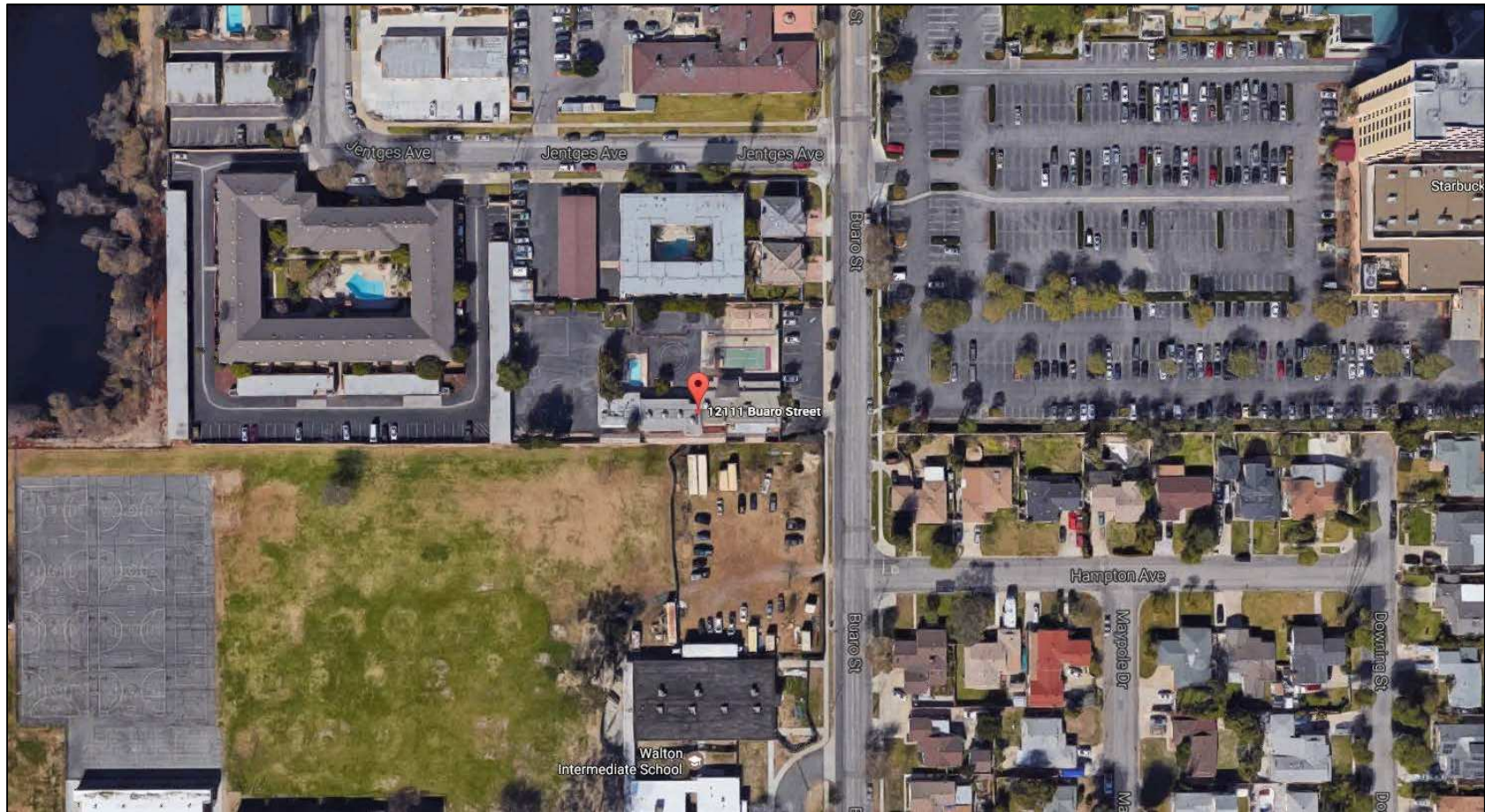
FIGURE A-6, Site Plan



Source: Project Plans 2017 (Appendix 1a)

**FIGURE 2-1, *Aerial Photo***





Source: Google Maps 2017

**FIGURE 2-2, *Elevations***



REAR PERSPECTIVE



FRONT PERSPECTIVE

Source: Project Plans 2017: 9 Unit Building (Appendix 1b)

**FIGURE 2-2, Elevations, continued**





REAR PERSPECTIVE



FRONT PERSPECTIVE

Source: Project Plans 2017: 8 Unit Building (Appendix 1b)

**FIGURE 2-3, *Landscape Plan***





Source: Project Landscape Plan 2017

### 3.0 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

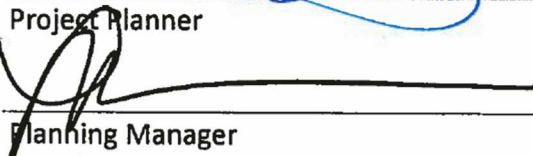
The environmental factors checked below would be potentially affected by this Project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

	Aesthetics		Agricultural and Forestry Resources		Air Quality
	Biological Resources		Cultural Resources		Geology and Soils
	Greenhouse Gas Emissions		Hazards and Hazardous Materials		Hydrology and Water Quality
	Land Use and Planning		Mineral Resources		Noise
	Population and Housing		Public Services		Recreation
	Transportation / Traffic		Utilities and Service Systems		Mandatory Findings of Significance

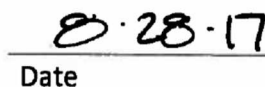
**DETERMINATION. On the basis of this initial evaluation:**

1. I find that the project **could not** have a significant effect on the environment, and a **NEGATIVE DECLARATION** would be prepared. ☐
2. I find that although the Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the Project have been made by or agreed to by the Project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared. ☒
3. I find the Project **may have a significant effect** on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required. ☐
4. I find that the Project **may have a "potentially significant impact" or "potentially significant unless mitigated impact"** on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed. ☐
5. I find that although the Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or Negative Declaration pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or Negative Declaration, including revisions or mitigation measures that are imposed upon the Project, nothing further is required. ☐

  
Project Planner

  
Planning Manager

  
Date

  
Date

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project would not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less Than Significant with Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from earlier analyses may be cross-referenced, as discussed below).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c) (3) (D). In this case, a brief discussion should identify the following:
  - a. Earlier Analysis Used. Identify and state where they are available for review.
  - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c. Mitigation Measures. For effects that are “Less Than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
  - a. The significance criteria or threshold, if any, used to evaluate each question; and
  - b. The mitigation measure identified, if any, to reduce the impact to less than significant.

### 3.1 AESTHETICS.

#### Would the Project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Have a substantial adverse effect on a scenic vista?				X
(b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
(c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
(d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

**Source(s):** Garden Grove General Plan (General Plan); The California Department of Transportation's (Caltrans) Landscape Architecture Program, Scenic Highway Program, Streets and Highways Code Sections 260–263; and **Figure 2-1, Aerial Photo.**

#### **Findings of Fact:**

*(a) Would the Project have a substantial adverse effect on a scenic vista?*

#### **No Impact**

The Project site is located within an urbanized area of the City of Garden Grove (City). The Site is developed with a preschool, associated structures, and parking lot. There are no aesthetic or visual resources located on the Project, site or in the surrounding vicinity that have been designated by the City's General Plan. The Project site is not located on a "Corridor," at an "Entry," nor does it contain a "Landmark," as depicted on Exhibit CD-1, *Corridor, Entries and Landmarks*, of the General Plan. The Project site is not located within a defined "District" as depicted on Exhibit CD-2, *Districts*, of the General Plan. Lastly, the Project site is not within or adjacent to any designated scenic vista, as there are no officially designated scenic vistas in the City. Therefore, the Project would not impact scenic vistas. No mitigation is required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.

*(b) Would the Project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings and historic buildings within a state scenic highway?*

#### **No Impact**

The California Department of Transportation's (Caltrans) Landscape Architecture Program administers the Scenic Highway Program, contained in Streets and Highways Code Sections 260–263. State Highways are classified as either Officially Listed or Eligible. State Route 22 (SR-22), located approximately 1.14 miles

south of the Project site, is not identified as an eligible or State-designated Scenic Highway. Therefore, the Project does not have the potential to damage resources within a State-designated scenic highway.

In addition, there are no existing aesthetic or visual resources located on the Project site or in the surrounding vicinity that have been designated in the City's General Plan (reference discussion in Section 3.1.a, above). There are no existing scenic rock outcroppings located within the Project limits. No impacts related to scenic resources would occur. No mitigation is required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.

*(c) Would the Project Substantially degrade the existing visual character or quality of the site and its surroundings?*

***Less Than Significant Impact***

The Project site is located in a fully developed urban environment. The Project site is located in an urbanized area, surrounded by multi-family residences to the north and west, a skilled nursing facility to the west across Jentges Avenue, Walton Intermediate School to the south, and single-family homes and a Marriott Suites to the east. There are varied architectural styles adjacent to the Project and its immediate vicinity. The Project will be of similar scale, will utilize high quality construction materials, and will be complimentary to the existing urban fabric. The Project will improve a site with an abandoned pre-school by adding two well-designed buildings with an innovative architectural style that uses traditional details in a modern way. Buildings in the Project area are 2- to 3-stories in height and utilize similar colors and materials (stucco, wood).

Therefore, implementation of the Project will not substantially degrade the existing visual character or quality of the site and its surroundings. Any impacts are considered less than significant. No mitigation is required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.

*(d) Would the Project Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

***Less Than Significant Impact***

Spill light occurs when light fixtures such as streetlights, parking lot lighting, exterior building lighting, and landscape lighting are not properly aimed or shielded to direct light to the desired location and light escapes and partially illuminates a surrounding location. Glare is the result of improperly aimed or blocked lighting sources that are visible against a dark background such as the night sky. Glare generally does not result in illumination of off-site locations, but results in a visible source of light viewable from a distance.

Currently, there are no light sources at the Project site. New lighting sources will be created from light and glare associated with construction activities. These additional artificial light sources are typically associated

with security lighting since all exterior construction activities are limited to daylight hours in the City. In addition, workers, either arriving to the site before dawn, or leaving the site after dusk, will generate additional construction light sources. The amount and intensity of light anticipated from these construction sources would generally be similar to the lighting of adjacent developed residential areas. Additionally, these impacts will be temporary, of short-duration, and will cease when Project construction is completed.

All on-site lighting shall be stationary and directed away from adjoining properties and public rights-of-way and exterior lighting would be directed, positioned, or shielded in such a manner as to not “unreasonably illuminate the window area of nearby residences.” As such, building exterior lights would be surfacemounted and directed away from or screened from adjacent residential uses. The Project site would be illuminated from sunset to sunrise (generally 6:00 p.m. to 6:00 a.m., depending on the time of year).

The Project would be located within a developed area of the City, which currently emits lighting that is typical for an urban area (residential, commercial, and institutional uses). Impacts related to glare from on-site lighting would not occur because light sources would be directed and shielded to prevent impacts to adjoining properties. In addition, on-site lighting levels would not be of a magnitude that has the potential to produce substantial amounts of glare in relation to glare produced by surrounding urban uses. Finally, as part of the site plan review process, lighting plans are subject to City review and approval. Therefore, lighting impacts would be less than significant. No mitigation is required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.



**3.2 AGRICULTURE AND FOREST RESOURCES.****Would the Project:**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non- agricultural use?				<b>X</b>
(b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				<b>X</b>
(c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				<b>X</b>
(d) Result in the loss of forest land or conversion of forest land to non- forest use?				<b>X</b>
(e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				<b>X</b>

**Source(s):** Farmland Mapping and Monitoring Program of the California Resources Agency; and **Figure 2-1, Aerial Photo.**

**Findings of Fact:**

- (a) *Would the Project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*

**No Impact**

The Project site is not used for agricultural production and is not designated Prime Farmland, Unique Farmland, or Farmland of Statewide Importance on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. The Project site is located in an urbanized area, surrounded by multi-family residences to the north and west, a skilled nursing facility to the west across Jentges Avenue, Walton Intermediate School to the south, and single-family homes and a Marriott Suites to the east.

Since the Project site is not involved in any current agricultural use(s), and does not have any agricultural General Plan Land Use Plan designation, implementation of the Project will not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use. No impacts are anticipated. No mitigation is required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.



**MITIGATION MEASURES:** No mitigation measures are required.

*(b) Would the Project conflict with existing zoning for agricultural use, or a Williamson Act contract?*

***No Impact***

The Project site is not used for agricultural production, not zoned for agricultural use, and is not protected by, or eligible for, a Williamson Act contract. No impacts would occur. No mitigation is required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.

**MONITORING:** No mitigation monitoring is required.

*(c) Would the Project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?*

***No Impact***

The Project site is located within a developed area of the City. The Project site is not used for timberland production, not zoned as forest land or timberland, and does not contain forest land or timberland. No impacts would occur. No mitigation is required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.

*(d) Would the Project result in the loss of forest land or conversion of forest land to non-forest use?*

***No Impact***

The Project site is located within a developed area of the City and would not convert forest land to a nonforest use. Based on a review of the Aerial Photo, no forest lands are located on the Project site. Likewise, the Project site would not contribute to environmental changes that could result in conversion of forest land to non-forest use. No impacts would occur. No mitigation is required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.

*(e) Would the Project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?*

***No Impact***

The Project would not convert farmland to a nonagricultural use. Likewise, the Project site is not adjacent to or in proximity of farmlands and therefore would not contribute to environmental changes that could result in conversion of farmland to nonagricultural use. No impacts would occur. No mitigation is required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.

### 3.3 AIR QUALITY.

Would the Project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Conflict with or obstruct implementation of the applicable air quality plan?			<b>X</b>	
(b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			<b>X</b>	
(c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			<b>X</b>	
(d) Expose sensitive receptors to substantial pollutant concentrations?			<b>X</b>	
(e) Create objectionable odors affecting a substantial number of people?			<b>X</b>	

**Source(s):** 12111 Buaro Street Project Air Quality and Global Climate Change Impact Analysis, prepared by Kunzman Associates, Inc., dated March 2, 2017 (AQ/GCC Impact Analysis, **Appendix 2**)

*(a) Would the Project conflict with or obstruct implementation of the applicable air quality plan?*

#### **Less Than Significant Impact**

The Project site is located in the South Coast Air Basin (SoCAB), which is under the jurisdiction of the South Coast Air Quality Management District (SCAQMD). The SCAQMD is required, pursuant to the federal Clean Air Act, to reduce emissions of criteria pollutants for which the basin is in nonattainment (i.e., ozone (O<sub>3</sub>), coarse particulate matter (PM<sub>10</sub>), and fine particulate matter (PM<sub>2.5</sub>)). These are considered criteria pollutants because they are three of several prevalent air pollutants known to be hazardous to human health. (An area designated as nonattainment for an air pollutant is an area that does not achieve national and/or state ambient air quality standards for that pollutant.)

The California Environmental Quality Act (CEQA) requires a discussion of any inconsistencies between a proposed Project and applicable General Plans and Regional Plans (CEQA Guidelines Section 15125). The regional plan that applies to the proposed project includes the 2016 SCAQMD Air Quality Management Plan (AQMP). This discussion shall set forth the issues regarding consistency with the assumptions and objectives of the AQMP and discuss whether the proposed Project would interfere with the region's ability to comply with Federal and State air quality standards. If the decision-makers determine that the proposed project is inconsistent, the lead agency may consider project modifications or inclusion of mitigation to eliminate the inconsistency.

The SCAQMD CEQA Handbook states that "New or amended General Plan Elements (including land use zoning and density amendments), Specific Plans, and significant projects must be analyzed for consistency with the AQMP." Strict consistency with all aspects of the plan is usually not required. A proposed project

should be considered to be consistent with the AQMP if it furthers one or more policies and does not obstruct other policies. The SCAQMD CEQA Handbook identifies two key indicators of consistency:

- (1) Whether the project will result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay timely attainment of air quality standards or the interim emission reductions specified in the AQMP, and
- (2) Whether the project will exceed the assumptions in the 2016 AQMP or increments based on the year of project buildout and phase. These are discussed in detail, below.

### ***Consistency Criterion No. 1***

- The Project will not result in an increase in the frequency or severity of existing air quality violations, or cause or contribute to new violations, or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP.

Based on the air quality modeling analysis contained in the *AQ/GCC Impact Analysis*, the short-term construction impacts will not result in significant impacts based on the SCAQMD regional and local thresholds of significance. The *AQ/GCC Impact Analysis* also found that long-term operations impacts will not result in significant impacts based on the SCAQMD regional and local thresholds of significance.

Therefore, the proposed Project is not anticipated to contribute to the exceedance of any air pollutant concentration standards and is found to be consistent with the AQMP for the first criterion.

### ***Consistency Criterion No. 2***

- The Project will not exceed the assumptions in the AQMP based on the years of project buildout phase.

Consistency with the AQMP assumptions is determined by performing an analysis of the proposed Project with the assumptions in the AQMP. The emphasis of this criterion is to ensure that the analyses conducted for the proposed Project are based on the same forecasts as the AQMP. The Regional Comprehensive Plan and Guide (RCP&G) consists of three sections: Core Chapters, Ancillary Chapters, and Bridge Chapters. The Growth Management, Regional Mobility, Air Quality, Water Quality, and Hazardous Waste Management chapters constitute the Core Chapters of the document. These chapters currently respond directly to federal and state requirements placed on SCAG. Local governments are required to use these as the basis of their plans for purposes of consistency with applicable regional plans under CEQA. For this Project, the City of Garden Grove General Plan defines the assumptions that are represented in the AQMP.

The Project site is currently designated as Civic/Institutional (CI) the City of Garden Grove General Plan and is zoned as Multi-Family Residential (R-3) on the City's zoning map. The proposed Project is for 17 residential condominium townhome units, which is a compatible land use with the existing zoning. The proposed Project would result in an inconsistency with the current land use designation; however, a General Plan Amendment is proposed to change this designation to Medium Density Residential (MDR). The proposed residential Project is not anticipated to exceed the General Plan AQMP assumptions for the Project site and, therefore, is found to be consistent with the AQMP for the second criterion.

Based on the above, the proposed Project would not conflict with the implementation of the SCAQMD AQMP. Therefore, impacts are considered to be less than significant impact. No mitigation is required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.

(b) *Would the Project violate any air quality standard or contribute substantially to an existing or projected air quality violation?*

### ***Less Than Significant Impact***

As discussed above, the Project site is located in the SoCAB. State and federal air quality standards are often exceeded in many parts of the SoCAB. Please reference *AQ/GCC impact Analysis (Appendix 2)*, for a description of current background air quality, thresholds of significance, and health impacts. A discussion of the Project's potential short-term construction-period and long-term operational-period air quality impacts is provided below.

### **Construction Emissions**

Construction activities associated with the proposed Project would have the potential to generate air emissions, toxic air contaminant emissions, and odor impacts. Assumptions for the phasing, duration, and required equipment for the construction of the proposed Project were obtained from the Project applicant. The construction activities for the proposed Project are anticipated to include: demolition of approximately 8,250 square feet of existing buildings, grading of approximately 0.987 acres, construction of 17 residential condominium dwelling units with approximately 3,302 square feet of landscaping, paving of approximately 22 parking spaces and alley way, and application of architectural coatings. The proposed Project is expected to be constructed in one phase with construction beginning January 2018 and estimated to be completed by the end of 2018. The Project is expected to be operational in 2018.

Construction activities associated with the Project will result in emissions of CO, VOCs, NO<sub>x</sub>, SO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>. Construction related emissions are expected from the following construction activities:

- Site Preparation;
- Grading;
- Building Construction;
- Paving;
- Architectural Coating; and • Construction Workers Commuting.

### ***Construction Emissions Summary***

The SCAQMD Rules that are currently applicable during construction activity for this Project include but are not limited to:

- Rule 1113 (Architectural Coatings);
- Rule 431.2 (Low Sulfur Fuel);
- Rule 403 (Fugitive Dust); and
- Rule 1186 / 1186.1 (Street Sweepers).

The construction-related criteria pollutant emissions for each phase are shown below in **Table 3.3-1, Construction-Related Regional Pollutant Emissions**. Table 3.3-1 shows that none of the Project's emissions will exceed regional thresholds. Therefore, a less than significant regional air quality impact would occur from construction of the proposed Project.

**Table 3.3-1  
Construction-Related Regional Pollutant Emissions<sup>1</sup>**

Activity	Pollutant Emissions (pounds/day)					
	ROG	NOx	CO	SO <sub>2</sub>	PM10	PM2.5
<b>Demolition</b>						
On-Site <sup>2</sup>	1.21	10.50	7.92	0.01	1.05	0.75
Off-Site <sup>3</sup>	0.10	1.35	0.73	0.00	0.19	0.06
<b>Total</b>	<b>1.31</b>	<b>11.85</b>	<b>8.65</b>	<b>0.02</b>	<b>1.23</b>	<b>0.80</b>
<b>Grading</b>						
On-Site <sup>2</sup>	1.21	10.50	7.92	0.01	1.04	0.86
Off-Site <sup>3</sup>	0.06	0.04	0.44	0.00	0.11	0.03
<b>Total</b>	<b>1.27</b>	<b>10.54</b>	<b>8.36</b>	<b>0.01</b>	<b>1.15</b>	<b>0.89</b>
<b>Building Construction</b>						
On-Site	1.28	12.76	8.07	0.01	0.86	0.79
Off-Site	0.16	0.85	1.23	0.00	0.30	0.09
<b>Total</b>	<b>1.44</b>	<b>13.61</b>	<b>9.30</b>	<b>0.02</b>	<b>1.16</b>	<b>0.88</b>
<b>Paving</b>						
On-Site	1.01	8.74	7.22	0.01	0.51	0.47
Off-Site	0.09	0.06	0.71	0.00	0.20	0.05
<b>Total</b>	<b>1.10</b>	<b>8.80</b>	<b>7.93</b>	<b>0.01</b>	<b>0.71</b>	<b>0.53</b>
<b>Architectural Coating</b>						
On-Site	15.16	2.01	1.85	0.00	0.15	0.15
Off-Site	0.03	0.02	0.20	0.00	0.06	0.02
<b>Total</b>	<b>15.19</b>	<b>2.02</b>	<b>2.05</b>	<b>0.00</b>	<b>0.21</b>	<b>0.17</b>
<b>Total for overlapping phases<sup>4</sup></b>	<b>17.73</b>	<b>24.44</b>	<b>19.28</b>	<b>0.03</b>	<b>2.08</b>	<b>1.57</b>
<b>SCAQMD Thresholds</b>	<b>75</b>	<b>100</b>	<b>550</b>	<b>150</b>	<b>150</b>	<b>55</b>
<b>Exceeds Thresholds</b>	No	No	No	No	No	No

<sup>1</sup> Source: CalEEMod Version 2016.3.1.

<sup>2</sup> On-site emissions from equipment operated on-site that is not operated on public roads.

<sup>3</sup> Off-site emissions from equipment operated on public roads.

<sup>4</sup> Construction, paving and painting phases may overlap.

As shown in **Table 3.3-2, Maximum Number of Acres Disturbed Per Day**, below, the maximum number of acres disturbed in a day would be 1.5 acres during grading.

<sup>1</sup>Source: South Coast AQMD, Fact Sheet for Applying CalEEMod to Localized Significance Thresholds, 2011b.

The local air quality emissions from construction were analyzed using the SCAQMD's Mass Rate Localized Significant Threshold Look-up Tables and the methodology described in Localized Significance Threshold Methodology, prepared by SCAQMD, revised July 2008. The Look-up Tables were developed by the SCAQMD in order to readily determine if the daily emissions of CO, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> from the proposed Project could result in a significant impact to the local air quality. The emission thresholds were calculated based on the Central Orange County source receptor area (SRA) 17 and a disturbance value of one acre per day, to be conservative. According to LST Methodology, any receptor located closer than 25

**Table 3.3-2**  
**Maximum Number of Acres Disturbed Per Day<sup>1</sup>**

Activity	Equipment	Number	Acres/8hr-day	Total Acres
Demolition	Tractors/Loaders/Backhoes	2	0.5	1
	Rubber Tired Dozers	1	0.5	0.5
Total per phase		-	-	<b>1.5</b>
Grading	Rubber Tired Dozers	1	0.5	0.5
	Tractors/Loaders/Backhoes	2	0.5	1
Total per phase		-	-	<b>1.5</b>

meters (82 feet) shall be based on the 25 meter thresholds. The nearest sensitive receptors are the existing multi-family attached and single-family detached residential dwelling units located directly adjacent to the north and west and Walton Intermediate School located adjacent to the south of the site; therefore, the SCAQMD Look-up Tables for 25 meters was used. **Table 3.3-3, Local Construction Emissions at Nearest Sensitive Receptors**, below, details the on-site emissions from the CalEEMod model for the different construction phases and the calculated emissions thresholds.

**Table 3.3-3**  
**Local Construction Emissions at Nearest Sensitive Receptors<sup>1</sup>**

Phase	On-Site Pollutant Emissions (pounds/day)			
	NOx	CO	PM10	PM2.5
Demolition	10.50	7.92	1.05	0.75
Grading	10.50	7.92	1.04	0.86
Building Construction	12.76	8.07	0.86	0.79
Paving	8.74	7.22	0.51	0.47
Architectural Coating	2.01	1.85	0.15	0.15
<b>SCAQMD Threshold for 25 meters (82 feet) or less<sup>2</sup></b>	<b>81</b>	<b>485</b>	<b>4</b>	<b>3</b>
Exceeds Threshold?	No	No	No	No

<sup>1</sup> Source: Calculated from CalEEMod and SCAQMD's Mass Rate Look-up Tables for one acre in Orange County.

The data provided in **Table 3.3-3** shows that none of the analyzed criteria pollutants would exceed the calculated local emissions thresholds at the nearest sensitive receptors. Therefore, a less than significant local air quality impact would occur from construction of the proposed Project.

#### *Construction Related Toxic Air Contaminant Impacts*

The greatest potential for toxic air contaminant emissions would be related to diesel particulate emissions associated with heavy equipment operations during construction of the proposed Project. According to SCAQMD methodology, health effects from carcinogenic air toxics are usually described in terms of "individual cancer risk." "Individual Cancer Risk" is the likelihood that a person exposed to concentrations of toxic air contaminants over a 30-year lifetime will contract cancer, based on the use of standard riskassessment methodology. Given the relatively limited number of heavy-duty construction equipment and the short-term construction schedule, the proposed Project would not result in a long-term (i.e., 30 years) substantial source of toxic air contaminant emissions and corresponding individual cancer risk. Furthermore, construction-based particulate matter (PM) emissions (including diesel exhaust emissions) do

not exceed any local or regional thresholds. Therefore, no significant short-term toxic air contaminant impacts would occur during construction of the proposed Project.

### Operational Emissions

The on-going operation of the proposed Project would result in a long-term increase in air quality emissions. This increase would mainly be due to emissions from the Project-generated vehicle trips. The following discussion provides an analysis of potential long-term air quality impacts due to regional air quality and local air quality impacts with the on-going operations of the proposed Project.

### *Operational Activities*

Operational activities associated with the Project will result in emissions of VOCs, NO<sub>x</sub>, CO, SO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>. Operational emissions would be expected from the following primary sources:

1. Mobile Source Emissions;
2. Area Source Emissions; and 3.
- Energy Source Emissions.

#### 1. *Mobile Source Emissions*

Mobile sources include emissions from the additional vehicle miles generated from the proposed Project. The vehicle trips associated with the proposed Project have been analyzed by inputting the project-generated vehicular trips from the *12111 Buaro Street Focused Traffic Analysis (Appendix 8)* into the CalEEMod Model. The Traffic Analysis found that the proposed Project would have a trip generation rate of 5.81 trips per dwelling unit per day. The program then applies the emission factors for each trip which is provided by the EMFAC2014 model to determine the vehicular traffic pollutant emissions. The CalEEMod default trip lengths were used in this analysis.

#### 2. *Area Source Emissions*

Area sources include emissions from hearths, consumer products, landscape equipment and architectural coatings. The area source emissions were based on the on-going use of the proposed 17 residential condominium dwelling units in the CalEEMod model. In order to account for SCAQMD Rule 445, no wood burning stoves or fireplaces will be included. No other changes were made to the default area source parameters.

#### 3. *Energy Usage*

Energy usage includes emissions from the generation of electricity and natural gas used on-site. The energy usage emissions were based on the on-going use of the proposed 17 residential condominium dwelling units in the CalEEMod model. No changes were made to the default energy usage parameters.

The worst-case summer or winter VOC, NO<sub>x</sub>, CO, SO<sub>2</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions generated by the proposed Project's long-term operations have been calculated and are summarized below in **Table 3.3-4, Operational Regional Pollutant Emissions**. **Table 3.3-4** shows that none of the analyzed criteria pollutants would exceed



the regional emissions thresholds. Therefore, a less than significant regional air quality impact would occur from operation of the proposed Project.

**Table 3.3-4**  
**Operational Regional Pollutant Emissions<sup>1</sup>**

Activity	Pollutant Emissions (pounds/day)					
	ROGs	NOx	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Area Sources <sup>2</sup>	0.83	0.27	1.52	0.00	0.03	0.03
Energy Usage <sup>3</sup>	0.01	0.09	0.04	0.00	0.01	0.01
Mobile Sources <sup>4</sup>	0.20	0.83	2.73	0.01	0.73	0.20
<b>Total Emissions</b>	<b>1.04</b>	<b>1.19</b>	<b>4.29</b>	<b>0.01</b>	<b>0.76</b>	<b>0.24</b>
SCAQMD Thresholds	55	55	550	150	150	55
Exceeds Threshold?	No	Yes	No	No	No	No

<sup>1</sup> **Source:** CalEEMod Version 2016.3.1.

<sup>2</sup> Area sources consist of emission from consumer products, architectural coatings, hearths and landscaping equipment.

<sup>3</sup> Energy usage consists of emissions from generation of electricity and no-site non-hearth natural gas usage.

<sup>4</sup> Mobile sources consist of emissions from vehicles and road dust.

### *Cumulative Regional Air Quality Impacts*

Cumulative projects include local development as well as general growth within the Project area. However, as with most development, the greatest source of emissions is from mobile sources, which travel well out of the local area. Therefore, from an air quality standpoint, the cumulative analysis would extend beyond any local projects and when wind patterns are considered, would cover an even larger area. Accordingly, the cumulative analysis for the Project's air quality must be generic by nature.

The Project area is out of attainment for O<sub>3</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>. Construction and operation of cumulative projects will further degrade the local air quality, as well as the air quality of the South Coast Air Basin. The greatest cumulative impact on the quality of regional air cell will be the incremental addition of pollutants mainly from increased traffic from residential, commercial, and industrial development and the use of heavy equipment and trucks associated with the construction of these projects. Air quality will be temporarily degraded during construction activities that occur separately or simultaneously. However, in accordance with the SCAQMD methodology, projects that do not exceed the SCAQMD criteria or can be mitigated to less than criteria levels are not significant and do not add to the overall cumulative impact. With respect to long-term emissions, this Project would create a less than significant cumulative impact.

### *Operations-Related Local Air Quality Impacts*

Project-related air emissions may have the potential to exceed the State and Federal air quality standards in the Project vicinity, even though these pollutant emissions may not be significant enough to create a regional impact to the South Coast Air Basin. The proposed Project has been analyzed for the potential local CO emission impacts from the Project generated vehicular trips and from the potential local air quality impacts from on-site operations. The following analysis analyzes the vehicular CO emissions, local impacts from on-site operations.

#### *1. Local CO Emission Impacts from Project-Generated Vehicular Trips*

CO is the pollutant of major concern along roadways because the most notable source of CO is motor vehicles. For this reason, CO concentrations are usually indicative of the local air quality generated by a roadway network and are used as an indicator of potential local air quality impacts. Local air quality impacts can be assessed by comparing future without and with project CO levels to the State and Federal CO standards.

To determine if the proposed Project could cause emission levels in excess of the CO standards, a sensitivity analysis is typically conducted to determine the potential for CO “hot spots” at a number of intersections in the general Project vicinity. Because of reduced speeds and vehicle queuing, “hot spots” potentially can occur at high traffic volume intersections with a Level of Service E or worse.

The *12111 Buaro Street Focused Traffic Analysis (Appendix 8)* showed that the Project would generate a maximum of 99 trips. The intersection with the highest traffic volume is located at Buaro Street and Chapman Avenue and has an opening year with Project evening peak hour volume of 1,514 vehicles. The 1992 Federal Attainment Plan for Carbon Monoxide (1992 CO Plan) showed that an intersection which has a daily traffic volume of approximately 100,000 vehicles per day would not violate the CO standard. Therefore, as the intersection with the highest traffic volume falls far short of 100,000 vehicles, no CO “hot spot” modeling was performed and no significant long-term air quality impact is anticipated to local air quality with the on-going use of the proposed Project.

## *2. Local Air Quality Impacts from On-Site Operations*

The local air quality impacts from the operation of the proposed Project would occur from emissions generated on-site. Sources of on-site operational emissions include architectural coatings off-gassing, landscaping equipment emissions, natural gas appliance emissions and on-site vehicular emissions. Because of the residential nature of the proposed Project, the majority of the proposed Project’s operational emissions are from vehicles traveling on roadways away from the Project site. These emissions are then spread over a vast area traversed by various mobile sources and do not result in localized air quality impacts in proximity to the Project site. As such, localized operational modeling for Project operations are not prepared for residential developments. Therefore, the on-going operations of the proposed Project would create a less than significant operations-related impact to local air quality due to onsite emissions.

## *3. Operations-Related Toxic Air Contaminant Impacts*

Particulate matter from diesel exhaust is the predominate toxic air contaminant (TAC) in urban areas and based on a statewide average in 2000 was estimated to represent about two-thirds of cancer risk from TACs. Some chemicals in diesel exhaust, such as benzene and formaldehyde have been listed as carcinogens by State Proposition 65 and the Federal Hazardous Air Pollutants program. Due to the nominal number of diesel truck trips generated by the proposed Project, a less than significant toxic air contaminant impact would occur during the on-going operations of the proposed Project and no mitigation would be required.

## **STANDARD CONDITIONS AND REQUIREMENTS:**

**SC-AQ-1** The Project is required to comply with SCAQMD Rule 403 - Fugitive Dust. Rule 403 requires that fugitive dust be controlled with best available control measures so that the presence of such dust does not remain visible in the atmosphere beyond the property line of the emission source. In addition, SCAQMD Rule 403 requires implementation of dust suppression techniques to

prevent fugitive dust from creating a nuisance off-site. Applicable dust suppression techniques from Rule 403 are summarized below. Implementation of these dust suppression techniques can reduce the fugitive dust generation (and thus the PM<sub>10</sub> component). Compliance with these rules would reduce impacts on nearby sensitive receptors. Rule 403 measures may include but are not limited to the following:

- Apply nontoxic chemical soil stabilizers according to manufacturers' specifications to all inactive construction areas (previously graded areas inactive for 10 days or more).
- Water active sites at least three times daily. (Locations where grading is to occur will be thoroughly watered prior to earthmoving.)
- Cover all trucks hauling dirt, sand, soil, or other loose materials, or maintain at least 0.6 meters (2 feet) of freeboard (vertical space between the top of the load and top of the trailer) in accordance with the requirements of California Vehicle Code section 23114.
- Reduce traffic speeds on all unpaved roads to 15 miles per hour (mph) or less.
- Suspension of all grading activities when wind speeds (including instantaneous wind gusts) exceed 25 mph. Bumper strips or similar best management practices shall be provided where vehicles enter and exit the construction site onto paved roads or wash off trucks and any equipment leaving the site each trip.
- Replanting disturbed areas as soon as practical.
- During all construction activities, construction contractors shall sweep on-site and off-site streets if silt is carried to adjacent public thoroughfares, to reduce the amount of particulate matter on public streets. All sweepers shall be compliant with SCAQMD Rule 1186.1, Less Polluting Sweepers.

**SC-AQ-2** The Project is required to comply with SCAQMD Rule 445. SCAQMD Rule 445 prohibits permanently installed wood burning devices into any new development. A wood burning device means any fireplace, wood burning heater, or pellet-fueled wood heater, or any similarly enclosed, permanently installed, indoor or outdoor device burning any solid fuel for aesthetic or space-heating purposes, which has a heat input of less than one million British thermal units per hour.

**MITIGATION MEASURES:** No mitigation measures are required.

*(c) Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?*

#### ***Less Than Significant Impact***

Projects could contribute to an existing or projected air quality exceedance because the SoCAB is currently in nonattainment for O<sub>3</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>. With regard to determining the significance of the cumulative contribution from the Project, the SCAQMD recommends that any given project's potential contribution to cumulative impacts be assessed using the same significance criteria as for project-specific impacts. Therefore, individual projects that do not generate operational or construction emissions that exceed the SCAQMD's daily thresholds for project-specific impacts would also not cause a cumulatively considerable increase in emissions for those pollutants for which the air basin is in nonattainment and therefore would not be considered to have a significant, adverse air quality impact. Alternatively, individual project-related construction and operational emissions that exceed SCAQMD thresholds for project-specific impacts would

be cumulatively considerable. As previously noted, the Project will not exceed the applicable SCAQMD regional thresholds for construction and operational-source emissions. As such, the Project will result in a cumulatively less than significant impact.

**STANDARD CONDITIONS AND REQUIREMENTS:** The Project is required to comply with SCAQMD Rule 403 (**Standard Condition SC-AQ-1**) and SCAQMD Rule 445 (**Standard Condition SC-AQ-2**). See details in Section 3.3.b., above.

**MITIGATION MEASURES:** No mitigation measures are required.

*(d) Would the Project expose sensitive receptors to substantial pollutant concentrations?*

***Less Than Significant Impact***

As discussed in Section 3.3.b, above, results of the LST analysis, which were developed in response to environmental justice and health concerns, indicate that the Project will not exceed the SCAQMD localized significance thresholds during construction, with the incorporation of mitigation. Therefore, sensitive receptors would not be subject to significant air toxic impacts during construction at the Project site. Results of the LST analysis also indicate that the Project would not exceed the SCAQMD localized significance thresholds during operational activity.

**STANDARD CONDITIONS AND REQUIREMENTS:** The Project is required to comply with SCAQMD Rule 403 (**Standard Condition SC-AQ-1**) and SCAQMD Rule 445 (**Standard Condition SC-AQ-2**). See details in Section 3.3.b., above.

**MITIGATION MEASURES:** No mitigation measures are required.

*(e) Create objectionable odors affecting a substantial number of people?*

***Less Than Significant Impact***

Potential sources that may emit odors during construction activities include the application of materials such as asphalt pavement and diesel exhaust emissions. The objectionable odors that may be produced during the construction process are of short-term in nature and the odor emissions are expected to cease upon the drying or hardening of the odor producing materials. Due to the short-term nature and limited amounts of odor producing materials being utilized, no significant impact related to odors would occur during construction of the proposed Project. Diesel exhaust and VOCs would be emitted during construction of the Project, which are objectionable to some; however, emissions would disperse rapidly from the Project site and therefore should not reach an objectionable level at the nearest sensitive receptors.

According to the CEQA Air Quality Handbook, land uses associated with odor complaints include agricultural operations, wastewater treatment plants, landfills, and certain industrial operations (such as manufacturing uses that produce chemicals, paper, etc.). Odors are typically associated with industrial projects involving the use of chemicals, solvents, petroleum products, and other strong-smelling elements used in manufacturing processes, as well as sewage treatment facilities and landfills. Potential odor sources associated with the operation of the Project are anticipated to be those that would be typical of any residential development. Residential developments typically do not result in odor impacts.

It is expected that Project-generated refuse would be stored in covered containers and removed at regular intervals in compliance with the City's solid waste regulations. The proposed Project would also be required to comply with SCAQMD Rule 402 to prevent occurrences of public nuisances. Therefore, odors associated with the proposed Project construction and operations would be less than significant and no mitigation is required.

**STANDARD CONDITIONS AND REQUIREMENTS:** The Project is required to comply with SCAQMD Rule 402. SCAQMD Rule 402 prohibits a person from discharging from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.

**MITIGATION MEASURES:** No mitigation measures are required.

**3.4 BIOLOGICAL RESOURCES.**

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				<b>X</b>
(b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				<b>X</b>
(c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				<b>X</b>
(d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		<b>X</b>		
(e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				<b>X</b>
(f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				<b>X</b>

**Source(s):** Figure 2-1, *Aerial Photo*.

**Findings of Fact:**

- (a) *Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*

**No Impact**

The Project site is located in an urban area and is currently fully developed with a preschool, pool, associated facilities, and parking lot. The Project site does not contain native habitat. Construction and operation of the proposed Project would not result in the removal of vegetation or disruption to any existing habitat containing a sensitive or special-status species. Therefore, no significant impacts to sensitive or special-status species would result from Project implementation. No mitigation is required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.

- (b) *Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*

**No Impact**

The Project site is located in an urban area and is currently fully developed with a preschool, pool, associated facilities, and parking lot. The Project site does not contain any riparian habitat or sensitive natural communities identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or the United States Fish and Wildlife Service. No impacts related to riparian habitat or other sensitive natural communities identified in local or regional plans would result from Project implementation. No mitigation is required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.

- (c) *Would the Project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

**No Impact**

The Project site is located in an urban area, is currently fully developed with a preschool, pool, associated facilities, and parking lot, and does not contain native habitat. No natural hydrologic features or federally protected wetlands as defined by Section 404 of the Clean Water Act are present on the Project site. Therefore, no direct removal, filling, or hydrological interruption of a wetland area would occur with development of the Project site. No impacts are anticipated. No mitigation is required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.

- (d) *Would the Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

**Less Than Significant Impact With Mitigation Incorporated**

The Project site is located in an urban area, is currently fully developed with a preschool, pool, associated facilities, and parking lot, and does not contain native habitat. No portion of the Project site or immediately surrounding areas contains an open body of water that serves as natural habitat in which fish could exist. Likewise, there is no established native resident or migratory wildlife corridor existing within or adjacent to the Project site.

Existing ornamental landscaping and trees on the Project site may provide suitable habitat for nesting birds. Disturbing or destroying active nests is a violation of the Migratory Bird Treaty Act (MBTA). In addition, nests and eggs are protected under Fish and Game Code Section 3503.

Project implementation must be accomplished in a manner that avoids impacts to active nests during the breeding season. As such, avoiding impacts can be accomplished through a variety of means, including restricting brush and tree removal to periods outside the avian nesting season (August 16 through February 14) or through performance of nesting bird surveys prior to clearing when clearing occurs during the nesting season. With implementation of **Mitigation Measure MM-BIO-1**, below, potentially significant impacts to nesting birds would be reduced to a less than significant level.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:**

**MM-BIO-1** Compliance with Migratory Bird Treaty Act. In the event that Project construction or grading activities should occur within the active breeding season for birds (i.e., February 15 through August 15), a nesting bird survey shall be conducted by a qualified biologist prior to commencement of grading or construction activities.

If active nesting of birds is observed within 100 ft. of the designated construction area prior to construction, the construction crew shall establish an appropriate buffer around the active nest. The designated Project biologist shall determine the buffer distance based on the specific nesting bird species and circumstances involved. Once the Project biologist verifies that the birds have fledged from the nest, the buffer may be removed.

Prior to commencement of grading activities and issuance of any building permits, the City of Garden Grove Director of Community Development, or designee, shall verify that all Project grading and construction plans include specific documentation regarding the Migratory Bird Treaty Act (MBTA) requirements for a nesting bird survey should construction or grading occur from February 15 through August 15, that preconstruction surveys have been completed and the results reviewed by staff, and that the appropriate buffers (if needed) are noted on the plans and established in the field with orange snow fencing.

*(e) Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

**No Impact**

Title 11 of the City of Garden Grove Municipal Code codifies the protection, maintenance, removal, and planting of trees in the public streets, parks, and other public places within the City limits. This ordinance applies to any vegetation with a woody trunk. According to the Municipal Code, written permission from the City Manager, or authorized agent, is required before removing, cutting, pruning, breaking, injuring, defacing, or in any other way interfering with any tree or shrub, or any part thereof, either above or below the ground, growing on any public thoroughfare, park, or public place (as defined in Sections 11.32.020). Although the City has not established a standard tree relocation requirement or tree replacement ratio,



conditions of approval typically require compliance with project-specific provisions to replace or relocate trees.

The only vegetation on the Project site consists of small ornamental landscaping areas and mature ornamental trees adjacent to buildings, along portions of the Project perimeter, internal to the Project site, and along the street frontage. Because the subject Project site is entirely developed and it is not a public thoroughfare, park, or public place, the proposed Project would not conflict with the provisions of the Municipal Code that pertain to tree removal. Further, the Project would replace any existing on-site trees to be removed as part of the Project with additional on-site landscaping. Therefore, the proposed Project would not result in any impacts related to local policies or ordinances protecting biological resources. No mitigation would be required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.

*(f) Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state conservation plan?*

***No Impact***

The Project site is not located within the boundaries of the Orange County Central Coastal Natural Communities Conservation Plan (NCCP)/Habitat Conservation Plan (HCP). Therefore, the proposed Project would not conflict with local ordinances or the adopted Orange County NCCP/HCP, or other approved local, regional, or State HCPs. The proposed Project would not result in impacts related to local ordinances and the adopted NCCP/HCP. No mitigation is required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.

### 3.5 CULTURAL RESOURCES.

#### Would the Project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?				<b>X</b>
(b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?		<b>X</b>		
(c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		<b>X</b>		
(d) Disturb any human remains, including those interred outside of formal cemeteries?		<b>X</b>		

**Source(s):** General Plan; *Local Government Tribal Consultation List Request to Native American Heritage Commission (Appendix 3a)*; Native American Heritage Commission Response Letter and List of Tribes, March 24, 2017 (**Appendix 3b**); *Project Notification Pursuant to Assembly Bill 52 (AB 52) and Senate Bill 18 (SB 18) Formal Notification for Consultation for the Property Located at 12111 Buaro Street, City of Garden Grove, Orange County, California*, prepared by City of Garden Grove, mailed out to 16 Tribes, as directed by the NAHC April 12, 2017 (**Appendix 3c**); and *Preliminary Geotechnical Investigation Report and Liquefaction Study for the Multi-Family Residential Development Located at 1211 Buaro Street in the City of Garden Grove, Orange County, California*, prepared by LGC Geo-Environmental, Inc. October 16, 2016 (**Appendix 4**).

#### Findings of Fact:

(a) *Would the Project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?*

#### **No Impact**

Historic structures and sites are typically defined using local, State, and federal criteria. The California Environmental Quality Act (CEQA) defines a “historical resource” as a resource that meets one or more of the following criteria: (1) listed in, or determined eligible for listing in, the California Register of Historical Resources (California Register); (2) listed in a local register of historical resources as defined in Public Resources Code (PRC) Section 5020.1(k); (3) identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g); or (4) determined to be a historical resource by a project’s lead agency (PRC Section 21084.1 and *State CEQA Guidelines* Section 15064.5(a)). The United States Department of the Interior has established specific guidelines and criteria that indicate the manner in which a site, structure, or district is to be identified as having historic significance through a determination of eligibility for listing on the National Register of Historic Places. Significance may be determined if the property is associated with events, activities, or developments that were important in the past, with the lives of people who were important in the past, or represents significant architectural, landscape, or engineering elements. Additionally, a site or structure may be historically significant if it is locally protected through a local general plan or historic preservation ordinance. A site or structure may have local historical significance even if it is not formally identified pursuant to the aforementioned criteria.

Existing structures/facilities on the Project site were developed as far back as the 1950s. Although the existing structures/facilities would be demolished the existing structures/facilities do not appear to meet any of the aforementioned significance criteria for consideration as a historic resource. Further, the site is not identified as being historically significant in the City's General Plan. Therefore, no significant adverse impacts related to a historical resource are anticipated due to Project implementation. No mitigation is required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.

(b) *Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?*

***Less Than Significant Impact With Mitigation Incorporated***

The proposed Project would demolish the existing preschool and associated facilities. Project construction includes development of 17 attached 2- and 3-story townhomes within 2 buildings and open parking spaces on .99-acres. It is considered unlikely that archaeological resources would be encountered on the Project site due to significant prior disturbance from past grading and development activities. However, to ensure that no significant impacts occur in the event that unknown resources are discovered, **Mitigation Measure MM-CUL-1** will be implemented to reduce potential impacts to a less than significant level. **Mitigation Measure MM-CUL-1** requires that a qualified Native American Monitor be on site during grading and other significant ground-disturbing activities.

At the completion of Project construction, the proposed Project would not result in further disturbance of native soils on the Project site and, therefore, operation of the proposed Project would not result in a substantial adverse change in the significance of an archeological resource as defined in Section 15064.5 of the *State CEQA Guidelines*. Therefore, operation of the proposed Project would not cause a substantial adverse change in the significance of any known archaeological resource.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURE:**

**MM-CUL-1: *Unknown Archeological Resources.*** Prior to the issuance of grading permits, the Applicant shall be required to obtain the services of a qualified Native American Monitor (Monitor) during all construction-related ground disturbance activities. The Monitor must be approved by the tribal representatives and will be present on-site during the construction phases that involve any ground disturbing activities. The Monitor will complete monitoring logs on a daily basis. The logs will provide descriptions of the daily activities, including construction activities, locations, soil, and any cultural materials identified. The Monitor will photo-document the ground disturbing activities. The Monitor must also have Hazardous Waste Operations and Emergency Response (HAZWOPER) certification. In addition, the Monitor will be required to provide insurance certificates, including liability insurance, for any archaeological resource(s) encountered during grading and excavation activities, pertinent to the provisions outlined in the California Environmental Quality Act,

California Public Resources Code Division 13, Section 21083.2 (a) through (k). In the event that archaeological resources are discovered during any construction-related ground disturbance activities, the Applicant shall retain, with the approval of the City of Garden Grove (City) Community Development Director, or designee, a qualified archaeological monitor from the Orange County List of Qualified Archaeologists to assist in the assessment of said resources. The on-site monitoring shall end when the Project site grading and excavation activities are completed, or when the Monitor has indicated that the site has a low potential for archeological resources.

(c) *Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

***Less Than Significant Impact With Mitigation Incorporated***

According to the *Preliminary Geotechnical Investigation*, the proposed Project site is underlain by topsoil, Qaurternary Alluvium (Qal), and Qaurternary Older Alluvium (Qoal). Generally, topsoil and younger alluvial fan deposits are considered to have Low Paleontological sensitivity because not enough time has passed for plant and animal species to become fossilized. Quarternary Older Alluvium was found starting at depths 6.0-8.0 feet. The potential for paleontological resources increases within this stratum; however, overexcavation depths for grading on the site are not recommended by the *Preliminary Geotechnical Investigation* into this soil.

Although it is unlikely that paleontological resources would be encountered during ground-disturbing Project construction activities, implementation of **Mitigation Measure MM-CUL-2** would be required to reduce impacts to potential unknown paleontological resources to a less than significant level. **Mitigation Measure MM-CUL-2** requires that construction activities be halted and a qualified paleontologist be contacted in the event that paleontological resources are encountered during ground disturbing activities.

At the completion of Project construction, the proposed Project would not result in further disturbance of native soils on the project site and, therefore, operation of the proposed Project would not result in a substantial adverse change in the significance of a paleontological resource as defined in Section 15064.5 of the *State CEQA Guidelines*.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:**

**MM-CUL-2: *Paleontological Resources.*** In the event that paleontological resources are encountered during Project construction, work in the immediate area of the find shall be ceased in order to allow the Applicant to retain, with the approval of the City's Community Development Director, or designee, a qualified paleontologist from the Orange County List of Qualified Paleontologists to assess the findings for scientific significance. If any fossil remains are discovered in sediments with a Low paleontological sensitivity rating (Young Alluvial Deposits), the paleontologist shall make recommendations as to whether monitoring shall be required in these sediments on a full-time basis, in accordance with Society of Vertebrate Paleontology standards. The property owner and/or applicant on whose land the paleontological fossils are discovered shall provide appropriate funding for monitoring,

reporting, delivery and curating the fossils at the institution where the fossils will be placed, and will provide confirmation to the City that such funding has been paid to the institution.

(d) *Disturb any human remains, including those interred outside of formal cemeteries?*

***Less Than Significant Impact With Mitigation Incorporated***

No known human remains are present on the Project site, and there are no facts or evidence to support the idea that Native Americans or people of European descent are buried on the Project site. In the unlikely event that human remains are encountered during Project grading, the Orange County (County) Coroner would be notified, and standard procedures for the respectful handling of human remains during the earthmoving activities would be adhered to as described in **Mitigation Measure MM-CUL-3**. Implementation of **Mitigation Measure MM-CUL-3** would reduce potential Project impacts related to the discovery of human remains on the proposed Project site to a less than significant level.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURE:**

**MM-CUL-3: Human Remains.** In the event that human remains are discovered during ground- disturbing or construction activities, the following steps shall be taken:

- a. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the Orange County Coroner is contacted to determine that no investigation of the cause of death is required. If the Coroner determines the remains to be Native American, then the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the most likely descendant from the deceased Native American. The most likely descendant may make recommendations to the landowner or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98; or
- b. Where the following conditions occur, the landowner or his/her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendant or on the property in a location not subject to further subsurface disturbance:
  1. The NAHC is unable to identify a most likely descendant, or the most likely descendant failed to make a recommendation within 48 hours after being notified by the NAHC;
  2. The identified descendant fails to make a recommendation; or

3. The landowner or his/her authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner.

### 3.6 GEOLOGY AND SOILS.

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				<b>X</b>
ii) Strong seismic ground shaking?			<b>X</b>	
iii) Seismic-related ground failure, including liquefaction?			<b>X</b>	
iv) Landslides?				<b>X</b>
(b) Result in substantial soil erosion or the loss of topsoil?			<b>X</b>	
(c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			<b>X</b>	
(d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				<b>X</b>
(e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				<b>X</b>

**Source(s):** *Preliminary Geotechnical Investigation Report and Liquefaction Study for the Multi-Family Residential Development Located at 1211 Buaro Street in the City of Garden Grove, Orange County, California*, prepared by LGC Geo-Environmental, Inc., October 16, 2016 (*Preliminary Geotechnical Investigation, Appendix 4*).

#### **Findings of Fact:**

- (a) i) *Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?*

**No Impact**

As with all of Southern California, the entire .99-acre Project site is subject to strong ground motion resulting from earthquakes on nearby faults. However, according to the *Preliminary Geotechnical Investigation* the Project site is not located within a hazard zone as defined by the State of California and as established by the Alquist-Priolo Fault Zoning Act. Therefore, the proposed Project would not result in impacts related to rupture of a known earthquake fault as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, and no mitigation would be required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.

(a) ii) *Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?*

***Less Than Significant Impact***

The .99-acre Project site, and all of Southern California, is located in a seismically active region. The Project site lies in relatively close proximity to several active faults that have historically generated moderate to occasionally high levels of ground motion. As such, the Project may experience similar moderate to occasionally high ground shaking from nearby fault zones, and some background shaking from other seismically active areas in the region. According to the *Preliminary Geotechnical Investigation*, there are approximately 9 active faults within a 20 mile radius of the Project site, with the closest being 7.0 miles away from the Project site.

Ground shaking generated by fault movement is considered a potentially significant impact that may potentially affect the proposed Project. **Mitigation Measure MM-GEO-1** requires the Project Applicant to comply with the recommendations of the *Preliminary Geotechnical Investigation*, the most current California Building Code (CBC), and the Structural Engineer Association of California Guidelines, which stipulates appropriate seismic design provisions that shall be implemented with Project design and construction. Compliance with this mitigation measure is applicable to all development. With adherence to **Mitigation Measure MM-GEO-1**, potential impacts related to seismic ground shaking would be considered less than significant.

**STANDARD CONDITIONS AND REQUIREMENTS:**

No standard conditions are required.

**MITIGATION MEASURES:**

**MM-GEO-1** The Project Applicant shall comply with the recommendations of the *Preliminary Geotechnical Investigation*, the most current California Building Code (CBC), and the Structural Engineer Association of California Guidelines, which stipulates appropriate seismic design provisions that shall be implemented with Project design and construction.

*Geotechnical Observations and Testing.* Prior to the start of grading, a meeting should be held at the site with the owner, developer, city inspector, grading contractor, civil engineer, and geotechnical consultant to discuss the work schedule and geotechnical aspects relative to

rough and precise grading. Rough grading, which includes clearing and grubbing, overexcavation, scarification/processing, and fill placement should be accomplished under the full-time observation and testing of the geotechnical consultant. Fills should not be placed without prior approval from the geotechnical consultant.

*Clearing and Grubbing.* Weeds, grasses, and trees in areas to be graded should be stripped and hauled offsite. Trees to be removed should be grubbed so that their stumps and major-root systems are also removed and the organic materials hauled offsite. During site grading, laborers should clear from fills, roots, tree branches and other deleterious materials missed during clearing and grubbing operations.

The Project geotechnical consultant, or his qualified representative, should be notified at the appropriate times to provide observation and testing services during clearing and grubbing operations to observe and document compliance with the above recommendations. In addition, buried structures and unusual or adverse soil conditions encountered that are not described or anticipated herein, should be brought to the immediate attention of the geotechnical consultant.

*Overexcavation and Ground Preparation.* The site is generally underlain by approximately 2 feet to 7 feet of potentially compressible soils (topsoil and the upper alluvium) which may be prone to future settlement under the surcharge of foundation and/or fill loads. These materials should be overexcavated to underlying competent alluvium or older alluvium within proposed building areas and competent alluvium within areas of proposed pavement areas and improvements outside building areas then replaced with compacted fill soils. Within the proposed building areas overexcavations should also extend at least 5 feet below proposed pad grade or 3 feet below the lowest proposed footings, whichever is deeper and at least 5 feet outside proposed footings. Within proposed wall areas, outside of the proposed building areas overexcavations should also extend at least 5 feet below proposed grade or 2 feet below the lowest proposed footings, whichever is deeper. Therefore, overexcavations are anticipated to be approximately 4 feet to 7 feet within the proposed building areas and 2 feet to 4 feet within areas of proposed pavement and improvements outside building areas. However, localized, deeper overexcavation should be anticipated where deemed necessary by the geotechnical consultant based on observations during grading as well as by proposed depths of footings or structural loads. Actual depths of overexcavation should be evaluated upon review of final grading and foundation plans, on the basis of observations and testing during grading by the Project geotechnical consultant.

Prior to placing engineered fill, exposed bottom surfaces in each overexcavated area should first be scarified to a depth of approximately 6 inches, watered or air-dried as necessary to achieve a uniform moisture content of optimum or higher, and then compacted in place to a relative compaction of 90 percent or more (based on American Standard of Testing and Materials [ASTM] Test Method D1557).

The estimated locations, extent and approximate depths for overexcavation of unsuitable materials are indicated on the Geotechnical Map (Plate 1) included in the *Preliminary Geotechnical Investigation*. The geotechnical consultant should be provided with



appropriate survey staking during grading to document that depths and/or locations of recommended overexcavation are adequate.

Sidewalls for overexcavations greater than 5 feet in height should be no steeper than 1:1 (H:V) and should be periodically slope-boarded during their excavation to remove loose surficial debris and facilitate mapping. Flatter excavations may be necessary for stability.

The grading contractor will need to consider appropriate measures necessary to excavate adjacent existing improvements adjacent to the site without endangering them due to caving or sloughing.

*Fill Suitability.* Soil materials excavated during grading are generally considered suitable for use as compacted fill provided they do not contain significant amounts of trash, vegetation, construction debris and oversize material.

*Oversized Material.* Oversized material greater than 8 inches that may be encountered during grading should be reduced in size or removed from the site.

*Benching.* Where compacted fills are to be placed on natural slope surfaces inclining at 5:1 (H:V) or greater, the ground should be excavated to create a series of level benches, which are at least a minimum height of 4 feet, excavated into competent bedrock.

*Import Soils for Grading.* In the event import soils are needed to achieve final design grades, all potential import materials should be free of deleterious/oversize materials, very low in expansion, and approved by the project geotechnical consultant prior to commencement of delivery onsite.

*Cut/Fill Transitions and Differential Fill Thicknesses.* To mitigate distress to structures and walls, related to the detrimental effect of differential settlement, the cut portions should be eliminated from cut/fill transition areas in order that the entire structure or wall is founded on a uniform bearing material. This should be accomplished by overexcavating the "cut" portions and shallow fill portions 4 feet or more below proposed pad grade or 3 feet below proposed footings, whichever is deeper, and replacing the excavated materials as properly compacted fill. Recommended depths of overexcavation are provided in the *Preliminary Geotechnical Investigation*.

*Fill Placement.* Fills should be placed in lifts no greater than 8 inches in uncompacted thickness, watered or air-dried as necessary to achieve a uniform moisture content of at least optimum moisture content, and then compacted in place to relative compaction of 90 percent or more. Fills should be maintained in a relatively level condition. The laboratory maximum dry density and optimum moisture content for each change in soil type should be determined in accordance with ASTM Test Method D1557.

*Shrinkage/Bulking and Subsidence.* Volumetric changes in earth quantities will occur when excavated onsite soils are replaced as properly compacted fill. The *Preliminary Geotechnical Investigation* includes a table containing an estimate of the shrinkage and bulking factors for the various geologic units present onsite. These estimates are based

on in-place densities of the various materials and on the estimated average degree of relative compaction that will be achieved during grading.

Subsidence due to recompaction of the bottom of overexcavations, prior to fill placement and placement of proposed fills, is estimated to be approximately 0.15 feet to 0.25 feet.

The estimates of shrinkage/bulking and subsidence included in the *Preliminary Geotechnical Investigation* are intended as an aid for Project engineers in determining earthwork quantities. These are preliminary rough estimates which may vary with depth of removal, stripping losses, field conditions at the time of grading, etc. However, these estimates should be used with some caution since they are not absolute values. Contingencies should be made for balancing earthwork quantities based on actual shrinkage/bulking and subsidence that occurs during the grading operations.

*Slope Stability.* No grading plans has been developed and provided for review, however, based on the *Preliminary Geotechnical Investigation* review of the 40-scale site plan, the existing site topography, and current knowledge of the existing area of the proposed development, cut slopes and fill slopes may not be necessary in the final design.

*Temporary Excavations.* Temporary excavations varying up to a height of approximately 7 feet below existing grades will be necessary to accommodate the recommended overexcavation of the unsuitable soil materials. Based on the physical properties of the onsite soils, temporary excavations exceeding 5 feet in height should be cut back at a ratio of 1:1 (H:V) or flatter, for the duration of the overexcavation and recompaction of unsuitable soil material. Temporary slopes excavated at the above slope configurations are expected to remain stable during grading operations. However, the temporary excavations should be observed by a representative of the Project geotechnical consultant for any evidence of potential instability. Depending on the results of these observations, revised slope configurations may be necessary.

Other factors which should be considered with respect to the stability of the temporary slopes include construction traffic and storage of materials on or near the tops of the slopes, landscaping irrigation, construction scheduling, presence of nearby walls or structures on adjacent properties, and weather conditions at the time of construction. Applicable requirements of the California Construction and General Industry Safety Orders, the Occupational Safety and Health Act of 1970, and the Construction Safety Act should also be followed.

Additional site testing and final design evaluation shall be conducted by the Project geotechnical consultant to refine and enhance these requirements. The Applicant shall require the Project geotechnical consultant to assess whether the requirements in the *Preliminary Geotechnical Investigation* need to be modified or refined to address any changes in the Project that occur prior to the start of grading. If the Project geotechnical consultant identifies modifications or refinements to the requirements, the Project Applicant shall require appropriate changes to the final Project design and specifications and shall submit any revised geotechnical reports to the Land Development Section of the Engineering Division, or designee, for approval prior to issuance of any grading or construction permits.

The Land Development Section of the Engineering Division, or designee, shall review grading plans prior to the start of grading to verify that the requirements developed during the geotechnical design evaluation have been appropriately incorporated into the Project plans. Design, grading, and construction shall be performed in accordance with the requirements of the City's Building Code and the California Building Code (CBC) applicable at the time of grading, as well as the recommendations of the Project geotechnical consultant as summarized in a final report subject to review by the City's Building Official, or designee, prior to the start of grading activities. On-site inspection during grading shall be conducted by the Project geotechnical consultant and the Land Development Section of the Engineering Division to ensure compliance with geotechnical specifications as incorporated into Project plans.

(a) iii) *Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?*

***Less Than Significant Impact***

Liquefaction commonly occurs when three conditions are present simultaneously: (1) high groundwater; (2) relatively loose, cohesionless (sandy) soil; and (3) earthquake-generated seismic waves. The presence of these conditions may cause a loss of shear strength and, in many cases, the settlement of subsurface soils.

The liquefaction susceptibility of the on-site subsurface soils and the potential for seismically-induced settlement were evaluated as part of the *Preliminary Geotechnical Investigation* prepared for the proposed Project. According to the *Preliminary Geotechnical Investigation*:

*"Due to the amount of overburden and the minor amount of potential dynamic sand settlement of about 0.50 inches, and a differential dynamic settlement of about 0.25 inches, the potential for dynamic settlement should not manifest itself at the surface even if the anticipated high groundwater ever exists in the future."*

Therefore, based on the site-specific tests performed as part of the *Preliminary Geotechnical Investigation*, the potential for liquefaction of the on-site subsurface soils as a result of seismic-related ground failure is not anticipated.

**Mitigation Measure MM-GEO-1** requires the Project Applicant to comply with the recommendations of the *Preliminary Geotechnical Investigation*, the most current California Building Code (CBC), and the Structural Engineer Association of California Guidelines, which stipulates appropriate seismic design provisions that shall be implemented with Project design and construction. Compliance with this mitigation measure is applicable to all development. Potential impacts related to liquefaction would be considered less than significant.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** The Project is required to comply with **Mitigation Measure MM-GEO-1** (see details in Section 3.6.a.ii, above).

(a) iv) *Would the Project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?*

**No Impact**

According to the *Preliminary Geotechnical Investigation*, the Project site does not indicate the presence of landslides on, or directly adjacent to the Project site. No impacts are anticipated. No mitigation is required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.

(b) *Would the Project result in substantial soil erosion or the loss of topsoil?*

**Less Than Significant Impact**

During construction activities, soil would be exposed, and there would be an increased potential for soil erosion compared to existing conditions. Additionally, during a storm event, soil erosion could occur at an accelerated rate. The potential for increased erosion is discussed in Section 3.9, Hydrology and Water Quality of this Initial Study. With adherence to **Standard Condition SC-WQ-1** and incorporation of infiltration BMPs as part of the Project, impacts related to soil erosion during operation of the proposed Project would be less than significant and no mitigation would be required.

**STANDARD CONDITIONS AND REQUIREMENTS:**

**SC-WQ-1** Construction General Permit. Prior to issuance of a grading permit, the Applicant/Developer shall demonstrate to the City of Garden Grove (City) Public Works Department that coverage has been obtained under California's General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit) by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number or other proof of filing. A copy of the current Storm Water Pollution Prevention Program (SWPPP) required by the General Permit shall be kept at the Project site and be available for review by City representatives upon request.

**MITIGATION MEASURES:** No mitigation measures are required.

(c) *Would the Project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?*

**Less Than Significant Impact**

As previously stated, the Project site is not in an area susceptible to landslides.

The liquefaction susceptibility of the on-site subsurface soils and the potential for seismically-induced settlement were evaluated as part of the *Preliminary Geotechnical Investigation* prepared for the proposed Project. According to the *Preliminary Geotechnical Investigation*:

*“Due to the amount of overburden and the minor amount of potential dynamic sand settlement of about 0.50 inches, and a differential dynamic settlement of about 0.25 inches, the potential for dynamic settlement should not manifest itself at the surface even if the anticipated high groundwater ever exists in the future.”*

Based on the site-specific tests performed as part of the *Preliminary Geotechnical Investigation*, the potential for liquefaction of the on-site subsurface soils as a result of seismic-related ground failure is not anticipated.

According to the *Preliminary Geotechnical Investigation*, the proposed Project site is underlain by topsoil, Quaternary Alluvium (Qal), and Quaternary Older Alluvium (Qoal). Generally, topsoil and younger alluvial fan deposits are considered to have Low Paleontological sensitivity because not enough time has passed for plant and animal species to become fossilized. Quaternary Older Alluvium was found starting at depths 6.0-8.0 feet.

Soil subsidence (caving) in the sandy zones on the Project site may occur during construction.

**Mitigation Measure MM-GEO-1** requires the Project Applicant to comply with the recommendations of the *Preliminary Geotechnical Investigation*, the most current California Building Code (CBC), and the Structural Engineer Association of California Guidelines, which stipulates appropriate seismic design provisions that shall be implemented with Project design and construction. Compliance with this mitigation measure is applicable to all development. Potential impacts related to lateral spreading or subsidence would be considered less than significant. No mitigation is required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** The Project is required to comply with **Mitigation Measure MM-GEO-1** (see details in Section 3.6.a.ii, above).

- (d) *Would the Project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?*

***No Impact***

Expansive soils contain types of clay minerals that occupy considerably more volume when they are wet or hydrated than when they are dry or dehydrated. Volume changes associated with changes in the moisture content of near-surface expansive soils can cause uplift or heave of the ground when they become wet or, less commonly, cause settlement when they dry out.

A common procedure for evaluating and rating soil expansion potential is the expansion index (EI) test. Expansive soils are defined as soils with an EI greater than twenty (20). According to the *Preliminary Geotechnical Investigation*, on-site soils exhibit a low expansion potential. **Mitigation Measure MM-GEO1** requires the Project Applicant to comply with the recommendations of the *Preliminary Geotechnical*

*Investigation*, the most current California Building Code (CBC), and the Structural Engineer Association of California Guidelines, which stipulates appropriate seismic design provisions that shall be implemented with Project design and construction. Compliance with this mitigation measure is applicable to all development. Potential impacts related to expansive soils would be considered less than significant. No mitigation is required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** The Project is required to comply with **Mitigation Measure MM-GEO-1** (see details in Section 3.6.a.ii, above).

*(e) Would the Project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?*

***No Impact***

The proposed Project would not include construction of, or connections to, septic tanks or alternative wastewater disposal systems. Therefore, the proposed Project would not result in impacts related to the soils capability to adequately support the use of septic tanks or alternative wastewater disposal systems, and no mitigation would be required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.

### 3.7 GREENHOUSE GAS EMISSIONS.

#### Would the Project:

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			<b>X</b>	
(b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			<b>X</b>	

**Source(s):** 12111 Buaro Street Project Air Quality and Global Climate Change Impact Analysis, prepared by Kunzman Associates, Inc., dated March 2, 2017 (AQ/GCC Impact Analysis, **Appendix 2**).

#### Findings of Fact:

(a) Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

#### Less Than Significant Impact

The proposed Project would result in the construction and on-going use of 17 residential condominium dwelling units. The proposed Project is anticipated to generate GHG emissions from area sources, energy usage, mobile sources, waste disposal, water usage, and construction equipment.

The GHG emissions have been calculated for opening year 2018. A summary of the results is shown below in **Table 3.7-1, Project Related Greenhouse Gas Emissions**, and the CalEEMod Model runs for all modeled years are provided in Appendix C of the *AQ/GCC Impact Analysis* (**Appendix 2**).

**Table 3.7-1  
Project Related Greenhouse Gas Emissions<sup>1</sup>**

Residential Category	Greenhouse Gas Emissions (Metric Tons/Year)					
	Bio-CO <sub>2</sub>	NonBio-CO <sub>2</sub>	CO <sub>2</sub>	CH <sub>4</sub>	N <sub>2</sub> O	CO <sub>2</sub> e
Area Sources <sup>2</sup>	0.00	3.96	3.96	0.00	0.00	3.99
Energy Usage <sup>3</sup>	0.00	54.02	54.02	0.00	0.00	54.26
Mobile Sources <sup>4</sup>	0.00	141.82	141.82	0.01	0.00	141.98
Solid Waste <sup>5</sup>	1.59	0.00	1.59	0.09	0.00	3.93
Water <sup>6</sup>	0.35	7.07	7.42	0.04	0.00	8.60
Construction <sup>7</sup>	0.00	3.80	3.80	0.00	0.00	3.82
<b>Total Emissions</b>	<b>1.94</b>	<b>210.67</b>	<b>212.60</b>	<b>0.14</b>	<b>0.00</b>	<b>216.58</b>
<b>SCAQMD Screening Threshold</b>						<b>3,000</b>
Exceeds Threshold?						<b>No</b>

<sup>1</sup> **Source:** CalEEMod Version 2016.3.1 Year 2018 emissions (opening year).

<sup>2</sup> Area sources consist of emission from consumer products, architectural coatings, hearths and landscaping equipment.

<sup>3</sup> Energy usage consists of GHG emissions from electricity and natural gas usage.

<sup>4</sup> Mobile sources consist of GHG emissions from vehicles.

<sup>5</sup> Solid waste includes CO<sub>2</sub> and CH<sub>4</sub> emissions created from the solid waste placed in landfills.

<sup>6</sup> Water includes GHG emissions from electricity used for transport of water and processing wastewater. <sup>7</sup> Construction GHG emissions CO<sub>2</sub>e based on a 30-year amortization rate.

**Table 3.7-1** shows that the proposed Project's emissions would generate approximately 216.58 metric tons of CO<sub>2</sub>e per year. A cumulative global climate change impact would potentially occur if the GHG emissions created from the on-going operations would exceed the SCAQMD's interim proposed screening threshold of 3,000 metric tons per year of CO<sub>2</sub>e. Therefore, operation of the proposed Project would not create a significant cumulative impact to global climate change.

The Project is also subject to the requirements of the California Green Building Standards Code. The Project will be required to comply with these requirements under **Standard Condition SC-GHG-1**. On January 12, 2010, the State Building Standards Commission unanimously adopted updates to the California Green Building Standards Code, which went into effect on January 1, 2011. The Code is a comprehensive and uniform regulatory code for all residential, commercial and school buildings.

The California Green Building Standards Code does not prevent a local jurisdiction from adopting a more stringent code as state law provides methods for local enhancements. The Code recognizes that many jurisdictions have developed existing construction and demolition ordinances, and defers to them as the ruling guidance provided they provide a minimum 50-percent diversion requirement. The Code also provides exemptions for areas not served by construction and demolition recycling infrastructure. State building code provides the minimum standard that buildings need to meet in order to be certified for occupancy. Enforcement is generally through the local building official.

The California Green Building Standards Code (code section in parentheses) requires:

- Water Efficiency and Conservation [Indoor Water Use (4.303.1)]. Fixtures and fixture fittings reducing the overall use of potable water within the building by at least 20 percent shall be provided. The 20 percent reduction shall be demonstrated by one of the following methods:
  - Prescriptive Method: Showerheads ( $\leq 2.0$  gpm @ 80 psi); Residential Lavatory Faucets ( $\leq 1.5$  gpm @ 60 psi); Nonresidential Lavatory Faucets ( $\leq .4$  gpm @ 60 psi); Kitchen Faucets ( $\leq 1.8$  gpm @ 60 psi); Toilets ( $\leq 1.28$  gal/flush); and urinals ( $\leq 0.5$  gal/flush).
  - Performance Method: Provide a calculation demonstrating a 20% reduction of indoor potable water using the baseline values set forth in Table 4.303.1. The calculation will be limited to the total water usage of showerheads, lavatory faucets, water closets and urinals within the dwelling.
- Water Efficiency and Conservation [Outdoor Water Use (4.304.1)]. Irrigation Controllers. Automatic irrigation system controllers for landscaping provided by the builder and installed at the time of final inspection shall comply with the following:
  - Controllers shall be weather- or soil moisture-based controllers that automatically adjust irrigation in response to changes in plants' watering needs as weather or soil conditions change.
  - Weather-based controllers without integral rain sensors or communication systems that account for rainfall shall have a separate wired or wireless rain sensor which connects or communicates with the controller(s).
- Construction Waste Reduction of at least 50 percent (4.408.1). Recycle and/or salvage for reuse a minimum of 50 percent of the nonhazardous construction and demolition waste in accordance with either Section 4.408.2, 4.408.3 or 4.408.4; OR meet a more stringent local construction and demolition waste management ordinance. Documentation is required per Section 4.408.5. Exceptions:
  - Excavated soil and land-clearing debris.



- Alternate waste reduction methods developed by working with local enforcing agencies if diversion or recycle facilities capable of compliance with this item do not exist or are not located reasonably close to the jobsite.
- The enforcing agency may make exceptions to the requirements of this section when jobsites are located in areas beyond the haul boundaries of the diversion facility.
- Materials pollution control (4.504.1 – 4.504.6). Low-pollutant emitting interior finish materials such as paints, carpet, vinyl flooring and particleboard.
- Installer and Special Inspector Qualifications (702.1-702.2). Mandatory special installer inspector qualifications for installation and inspection of energy systems (e.g., heat furnace, air conditioner, mechanical equipment).

#### **STANDARD CONDITIONS AND REQUIREMENTS:**

**SC-GHG-1** The Project shall comply to the requirements of the California Green Building Standards Code.

**MITIGATION MEASURES:** No mitigation measures are required.

*(b) Would the Project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

#### ***Less Than Significant Impact***

The proposed Project would have the potential to conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases. The City of Garden Grove does not currently have a Climate Action Plan; therefore, the Project has been compared to the goals of the CARB Scoping Plan.

Emission reductions in California alone would not be able to stabilize the concentration of greenhouse gases in the earth's atmosphere. However, California's actions set an example and drive progress towards a reduction in greenhouse gases elsewhere. If other states and countries were to follow California's emission reduction targets, this could avoid medium or higher ranges of global temperature increases. Thus, severe consequences of climate change could also be avoided.

The CARB Board approved a Climate Change Scoping Plan in December 2008. The Scoping Plan outlines the State's strategy to achieve the 2020 greenhouse gas emissions limit. The Scoping Plan "proposes a comprehensive set of actions designed to reduce overall greenhouse gas emissions in California, improve our environment, reduce our dependence on oil, diversify our energy sources, save energy, create new jobs, and enhance public health" (California Air Resources Board 2008). The measures in the Scoping Plan have been in place since 2012.

This Scoping Plan calls for an "ambitious but achievable" reduction in California's greenhouse gas emissions, cutting approximately 30 percent from business-as-usual emission levels projected for 2020, or about 10 percent from today's levels. On a per-capita basis, that means reducing annual emissions of 14 tons of carbon dioxide for every man, woman and child in California down to about 10 tons per person by 2020.

The Project is consistent with the applicable strategies in **Table 3.7-2, CARB Scoping Plan Measures**, below. Therefore, the Project would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases. At a level of 216.58 MTCO<sub>2</sub>e per year, the Project's GHG emissions fall well below the SCAQMD's interim proposed screening threshold of 3,000 metric tons per year of CO<sub>2</sub>e for all land uses. The Project will comply with applicable Green Building Standards and City of Garden Grove's policies regarding sustainability (as dictated by the City's General Plan). Any impacts are considered less than significant. No mitigation is required.

**Table 3.7-2  
CARB Scoping Plan Measures<sup>1</sup>**

Scoping Plan Measures to Reduce Greenhouse Gas Emissions
California Light-Duty Vehicle Greenhouse Gas Standards – Implement adopted standards and planned second phase of the program. Align zero-emission vehicle, alternative and renewable fuel and vehicle technology programs with long-term climate change goals.
Energy Efficiency – Maximize energy efficiency building and appliance standards; pursue additional efficiency including new technologies, policy, and implementation mechanisms. Pursue comparable investment in energy efficiency from all retail providers of electricity in California.
Low Carbon Fuel Standard – Develop and adopt the Low Carbon Fuel Standard.
Vehicle Efficiency Measures – Implement light-duty vehicle efficiency measures.
Medium/Heavy-Duty Vehicles – Adopt medium and heavy-duty vehicle efficiency measures.
Green Building Strategy – Expand the use of green building practices to reduce the carbon footprint of California's new and existing inventory of buildings.
High Global Warming Potential Gases – Adopt measures to reduce high global warming potential gases.
Recycling and Waste – Reduce methane emissions at landfills. Increase waste diversion, composting, and commercial recycling. Move toward zero-waste.
Water – Continue efficiency programs and use cleaner energy sources to move and treat water.

<sup>1</sup> Source: CARB Scoping Plan (2008).

**STANDARD CONDITIONS AND REQUIREMENTS:** The Project is required to comply with **Standard Condition SC-GHG-1 and Standard Condition SC-GHG-2** (see details in Section 3.7.a, above).

**MITIGATION MEASURES:** No mitigation measures are required.

### 3.8 HAZARDS AND HAZARDOUS MATERIALS.

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?		<b>X</b>		
(b) Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		<b>X</b>		
(c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?		<b>X</b>		
(d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				<b>X</b>
(e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard for people residing or working in the project area?				<b>X</b>
(f) For a project within the vicinity of a private airstrip, would the Project result in a safety hazard for people residing or working in the Project area?				<b>X</b>
(g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			<b>X</b>	
(h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				<b>X</b>

**Source(s):** *Phase I Environmental Site Assessment Report, Page Private School, 12111 Buaro Street, Garden Grove, California 92840*, prepared by Partner Engineering and Science, Inc., October 6, 2016 (ESA, **Appendix 5**); and Google Maps.

#### **Findings of Fact:**

(a) *Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

***Less Than Significant Impact With Mitigation Incorporated***

Hazardous materials are chemicals that could potentially cause harm during an accidental release or mishap, and are defined as being toxic, corrosive, flammable, reactive, an irritant, or strong sensitizer. Hazardous substances include all chemicals regulated under the United States Department of Transportation “hazardous materials” regulations and the United States Environmental Protection Agency (EPA) “hazardous waste” regulations. Hazardous wastes require special handling and disposal because of their potential to damage public health and the environment. The probable frequency and severity of consequences from the use, transport, or disposal of hazardous materials is affected by the type of substance, quantity used or managed, and the nature of the activities and operations.

**Construction.** The Project will be constructed on .99-acres. During demolition and construction activities for the proposed Project, there is a possibility of generating small quantities of hazardous materials.

Construction activities would also use a limited amount of hazardous and flammable substances/oils during heavy equipment operations for site grading and construction. The amount of hazardous chemicals present during construction is limited and would be in compliance with existing government regulations and would not pose a significant hazard to workers or the environment. Furthermore, the construction contractor would be required to implement standard best management practices regarding hazardous materials storage, handling, and disposal during construction in compliance with the State Construction General Permit to protect water quality (refer to Section 3.9, Hydrology and Water Quality). Any associated risk would be adequately reduced to a level that is less than significant through compliance with these standards and regulations; thus, the limited use and storage of hazardous materials during construction of the proposed Project would not pose a significant hazard to the public or the environment. Accordingly, the potential for the release of hazardous materials during Project construction would be low and, even if a release would occur, it would not result in a significant hazard to the public, surrounding land uses, or environment due to the small quantities of these materials associated with construction, and no mitigation would be required.

The purpose of a *Phase I Environmental Site Assessment (ESA)* is to assess the presence of recognized environmental conditions (RECs) and other suspect environmental conditions with a property and to determine whether further investigation is required. Based on site reconnaissance conducted as part of the *ESA* (**Appendix 5**), the presence of hazardous building materials such as asbestos-containing materials (ACMs), lead-based paints (LBPs), and polychlorinated biphenyl (PCB)-containing fixtures cannot be completely ruled out due to the approximate age of the on-site buildings. ACMs and LBPs are associated with building materials, and PCBs are potentially used in electrical transformers.

Because the proposed Project includes the demolition of the existing structures, the presence of these chemicals cannot be ruled out, and mitigation would be required. Required pre-demolition surveys, identified in **Mitigation Measure MM-HAZ-1**, would ensure testing for the presence of any hazardous building materials prior to disturbance and/or demolition of existing on-site structures, and would ensure that the appropriate precautions would be taken to properly remove and dispose of such materials. With implementation of **Mitigation Measure MM-HAZ-1**, impacts related to hazardous building materials would be reduced to a less than a significant level.

The *ESA* did not identify any properties immediately adjacent to the Project site that were anticipated to have adversely impacted conditions at the Project site. However, in the unlikely event that unknown hazardous materials are discovered during construction activities, the Project contractor would be required to comply with a Contingency Plan developed and approved prior to the commencement of grading activities. As stated in **Mitigation Measure MM-HAZ-2**, in the event that construction workers encounter underground tanks, gases, odors, uncontained spills, or other unidentified substances, the Contingency Plan

requires the contractor to stop work, cordon off the affected area, and notify the Garden Grove Fire Department (GGFD). The GGFD responder shall determine the next steps regarding possible site evacuation, sampling, and disposal of the substance consistent with local, State, and federal regulations. In addition, the California Department of Transportation, the California Highway Patrol, and local police and fire departments are trained in emergency response procedures for safely responding to accidental spills of hazardous substances on public roads, further reducing potential impacts to a less than significant level. With implementation of **Mitigation Measure MM-HAZ-2**, potential risks associated with encountering unknown hazardous wastes during construction would be reduced to a less than significant level.

With implementation of **Mitigation Measure MM-HAZ-1** and **Mitigation Measure MM-HAZ-2**, construction of the proposed Project would not create a significant hazard to the public or to the environment through the routine transport, use, or disposal of hazardous materials.

**Operation.** As a mixed-use development, long-term operational activities typical of the proposed residential uses, such as landscape and building maintenance, would occur on the Project site. Maintenance activities related to landscaping include the use of fertilizers and light equipment (such as lawn mowers and edgers). These types of activities do not involve the use of a large or substantial amount of hazardous materials. Operation of residential uses, such as those proposed, typically involves the use and storage of small quantities of potentially hazardous materials in the form of cleaning solvents and pesticides. However, such materials would be contained, stored, and used in accordance with manufacturers' instructions and handled in compliance with applicable standards and regulations. Any associated risk would be adequately reduced to a less than significant level through compliance with these standards and regulations. Further, operation of the proposed Project would not store, transport, generate, or dispose of large quantities of hazardous substances. Thus, potential impacts from the routine transport, use, or disposal of hazardous materials resulting from operation of the proposed Project would be less than significant, and no mitigation would be required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

#### **MITIGATION MEASURES:**

**MM-HAZ 1: *Predemolition Surveys.*** Prior to commencement of demolition activities, the City of Garden Grove (City) Building Official, or designee, shall verify that predemolition surveys for asbestos-containing materials (ACMs) and lead-based paints (LBPs) (including sampling and analysis of all suspected building materials) and inspections for polychlorinated biphenyl (PCB)-containing electrical fixtures and other suspect hazardous building materials have been performed. All inspections, surveys, and analyses shall be performed by appropriately licensed and qualified individuals in accordance with applicable regulations (i.e., American Society for Testing and Materials [ASTM] E 1527-05, and 40 Code of Federal Regulations [CFR], Subchapter R, Toxic Substances Control Act [TSCA], Part 716). If the predemolition surveys do not find ACMs, LBPs, PCB-containing electrical fixtures, or other hazardous building materials, the inspectors shall provide documentation of the inspection and its results to the City Building Official, or designee, to confirm that no further abatement actions are required.

If the predemolition surveys find evidence of ACMs, LBPs, or PCB- containing electrical fixtures, or other hazardous building materials, all such materials shall be removed, handled, and properly disposed of by appropriately licensed contractors according to all applicable regulations

during demolition of structures (40 CFR, Subchapter R, TSCA, Parts 745, 761, and 763). Air monitoring during these predemolition surveys shall be completed, as applicable, by appropriately licensed and qualified individuals in accordance with applicable regulations both to ensure adherence to applicable regulations (e.g., South Coast Air Quality Management District [SCAQMD]) and to provide safety to workers and the adjacent community.

The City shall provide documentation (e.g., all required waste manifests, sampling, and air monitoring analytical results) to the County of Orange (County) Environmental Health Division showing that abatement of any ACMs, LBPs, PCB-containing electrical fixtures, or other hazardous building materials identified in these structures has been completed in full compliance with all applicable regulations and approved by the appropriate regulatory agency(ies) (40 CFR, Subchapter R, TSCA, Parts 716, 745, 761, 763, and 795 and California Code of Regulations [CCR] Title 8, Article 2.6). An Operating & Maintenance (O&M) Plan shall be prepared for any ACM, LBP, PCB-containing fixtures, or other hazardous building materials to remain in place and will be reviewed and approved by the County Environmental Health Division.

**MM-HAZ-2: Contingency Plan.** Prior to commencement of grading activities, the Director of the County Environmental Health Division, or designee, shall review and approve a contingency plan that addresses the procedures to be followed should on-site unknown hazards or hazardous substances be encountered during demolition and construction activities. The plan shall indicate that if construction workers encounter underground tanks, gases, odors, uncontained spills, or other unidentified substances, the contractor shall stop work, cordon off the affected area, and notify the Garden Grove Fire Department (GGFD). The GGFD responder shall determine the next steps regarding possible site evacuation, sampling, and disposal of the substance consistent with local, State, and federal regulations.

*(b) Would the Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

#### ***Less Than Significant Impact With Mitigation Incorporated***

**Construction.** Construction activities would involve the routine use of hazardous materials such as vehicle fuels, oils, and transmission fluids. With the implementation of standard best management practices (BMPs) for water quality such as Erosion Control and Sediment Control BMPs designed to minimize erosion and retain sediment on site and Good Housekeeping BMPs to prevent spills, leaks, and discharge of construction debris and waste into receiving waters, and **Mitigation Measure MM-HAZ-1**, which requires predemolition surveys, any risks associated with the storage, handling, or disposal of hazardous materials would be reduced to a level that is less than significant during construction. In addition, there are no reported releases on site or off site that would pose a potential concern during construction activities. **Mitigation Measure MM-HAZ-2**, outlining the requirements for a contingency plan, would reduce impacts related to the possible discovery of unknown wastes or suspect materials during construction activities. Therefore, with implementation of **Mitigation Measure MM-HAZ-1** and **Mitigation Measure MM-HAZ-2** impacts would be reduced to a less than significant level.

**Operation.** Operation of the proposed Project would involve the use of chemical agents, solvents, paints, and other hazardous materials typical of residential, commercial, and community facility uses, that when used properly, would not produce hazardous emissions or require users to handle acutely hazardous materials, substances, or waste. The use of these chemicals would be in compliance with existing government regulations to ensure that operation of the proposed Project would result in a less than significant hazard to the public or to the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment during Project operation, and no mitigation would be required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** The Project is required to comply with **Mitigation Measure MM-HAZ-1** and **Mitigation Measure MM-HAZ-2** (see details in Section 3.8.a, above).

(c) *Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

***Less Than Significant Impact With Mitigation Incorporated***

The Walton Intermediate School has been identified directly south of the Project site.

**Construction.** Construction activities would involve the routine use of hazardous materials such as vehicle fuels, oils, and transmission fluids. However, with the implementation of standard best management practices (BMPs) for water quality such as Erosion Control and Sediment Control BMPs designed to minimize erosion and retain sediment on site and Good Housekeeping BMPs to prevent spills, leaks, and discharge of construction debris and waste into receiving water and **Mitigation Measure MM-HAZ-1**, any risks associated with the storage, handling, or disposal of hazardous materials during construction would be reduced to a level that is less than significant. In addition, there are no reported releases on site or off site that would pose a potential concern during construction activities. **Mitigation Measure MM-HAZ-2**, which outlines the preparation and use of a contingency plan, would reduce impacts related to the possible discovery of unknown hazardous materials, substances, or waste during construction activities. Therefore, with implementation of **Mitigation Measure MM-HAZ-1** and **Mitigation Measure MM-HAZ-2**, the proposed Project would result in a less than significant hazard to the public or the environment, including Walton Intermediate School.

**Operation.** The Project site is located 460 feet away from the closest Walton Intermediate School building. During operation, the proposed Project would involve the use of potentially hazardous materials (e.g., solvents, cleaning agents, paints, and pesticides) typical of residential uses that, when used properly, in accordance with applicable regulations, would not produce hazardous emissions or result in the handling of substantial amounts of acutely hazardous materials, substances, or waste. Therefore, compliance with applicable regulations would ensure that operation of the proposed Project would result in a less than significant hazard to the public or the environment, including Walton Intermediate School, and no mitigation would be required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** The Project is required to comply with **Mitigation Measure MM-HAZ-1** and **Mitigation Measure MM-HAZ-2** (see details in Section 3.8.a, above).

- (d) *Would the Project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

***No Impact***

The proposed Project site is not included on any hazardous materials sites pursuant to Government Code Section 65962.5 and would not create a significant hazard to the public or the environment. No impacts are anticipated. No mitigation would be required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.

- (e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard for people residing or working in the Project area?*

***No Impact***

The proposed Project is not located within an airport land use plan or located within 2 miles of a public airport or public use (Google Maps). The nearest public airports are the John Wayne Airport located at 18601 Airport Way, approximately 9 miles southeast of the Project site, or the Fullerton Municipal Airport (FMA), a general aviation airport located at 4011 West Commonwealth Avenue, approximately 6.9 miles northwest of the Project site. As a result, the proposed Project would not cause an airport safety hazard for people residing or working in the Project area. No impacts are anticipated. No mitigation would be required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.

- (f) *For a project within the vicinity of a private airstrip, would the Project result in a safety hazard for people residing or working in the Project area?*

***No Impact***

The proposed Project is not located within the vicinity of a private airstrip, and as a result, the proposed Project would not result in a safety hazard for people residing or working in the Project area. No impacts are anticipated. No mitigation would be required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.



(g) *Would the Project impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan?*

***Less Than Significant***

**Construction.** Implications of construction include increased travel time due to flagging or stopping of traffic to accommodate trucks entering and exiting the Project site. While it is unlikely that such activities would result in complete closure of Buaro Street, they may temporarily close a single travel lane. The development of a Construction Staging and Traffic Management Plan as required by **Standard Condition SC-TR-4** (refer to Section 3.16, Traffic of this Initial Study) would ensure that emergency vehicles would be able to navigate through streets adjacent to the Project site. Traffic management personnel (flagpersons), required as part of the Congestion Staging and Traffic Management Plan, would be trained to assist in emergency response by restricting or controlling the movement of traffic that could interfere with emergency vehicle access. With implementation of the Construction Staging and Traffic Management Plan, it is not anticipated that construction of the proposed Project would impede any pass-through emergency vehicles or impair any emergency evacuation plans. Therefore, impacts to emergency response and evacuation plans associated with construction of the proposed Project would not be significant with implementation of **Standard Condition SC-TR-4**.

**Operation.** The proposed Project would not physically interfere with an adopted emergency response plan or emergency evacuation plan. The proposed Project would be developed in accordance with the City's emergency access standards. Access to, from, and on site for emergency vehicles would be reviewed and approved by the GGFD prior to Project construction. The proposed Project would also be required to comply with all applicable codes and ordinances for emergency vehicle access, which would ensure adequate access to, from, and on site for emergency vehicles. Therefore, operation of the proposed Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Potential Project impacts would be less than significant, and no mitigation would be required.

**STANDARD CONDITIONS AND REQUIREMENTS:**

**SC-TR-4 Construction Staging and Traffic Management Plan.** A construction Staging and Traffic Management Plan shall be prepared for approval by the Director of the City of Garden Grove Public Works Department, or designee, prior to issuance of any demolition or grading permits. (See Construction Section above).

**MITIGATION MEASURES:** No mitigation measures are required.

(h) *Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?*

***No Impact***

The area surrounding the Project site is considered urban. The Project site is located in an urbanized area, surrounded by multi-family residences to the north and west, a skilled nursing facility to the west across Jentges Avenue, Walton Intermediate School to the south, and single-family homes and a Marriott Suites to the east, and is not adjacent to wildland areas. As a result, the proposed Project would not expose people

or structures to a significant risk of loss, injury, or death involving wildland fires. Therefore, no impacts are anticipated, and no mitigation measures would be required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.

### 3.9 HYDROLOGY AND WATER QUALITY.

**Would the Project:**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Violate any water quality standards or waste discharge requirements?			X	
(b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
(c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in a substantial erosion or siltation on- or off-site?			X	
(d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X	
(e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?			X	
(f) Otherwise substantially degrade water quality?			X	
(g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?			X	
(h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?			X	
(i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X	
(j) Inundation by seiche, tsunami, or mudflow?				X

**Source(s):** *Water Quality Management Plan, Buaro Street TTM – Pinnacle Homes, 12111 Buaro Street*, prepared by Proactive Engineering Consultants, Inc., November 18, 2016 (WQMP, **Appendix 6a**); **Figure 3.9-1, Flood Insurance Rate Map Number 06059C0141J**; *Preliminary Drainage Report*, prepared by

**Findings of Fact:**

*(a) Would the Project violate any water quality standards or waste discharge requirements?*

***Less Than Significant Impact***

Pollutants of concern during Project construction include sediments, trash, petroleum products, concrete waste (dry and wet), sanitary waste, and chemicals. Each of these pollutants on its own or in combination with other pollutants can have a detrimental effect on water quality. Excavated soil would be exposed during construction activities, and there would be an increased potential for soil erosion and sedimentation compared to existing conditions. During construction, the total disturbed soil area would be approximately .99 acres (over 1 acre of soil with the inclusion of disturbances/improvements in the right-of-way). In addition, chemicals, liquid products, petroleum products (such as paints, solvents, and fuels), and concrete-related waste may be spilled or leaked and have the potential to be transported via storm runoff into receiving waters. Implementation of the proposed Project would demolish the existing pre-school facility, remove the parking lot, and construct the multi-family development comprised of 17 units, open space, and parking.

During operation, expected pollutants associated with the residential facility uses include suspended solids/sediments, nutrients, pathogens (bacteria/virus), pesticides, oil and grease, and trash and debris. Compared to existing conditions, the proposed Project will have reduced impervious areas when compared to the current site. Any change in impervious area would change the volume of runoff during a storm, which would more effectively transport pollutants to receiving waters. The stormwater runoff currently surface flows in a southwest direction through a wall opening and ultimately off-site to the adjacent school yard at the southwest end of the site. The proposed improvements will preserve the current flow patterns but through the addition of new BMPs on the project site water quality will be improved and stormwater runoff will be reduced. It should be noted that the Project will result in a benefit to water quality, as no such water quality facilities, including BMPs, currently exist on the Project site. (It is my understanding that the site will be improved with new BMPs which will help to reduce the amount of stormwater runoff – this is what David told us when we were meeting with the Engineering staff.

The proposed Project would be required to comply with all pertinent requirements of the National Pollutant Discharge Elimination System (NPDES). The first requirement involves compliance with the State Water Resources Control Board's NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ, NPDES No. CAS000002) (Construction General Permit) (see **Standard Condition SC-WQ-1**). Because the proposed Project would disturb greater than 1 acre of soil during construction, the Project must comply with the requirements of the Construction General Permit, including the preparation of a Storm Water Pollution Prevention Plan (SWPPP) and implementation of the construction Best Management Practices (BMPs) detailed in the SWPPP during construction activities. Construction BMPs would include, but not be limited to, Erosion Control and Sediment Control BMPs designed to minimize erosion and retain sediment on site and Good Housekeeping BMPs to prevent spills, leaks, and discharge of construction debris and waste into receiving waters. Drain inserts will be installed in all inlets within the project site to prevent pollutants from entering the underground infiltration basin. To comply with the requirements of the Construction General Permit, the Applicant must ensure that the

Permit Registration Document, including a SWPPP and Notice of Intent, are filed with the State Water Resources Control Board prior to issuance of a grading permit.

The second requirement involves the preparation, submittal, and implementation of a Water Quality Management Plan (WQMP) that includes design features and BMPs to target pollutants of concern in stormwater runoff from the Project site (see **Standard Condition SC-WQ-2**). The City is required to approve the WQMP prior to the issuance of any grading or building permit. A *Preliminary Water Quality Management Plan* has been prepared for the proposed Project that details the BMPs that would be implemented to reduce impacts to water quality from operation of the proposed Project. Proposed Source Control BMPs include education for property owners, tenants, and occupants; activity restriction; common area landscape maintenance; BMP maintenance; common area litter control; employee training; common area catch basin inspection; street sweeping of the driveway and parking area, storm drain signage and stenciling; efficient irrigation systems and landscape design; and slope protection. Proposed Site Design BMPs include maximizing natural infiltration capacity, preserving existing drainage patterns and time of concentration, and disconnecting impervious areas. Proposed infiltration BMPs include drain inserts, storm drain inlet stenciling and an underground infiltration basin.

With adherence to the aforementioned requirements, outlined below as **Standard Condition SC-WQ-1** and **Standard Condition SC-WQ-2**, potential impacts related to waste discharge requirements would be less than significant. No mitigation is required.

#### **STANDARD CONDITIONS AND REQUIREMENTS:**

- SC-WQ-1** *Construction General Permit.* Prior to issuance of a grading permit, the Applicant/Developer shall demonstrate to the City of Garden Grove (City) Public Works Department that coverage has been obtained under California's General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit) by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number or other proof of filing. A copy of the current Storm Water Pollution Prevention Program (SWPPP) required by the General Permit shall be kept at the Project site and be available for review by City representatives upon request.
- SC-WQ-2** *Final Water Quality Management Plan.* Prior to issuance of a grading permit, the Project Applicant/Developer shall submit a Final Water Quality Management Plan (WQMP) to the City Public Works Department for review and approval. Both Source Control and Site Design BMPs designed to reduce impacts to water quality from operation of the proposed Project shall be identified in the Final WQMP.

**MITIGATION MEASURES:** No mitigation measures are required.

- (b) *Would the Project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?*

### ***Less Than Significant Impact***

The Project design, as depicted on the Project plans and Project-specific *WQMP*, will allow for water to percolate back into the ground and allow for groundwater recharge. Under the current site condition 96% of the Project site consists of impervious surfaces. The proposed Project will result in a reduction of impervious surfaces from 96% to 65% of the Project site. This will offset any impacts from the other nonpervious elements contained in the proposed Project. Therefore, implementation of the proposed Project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted). Any impacts are considered less than significant. No mitigation is required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.

- (c) *Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in a substantial erosion or siltation on- or off-site?*

### ***Less Than Significant Impact***

Implementation of the proposed Project would demolish the existing pre-school facility, remove the parking lot, and construct the multi-family development comprised of 17 units, open space, and parking. During construction activities, soil would be exposed and disturbed, drainage patterns would be temporarily altered during grading and other construction activities, and there would be an increased potential for soil erosion and siltation compared to existing conditions. Additionally, during a storm event, soil erosion and siltation could occur at an accelerated rate. With adherence to **Standard Condition SCWQ-1** and **Standard Condition SC-WQ-2**, above, potential impacts related to waste discharge requirements would be less than significant. No mitigation is required.

Compared to existing conditions, the proposed Project would have comparable impervious area when compared to the current site. Under the current site condition 96% of the Project site consists of impervious surfaces. The proposed Project will result in a reduction of impervious surfaces from 96% to 65% of the Project site. Any change in impervious area would change the volume of runoff during a storm, which would more effectively transport pollutants to receiving waters. The stormwater runoff currently surface flows in a southwest direction through a wall opening and ultimately to the adjacent school yard at the southwest end of the site. The proposed improvements will preserve the current flow patterns. It should be noted that the Project will result in a benefit to erosion or siltation on- or off-site, as no such facilities currently exist on the Project site.

In the developed conditions, stormwater runoff will surface along street gutters. Stormwater runoff will be routed to a proposed underground infiltration to infiltrate the Design Capture Volume, which is the volume of runoff resulting from the Design Storm (precipitation pattern defined for use in the design of hydrologic system), this volume must be captured within Stormwater BMPs to achieve Pollutant removal to the Maximum Extent Practicable (MEP). The underground infiltration will be located in the southwest corner of

the Project site. Stormwater runoff generated by storms greater than the 85<sup>th</sup> percentile storm will bypass the underground detention basin and outlet through a wall opening and be discharged to an adjacent school yard at the southwest end of the site. Through implementation of infiltration BMPs, the proposed Project would not substantially increase runoff that could contribute to downstream erosion or siltation. Finally, the proposed Project would not alter the course of a stream or river. With implementation of construction and infiltration BMPs, impacts related to the alteration of existing drainage pattern in a manner that would result in on- or off-site erosion or siltation would be less than significant. No mitigation would be required.

**STANDARD CONDITIONS AND REQUIREMENTS:** The Project is required to comply with **Standard Condition SC-WQ-1 and Standard Condition SC-WQ-2** (see details in Section 3.9.a, above).

**MITIGATION MEASURES:** No mitigation measures are required.

- (a) *Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?*

***Less Than Significant Impact***

Development of the proposed Project on the Project site would not alter the existing on-site drainage patterns, nor result in an increase of the impervious surface area compared to existing conditions. Under the current site condition 96% of the Project site consists of impervious surfaces. The proposed Project will result in a reduction of impervious surfaces from 96% to 65% of the Project site. The proposed Project is anticipated to add to the runoff peak flow during storm events. Underground infiltration will be located in the southwest corner of the Project site. Stormwater runoff generated by storms greater than the 85<sup>th</sup> percentile storm will bypass the underground detention basin and outlet through a wall opening and discharged to an adjacent school yard at the southwest end of the site. With implementation of infiltration BMPs as part of the Project design, impacts related to the alteration of the existing drainage pattern in a manner that would result in on- or off-site flooding would be less than significant. It should be noted that the Project will result in a benefit to water quality, as no such facilities currently exist on the Project site. No mitigation would be required.

**STANDARD CONDITIONS AND REQUIREMENTS:** The Project is required to comply with **Standard Condition SC-WQ-1 and Standard Condition SC-WQ-2** (see details in Section 3.9.a, above).

**MITIGATION MEASURES:** No mitigation measures are required.

- (b) *Would the Project create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?*

***Less Than Significant Impact***

Development of the proposed Project on the Project site would **not** alter the existing on-site drainage patterns. The Project will change the impervious surface area compared to existing conditions. As a result of the decrease in impervious surface area, the proposed Project is anticipated to contribute less runoff peak flow during storm events than the current site condition. Under the current site condition 96% of the Project site consists of impervious surfaces. The proposed Project will result in a reduction of impervious surfaces

from 96% to 65% of the Project site. Underground infiltration will be located in the southwest corner of the Project site. Stormwater runoff generated by storms greater than the 85<sup>th</sup> percentile storm will bypass the underground detention basin and outlet through a wall opening and be discharged to an adjacent school yard at the southwest end of the site. Therefore, the proposed Project would not create or contribute runoff that would exceed the capacity of the downstream storm drain system. Project impacts related to storm drain capacity would be less than significant, and no mitigation would be required.

**STANDARD CONDITIONS AND REQUIREMENTS:** The Project is required to comply with **Standard Condition SC-WQ-1** and **Standard Condition SC-WQ-2** (see details in Section 3.9.a, above).

**MITIGATION MEASURES:** No mitigation measures are required.

*(c) Would the Project otherwise substantially degrade water quality?*

***Less Than Significant Impact***

Refer to Response 3.9 (a), above. With adherence to the aforementioned requirements, outlined below as **Standard Condition SC-WQ-1** and **Standard Condition SC-WQ-2**, potential impacts related to water quality would be less than significant. No mitigation is required.

**STANDARD CONDITIONS AND REQUIREMENTS:** The Project is required to comply with **Standard Condition SC-WQ-1** and **Standard Condition SC-WQ-2** (see details in Section 3.9.a, above).

**MITIGATION MEASURES:** No mitigation measures are required.

*(d) Would the Project place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?*

***Less Than Significant Impact***

The Project site is not located within a designated 100-year special flood hazard area. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) No 0605900141J (December 3, 2009), reference **Figure 3.9-1, Flood Insurance Rate Map Number 06059C0141J**, the Project site is located within Regular Flood Hazard Zone X, which is defined as the area of 0.2 percent annual chance flood (500-year flood), areas of 1 percent annual chance flood (100-year flood) with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 1 percent annual chance flood.

The Project site is located within the Prado Dam inundation area. The proposed Project would not increase the chance of inundation from failure of Prado Dam. Prado Dam was designed in the 1930s, but has recently increased its functioning capability due to the Seven Oaks Dam, which was completed in November 1999 and is located approximately 40 miles upstream on the Santa Ana River. During a flood, Seven Oaks Dam would store water destined for Prado Dam for as long as the reservoir pool at Prado Dam is rising. When the flood threat at Prado Dam has passed, Seven Oaks Dam would begin to release its stored flood water at a rate that does not exceed the downstream channel capacity. Working in tandem, the Prado and Seven Oaks Dams provide increased flood protection to Orange County.

Prado Dam is maintained and inspected to ensure its integrity and to ensure that risks are minimized. Given that the proposed Project is considered infill development and that it would not increase the risk of failure of Prado Dam, Project impacts related to placement of housing within a 100-year flood hazard area would be less than significant. No mitigation would be required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.

*(e) Would the Project place within a 100-year flood hazard area structures which would impede or redirect flood flows?*

***Less Than Significant Impact***

The Project site is not located within a designated 100-year special flood hazard area. The Project site is located within Regular Flood Hazard Zone X, which is defined as the area of 0.2 percent annual chance flood (500-year floodplain), areas of 1 percent annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 1 percent annual chance flood.

The entire Project site is located within the Prado Dam inundation area. Given that the proposed Project is considered infill development and that it would not increase the risk of failure of Prado Dam, Project impacts related to placement of structures within a 100-year flood hazard area would be less than significant. No mitigation would be required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.

*(f) Would the Project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?*

***Less Than Significant Impact***

The entire Project site is located within the Prado Dam inundation area. The proposed Project would not increase the chance of inundation from failure of Prado Dam. Prado Dam is maintained and inspected to ensure its integrity and to ensure that risks are minimized. Given that the proposed Project is considered infill development and that it would not increase the risk of failure of Prado Dam, Project impacts from exposure of people or structures to loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam, would be less than significant. No mitigation is required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.

*(g) Would the Project expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?*



### ***No Impact***

Seiching is a phenomenon that occurs when seismic ground shaking induces standing waves (seiches) inside water retention facilities such as reservoirs and water tanks. Such waves can cause retention structures to fail and flood downstream properties. The West Street Basin is located approximately 333' west of the Project site. A building is located between the West Street Basin and the Project site. While there is a risk associated with a possible seiche wave(s) the probability is relatively low. Therefore, it is not considered a potential constraint or a potentially significant impact of the Project. Any impacts are considered less than significant. No mitigation is required.

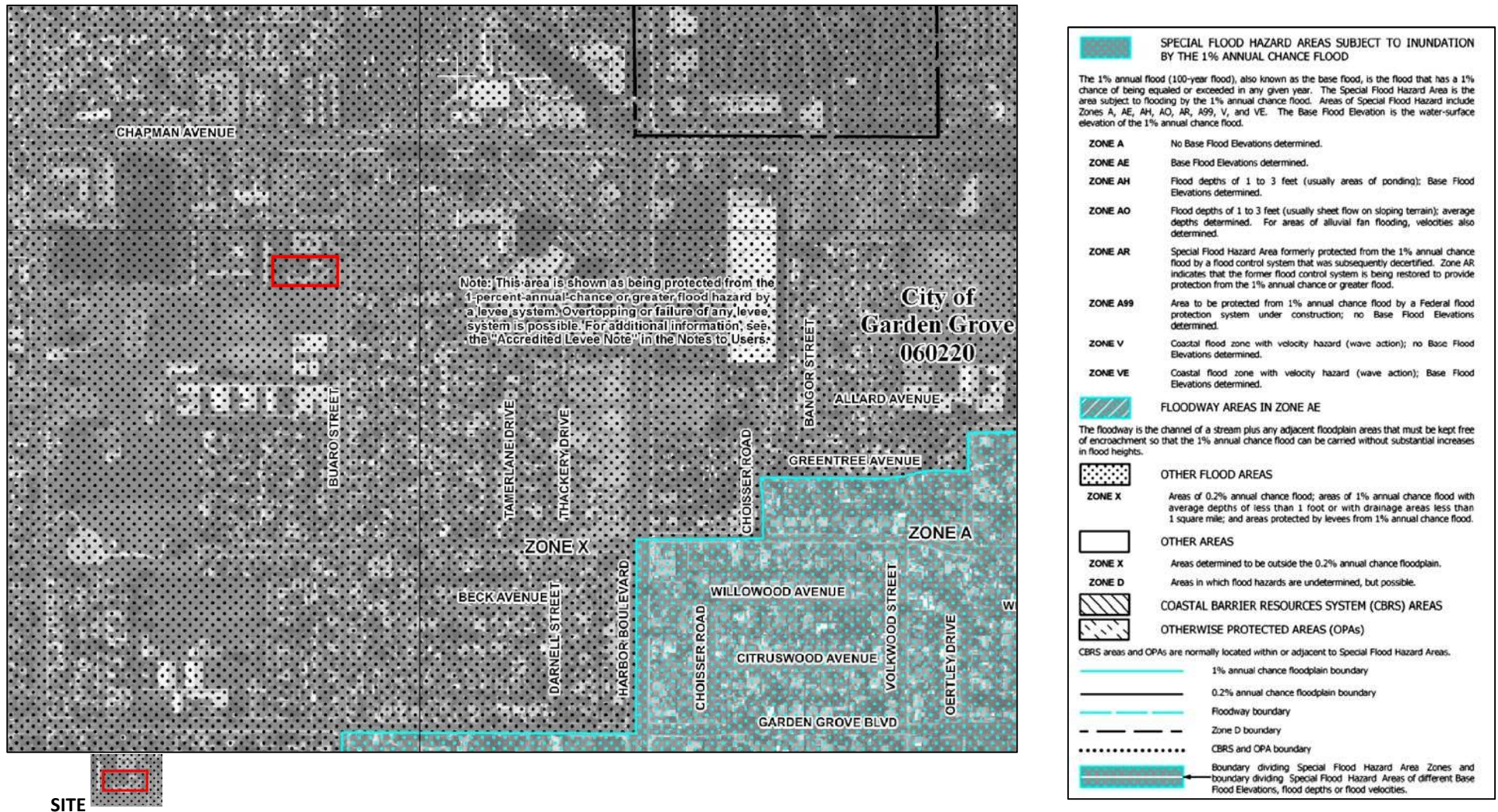
Tsunamis are generated wave trains generally caused by tectonic displacement of the sea floor associated with shallow earthquakes, sea floor landslides, rock falls, and exploding volcanic islands. The Project site is located more than 10.5 miles (mi) from the ocean shoreline and is not in a tsunami inundation area (State of California Department of Conservation, Orange County Tsunami Inundation Maps). The risk associated with tsunamis is, therefore, not considered a potential hazard or a potentially significant impact, and no mitigation would be required.

Mudslides and slumps are described as a shallower type of slope failure, usually affecting the upper soil mantle or weathered bedrock underlying natural slopes and triggered by surface or shallow subsurface saturation. The Project site and surrounding area is relatively flat. The risk associated with possible mudflows and mudslides is, therefore, not considered a potential constraint or a potentially significant impact of the project, and no mitigation is necessary.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.

FIGURE 3.9-1, Flood Insurance Rate Map Number 06059C0141J



Source: FEMA Maps, 2009



**3.10 LAND USE/PLANNING.**

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Physically divide an established community?				<b>X</b>
(b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			<b>X</b>	
(c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				<b>X</b>

**Source(s):** *General Plan Land Use Element (Chapter 2); General Plan Community Design Element (Chapter 3); Elevations (Appendix 1b); and General Plan Circulation Element (Chapter 5).*

**Findings of Fact:**

*(a) Would the Project physically divide an established community?*

***No Impact***

The proposed Project would be constructed on approximately .99 acres. The existing pre-school and associated facilities, would be demolished and 17 multi-family units, parking, and open space re-built on the site. Because the proposed Project would be constructed on an existing developed site and is considered infill development, implementation of the proposed Project would not divide an established community. The proposed Project would not disrupt or modify the existing roadway network, nor would it affect or disrupt residential neighborhoods in the Project vicinity. The proposed Project would provide additional housing options to the surrounding community. Vehicular access to the project site would be provided by a new driveway on Buaro Street. Therefore, implementation of the proposed Project would not result in the physical division of any established community, and no mitigation would be required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.

*(b) Would the Project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?*

### ***Less Than Significant Impact***

The main guiding documents regulating land use on and around the Project site are the City of Garden Grove's (City's) General Plan and Zoning Ordinance.

**General Plan.** The 2030 Garden Grove General Plan (General Plan) establishes a vision for the City's future growth and change and provides a blueprint for development throughout the community. As shown on *Figure 1.4, General Plan Land Use Designations*, the Project site has a Civic/Institutional (CI) land use designation. As shown on *Figure 1.4, Zoning Classifications*, the zoning classification is Multiple-Family Residential (R-3). GPA-003-2017 will be required to change the General Plan Land Use Diagram designation to Medium Density Residential (MDR).

Allowable uses within the MDR General Plan land use designation include traditional multi-family apartments, condominiums, townhomes, and single-family small-lot subdivisions. The MDR land use designation allows residential densities between 18.1 and 32 dwelling units per acre (du/ac). While the implementing R-3 zoning keeps densities lower than the GP allowable density, the MDR Designation would accommodate any affordable or senior density bonuses on top of the R-3 number of units (meaning that ultimate build-out review through the General Plan would cover density bonuses).

The Civic/Institutional (C/I) Land Use designation from the General Plan includes educational uses, such as, elementary, middle, and high schools, colleges, universities, hospitals, and governmental facilities. This designation was added for the first time to the current General Plan 2030 and is appropriate for the Walton Intermediate School to the south of the subject property. Walton Intermediate had a Land Use Designation of Open Space in the previous General Plan (1995-2008) which stated, "shown as Open Space are City parks, public schools, golf courses, and other public and private open space land". But the subject property along with five properties to the north, west, and northwest were not included in the Open Space Designation in the previous General Plan. These properties were developed mainly with residential apartments and had a Land Use Designation of Medium Density Residential (MDR) which was then changed to Civic/Institutional in the current General Plan. The subject property and the additional five parcels all retain an R-3, Multi-Family Residential zoning. Planning staff have reviewed the history of the General Plan designations and determined that the C/I designation on these six properties is a mapping error in the current General Plan. Changing the subject property to the MDR designation will repair an inconsistency between the General Plan and the Zoning and allow for appropriate development of the site.

Therefore, following approval of the proposed Project and GPA-003-2017, no inconsistency with the City's General Plan land use designation would occur. Impacts are considered less than significant. No mitigation is required.

The City's General Plan Land Use Element also contains goals and policies that are applicable to the proposed Project. These applicable goals and policies from the City's General Plan are listed below, along with a consistency analysis of the proposed Project with each relevant goal and policy. In order to eliminate repetitive policies and focus on key issues, policies that are not relevant to the proposed Project are not included. The purpose of this discussion is to provide a guide to the decision-makers' policy interpretation and should be considered preliminary; a final determination of consistency with plans and policies would be

made by City decision-makers. As identified through this consistency analysis, the proposed Project would be consistent with all applicable policies in the City's General Plan.

#### City of Garden Grove General Plan Consistency Analysis

#### **Land Use Element**

**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.

**Consistent.** The existing pre-school and associated facilities, would be demolished and 17 multi-family units, parking, and open space built on the site. This Project would contribute to the diverse mix of housing types in the City with high-quality development, and would therefore serve to increase property values and the quality of life of residents in the surrounding area.

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

**Consistent.** The Project's site density would be 17.0 du/ac. Therefore, the proposed Project would be considered a medium-density project according to the City's General Plan Land Use Element. Surrounding land uses in the Project vicinity include multi-family residences to the north and west, a skilled nursing facility to the west across Jentges Avenue, Walton Intermediate School to the south, and single-family homes and a Marriott Suites to the east. The proposed Project would be similar in scale to existing development on the Project site and with existing residential developments in the surrounding area.

**LU-IMP-3A:** Design new residential sites so that housing does not front onto a major corridor, but instead on intersecting local streets or on cul-de-sacs, in order that sight and sound buffering from traffic can be included in these new residential site plans.

**Consistent.** The proposed Project takes access on a local street (Buaro Street) which is not categorized as an arterial or secondary arterial in the General Plan Circulation Element. Buildings A and B would front onto a 25' internal driveline. Units 1 and 17 engage the local street with front entries sited toward Buaro Street, a 20' front landscape setback and a 4' landscaped parkway. Visual and noise impacts from traffic in the surrounding area will not significantly impact the residences fronting on a local residential street.

**LU-IMP-3B:** Design multi-family housing in mixed use areas and on major corridors to provide a buffer between the corridor and lower density residential areas.

**Consistent.** The proposed Project takes access on a local street (Buaro Street) which is not categorized as an arterial or secondary arterial in the General Plan Circulation Element. Buildings A and B would front onto a 25' internal driveline. Units 1 and 17 engage the local street with front entries sited toward Buaro Street, a 20' front landscape setback and a 4' landscaped parkway. Visual and noise impacts from traffic in the surrounding area will not significantly impact the residences fronting on a local residential street.



**LU-IMP-3C:** Require attractive side and rear facades and landscaping on multi-family housing structures in order to improve the streetscape and effect a visual transition to lower density residential areas.

**Consistent.** The proposed Project includes a number of architectural design and landscaping features to ensure its aesthetic consistency with the surrounding community. The Project has been designed with attractive units that front onto Buaro Street, as opposed to showing only side elevations along this streetscape. Additionally, the long side elevation that is visible from across the Walton School's open playing fields, is well-detailed, with an interesting mix of front entries and architectural detailing. The Project also proposes landscaped walkways to the units along the side elevations. Overall, the Project has been designed to be consistent with the character of the adjacent and surrounding residential development, and to match the visual character of the adjacent area. The Project's design includes elements such as siding, balconies with composite wood railings, and awnings. Buildings would include stucco color finish, asphalt shingle tiles, and window trim.

The density for the Project site will be 17.0 du/ac, which would be considered medium-density by the City's General Plan Land Use Element. Surrounding land uses in the Project vicinity include multi-family residences to the north and west, a skilled nursing facility to the west across Jentges Avenue, Walton Intermediate School to the south, and single-family homes and a Marriott Suites to the east. There are no lower density areas adjacent to the Project site.

**LU-IMP-3D:** Front multi-family housing on local streets with appropriate setbacks to be consistent with neighborhood development patterns.

**Consistent.** Buildings A and B would front onto a 25' internal driveline. Units 1 and 17 are located closest to Buaro Street and will be separated from the back of sidewalk by 20' of on-site landscaping and a 4' landscaped parkway. A buffer has been provided to Buaro Street. This setback is consistent with other development along Buaro Street and therefore, the proposed Project is consistent with surrounding neighborhood development.

**Policy LU-4.1:** Locate higher density residential uses within proximity of commercial uses to encourage pedestrian traffic, and to provide a consumer base for commercial uses.

**Consistent.** The proposed Project would develop the Project site with a medium-density residential development. Commercial uses exist to the east of the Project site at the intersection of Chapman Avenue and South Harbor Boulevard, approximately ¼-mile from the Project site. Therefore, the Project proposes residential uses within proximity of commercial uses to encourage pedestrian traffic, and to provide a consumer base for commercial uses.

### **Community Design Element**

**Policy CD-1.1:** Enhance the positive qualities that give residential, commercial, and industrial areas their unique identities, while also allowing flexibility for innovative design.

**Consistent.** The proposed Project would include a variety of architectural and landscape design features that would contribute to the visual character and uniqueness of the Project.

**Policy CD-IMP-4E:** Require that all sides of a building visible from City streets display fully finished architectural detail, including finished doors, windows, and exterior surfaces identical to, or which complement the front of the building.

**Consistent.** The sides of Units 1 and 17 are located closest to Buaro Street. These elevations will be separated from the back of sidewalk by 20' of on-site landscaping and a 4' landscaped parkway. Varied roof planes, colors and materials, similar to the front of the medium density residential structure are proposed.

**Policy CD-IMP-4:** Require landscaping treatment on all parts of a building site, visible from City streets.

**Consistent.** Units 1 and 17 are located closest to Buaro Street and will be separated from the back of sidewalk by 20' of on-site landscaping and a 4' landscaped parkway. Landscape treatment has been provided to Buaro Street, which is the visible City street adjacent to the Project. Additionally, the long side elevation that is visible from across the Walton School's open playing fields, is well-detailed, with an interesting mix of front entries and architectural detailing. The Project also proposes landscaped walkways to the units along the side elevations.

## Circulation Element

**Policy CIR-1.8:** Ensure that new development can be accommodated within the existing circulation system, or planned circulation improvements, such that the standard of Level of Service (LOS) D is maintained.

**Consistent.** As discussed further in Section 3.16, Transportation/Traffic, of this Initial Study, the proposed Project would be accommodated within the existing circulation system and would not cause the City's acceptable Level of Service (LOS) D to be exceeded at any study area intersection.

**Policy CIR-3.5:** Require new developments to implement access and traffic management plans that would reduce the potential for neighborhood traffic intrusion through factors such as driveway location, turn restrictions, shuttle bus operations, and/or travel demand strategies.

**Consistent.** Access to the proposed Project would be provided through one driveway located on Buaro Street. As discussed further in Section 3.16, Transportation/Traffic, of this Initial Study, the proposed Project would not generate a significant number of trips during peak or off-peak hours that would contribute to a negative impact on traffic patterns in the surrounding neighborhood.

**Policy CIR-5.1:** Promote the use of public transit.

**Consistent.** The proposed Project is located within approximately 0.1 mile of a stop on the OCTA Route 54 Chapman-Buaro bus service on Chapman Avenue and 0.4 mile away from the Target S/B bus station on Harbor Boulevard where four different lines are available.



**Policy CIR-5.3:** Provide appropriate bicycle access throughout the City of Garden Grove.

**Consistent.** The proposed Project will not interfere with any existing bike access ways. Commercial uses exist to the east of the Project site at the intersection of Chapman Avenue and South Harbor Boulevard, approximately ¼-mile from the Project site. Residents of the Project site would be able to bicycle to nearby commercial, retail, and office uses.

**Policy CIR-5.4:** Provide appropriate pedestrian access throughout the City of Garden Grove.

**Consistent.** The proposed Project will provide pedestrian access to Buaro Street, will not interfere with any existing pedestrian access ways, and will include internal walkways connecting buildings on the Project site. Further, commercial uses exist to the east of the Project site at the intersection of Chapman Avenue and South Harbor Boulevard, approximately ¼-mile from the Project site. Residents of the Project site would be able to walk to nearby commercial, retail, and office uses.

**Policy CIR-7.1:** Design safe and efficient vehicular access to properties from arterial streets to ensure efficient vehicular ingress and egress.

**Consistent.** Access to the Project site would be provided via a right-in right-out driveway on Buaro Street. The Project design features would comply with all City standards. Furthermore, there are no sight distance obstructions along Buaro Street, and the proposed driveway would intersect with Buaro Street at 90 degrees.

#### **Infrastructure Element**

**Policy INFR-1.2:** New development and redevelopment projects shall ensure that water infrastructure systems are adequate to serve the development.

**Consistent.** Water is provided to the proposed Project by the City of Garden Grove Water Services Division (GGWSD), a division of the Public Works Department. Wastewater from the proposed Project would be treated by the Garden Grove Sanitation District (GGSD), a division of the Public Works Department. As discussed further in Section 3.18, Utilities, of this Initial Study, it is not anticipated that the Project would result in demands for water or wastewater services that would result in significant impacts to existing water and wastewater infrastructure systems.

**Policy INFR-2.3:** Support sustainable wastewater services that respect and improve the natural environment.

**Consistent.** As previously stated, wastewater from the proposed Project would be treated by the GGSD.

**Policy INFR 3.3:** Minimize the adverse effects of urbanization upon drainage and flood control facilities.

**Consistent.** As discussed further in Section 3.9, Hydrology and Water Quality, of this Initial Study, the proposed Project would comply with all Best Management Practices (BMPs) for the new development and would not result in significant increases in stormwater runoff or changes to existing drainage patterns on the Project site. Therefore, development of the proposed Project would not result in significant adverse impacts related to drainage and flood control facilities.

**INFR-IMP-3A:** Continue to participate in the NPDES permit program.

**Consistent.** As discussed further in Section 3.9, Hydrology and Water Quality, of this Initial Study, the proposed Project would obtain a National Pollutant Discharge Elimination System (NPDES) permit, thus ensuring the project's compliance with the NPDES permit program.

**INFR-IMP-3B:** Require new development and redevelopment projects (greater than one acre) to provide a Water Quality Management Plan.

**Consistent.** As part of the environmental review and documentation process for the proposed Project, a site-specific Water Quality Management Plan (*WQMP*, **Appendix 6.a**) was prepared for the proposed Project.

**NFR-IMP-3D:** Continue to require the implementation of adequate erosion control measures for development or redevelopment projects in order to minimize sedimentation damage to drainage facilities.

**Consistent.** The proposed Project would be required to implement erosion control measures in order to minimize sedimentation damage to drainage facilities in compliance with the NPDES and the site-specific *WQMP*.

**Policy INFR-4.1:** Provide sufficient levels of storm drainage service to protect the community from flood hazards and minimize the discharge of materials into the storm drain system that are toxic or which would obstruct flows.

**Consistent.** As discussed further in Section 3.9, Hydrology and Water Quality, of this Initial Study, the proposed Project would not result in significant impacts related to flooding. Further, the proposed Project would be required to implement BMPs to minimize discharge of materials into the storm drain system.

## Noise Element

**Policy N-1.1:** Require all new residential construction in areas with an exterior noise level greater than 55 dBA to include sound attenuation measures.

**Consistent.** The Project site is located within the 60 dBA CNEL contour along Buaro Street. The City of Garden Grove land use compatibility guidelines set forth noise/land use compatibility criteria for various land use types. The guidelines state that the proposed Project would be "normally acceptable" in areas with noise levels up to 65 dBA CNEL and "conditionally acceptable" in areas with noise levels up to 70 dBA CNEL. Vehicle traffic associated with Buaro Street is not expected to exceed 65 dBA CNEL at the Project site. No impacts are anticipated. No mitigation is required.

**Policy N-1.3:** Require noise reduction techniques in site planning, architectural design, and construction, where noise reduction is necessary consistent with the standards in Tables 7-1 and 7-2, Title 24 of the California Code of Regulations, and Section 8.47 of the Municipal Code.

**Consistent.** The Project site is located within the 60 dBA CNEL contour along Buaro Street. The City of Garden Grove land use compatibility guidelines set forth noise/land use compatibility criteria for various land use types. The guidelines state that the proposed Project would be “normally acceptable” in areas with noise levels up to 65 dBA CNEL and “conditionally acceptable” in areas with noise levels up to 70 dBA CNEL. Vehicle traffic associated with Buaro Street is not expected to exceed 65 dBA CNEL at the Project site. No impacts are anticipated. No mitigation is required.

**Policy N-1.4:** Ensure acceptable noise levels are maintained near schools, hospitals, convalescent homes, churches, and other noise sensitive areas.

**Consistent.** Surrounding land uses in the Project vicinity include multi-family residences to the north and west, a skilled nursing facility to the west across Jentges Avenue, Walton Intermediate School to the south, and single-family homes and a Marriott Suites to the east. Section 8.47.060 of the City of Garden Grove Municipal Ordinance limits construction to between the hours of 7:00 a.m. and 10:00 p.m. Construction is anticipated to occur during the permissible hours according to the City’s Municipal Code. Per **Standard Condition SC-NOI-1**, construction activities will have to adhere to the City of Garden Grove’s policies found in the General Plan Noise Element and Municipal Code limiting the construction hours of operation. Adherence to these hours for construction activities, and implementation of the **Mitigation Measure MMNOI-1**, will minimize construction noise impacts. Any impacts are considered less than significant with adherence to **SC-NOI-1** and **MM-NOI-1**.

**Policy N-1.7:** Avoid locating noise-sensitive land use in existing and noise-impacted areas.

**Consistent.** The Project site is not located in an area that is considered a noise-impacted area.

**N-IMP-1D:** Require construction activity to comply with the limits established in the City’s Noise Ordinance.

**Consistent.** Section 8.47.060 of the City of Garden Grove Municipal Ordinance limits construction to between the hours of 7:00 a.m. and 10:00 p.m. Construction is anticipated to occur during the permissible hours according to the City’s Municipal Code. Per **Standard Condition SC-NOI-1**, construction activities will have to adhere to the City of Garden Grove’s policies found in the General Plan Noise Element and Municipal Code limiting the construction hours of operation.

**N-IMP-1E:** Require buffers or appropriate mitigation of potential noise sources on noise sensitive areas.

**Consistent.** Surrounding land uses in the Project vicinity include multi-family residences to the north and west, a skilled nursing facility to the west across Jentges Avenue, Walton Intermediate School to the south, and single-family homes and a Marriott Suites to the east. Section 8.47.060 of the City of Garden Grove Municipal Ordinance limits construction to between the hours of 7:00 a.m. and 10:00 p.m. Construction is

anticipated to occur during the permissible hours according to the City's Municipal Code. Per **Standard Condition SC-NOI-1**, construction activities will have to adhere to the City of Garden Grove's policies found in the General Plan Noise Element and Municipal Code limiting the construction hours of operation. Adherence to these hours for construction activities, and implementation of the **Mitigation Measure MMNOI-1**, will minimize construction noise impacts. The skilled nursing home is situated within ten-feet of the northern property line. It is considered a "modern industrial/commercial building." This building could experience transient vibration levels ranging between 0.24 to 0.58 PPV for short periods of time if a vibratory roller and/or large bulldozer is utilized along the northern property line. Use of a vibratory roller along the northern property line should be limited, and would cease upon completion of this phase of construction. Impacts would be below the 2.0 PPV threshold identified in **Table 3.12-5**. Any impacts are considered less than significant with adherence to **SC-NOI-1** and **MM-NOI-1**.

**N-IMP-1H:** Orient residential units away from major noise sources, particularly in mixed use projects.

**Consistent.** The Project site is located within the 60 dBA CNEL contour along Buaro Street. The City of Garden Grove land use compatibility guidelines set forth noise/land use compatibility criteria for various land use types. The guidelines state that the proposed Project would be "normally acceptable" in areas with noise levels up to 65 dBA CNEL and "conditionally acceptable" in areas with noise levels up to 70 dBA CNEL. Vehicle traffic associated with Buaro Street is not expected to exceed 65 dBA CNEL at the Project site. No impacts are anticipated. No mitigation is required.

**N-IMP-1I:** Encourage the location of balconies and operable windows of residential units in mixed use projects away from arterials and other major noise sources.

**Consistent.** The proposed Project takes access on a local street (Buaro Street) which is not categorized as an arterial or secondary arterial in the General Plan Circulation Element. The two Buildings A and B have front doors facing the walkways along the side property lines and balconies overlooking the ~~would front onto a~~ 25' internal driveline. There are no balconies facing Buaro Street. Similarly, the majority of the windows in the townhome units face the side property lines or internal driveline. Units 1 and 17 are located closest to Buaro Street and are separated from the back of sidewalk by 20' of on-site landscaping and a 4' landscaped parkway.

The Project site is located within the 60 dBA CNEL contour along Buaro Street. The City of Garden Grove land use compatibility guidelines set forth noise/land use compatibility criteria for various land use types. The guidelines state that the proposed Project would be "normally acceptable" in areas with noise levels up to 65 dBA CNEL and "conditionally acceptable" in areas with noise levels up to 70 dBA CNEL. Vehicle traffic associated with Buaro Street is not expected to exceed 65 dBA CNEL at the Project site. No impacts are anticipated. No mitigation is required.

**Policy N-2.3:** Incorporate noise reduction features for items such as, but not limited to, parking and loading areas, ingress/egress points, and refuse collection areas, during site planning to mitigate anticipated noise impacts on affected noise sensitive land uses.

**Consistent.** Buildings A and B would front onto a 25' internal driveline. Units 1 and 17 are located closest to Buaro Street and will be separated from the back of sidewalk by 20' of on-site landscaping and a 4' landscaped parkway. Sensitive receptors that may be affected by Project generated noise include the multifamily attached residential dwelling units located to the north and west, Walton Intermediate School located adjacent to the south, single-family detached residential dwelling units located approximately 80 feet southeast, and transient lodging uses located approximately 420 feet and 540 feet northeast of the Project site's boundaries. Adequate buffers have been provided as part of site design.

**IMP-4A:** Install sound attenuation measures, including but not limited to, retrofitting existing residential units or sensitive receptors with double-glazed windows and sound insulation; construction of sound walls and landscaping, use of low walls and landscaped berms, enclose courtyards, rubberized asphalt, or relocation of driveways.

**Consistent.** Due to the orientation and site design of the Project, none of these sound attenuation measures are required.

#### **Air Quality Element**

**Policy AQ-1.2:** Strive to achieve conformance with the state-mandated congestion management plans (CMPs), transportation demand management, or other like State or federally required pollution reduction plans.

**Consistent.** As discussed further in Section 3.3, Air Quality, of this Initial Study, the proposed Project would not conflict with the City's ability to achieve conformance with the state-mandated congestion management plans, or other plans, such as State or federally required pollution reduction plans.

**Policy AQ-2.3:** Continue to improve existing sidewalks, bicycle trails, and parkways, and require sidewalk and bicycle trail improvements and parkways for new development or redevelopment projects.

**Consistent.** The proposed Project would include construction of internal pedestrian walkways, thus enhancing the existing sidewalk connectivity from the Project site to Buaro Street. Bicyclists will utilize the internal driveline and Buaro Street.

**Policy AQ-2.4:** Relieve congestion on major arterials and reduce emissions.

**Consistent.** Commercial uses exist to the east of the Project site at the intersection of Chapman Avenue and South Harbor Boulevard, approximately ¼-mile from the Project site. Residents of the Project site would be able to walk to nearby commercial, retail, and office uses. This provides the potential to relieve congestion on major arterials and reduce emissions.

**Policy AQ-2.5:** Separate, buffer, and protect sensitive receptors from significant sources of pollution to the greatest extent possible.

**Consistent.** The Project will not exceed the SCAQMD localized significance thresholds during construction, with the incorporation of mitigation (SCAQMD Rules). Therefore, sensitive receptors would not be subject to

significant air toxic impacts during construction at the Project site. Results of the LST analysis also indicate that the Project would not exceed the SCAQMD localized significance thresholds during operational activity.

**AQ-IMP-2B:** Require new development or redevelopment projects to provide pedestrian and bicycle trails access to nearby shopping and employment centers.

**Consistent.** The proposed Project would not conflict with pedestrian or bicycle access to nearby shopping or employment centers. Commercial uses exist to the east of the Project site at the intersection of Chapman Avenue and South Harbor Boulevard, approximately ¼-mile from the Project site. Residents of the Project site would be able to walk to nearby commercial, retail, and office uses.

**Policy AQ-4.3:** Encourage “walkable” neighborhoods with pedestrian walkways and bicycle paths in residential and other types of developments to encourage pedestrian rather than vehicular travel.

**Consistent.** The proposed Project would include construction of internal pedestrian walkways, thus enhancing the existing sidewalk connectivity from the Project site to Buaro Street. Bicyclists will utilize the internal driveline and Buaro Street. Commercial uses exist to the east of the Project site at the intersection of Chapman Avenue and South Harbor Boulevard, approximately ¼-mile from the Project site. Residents of the Project site would be able to walk to nearby commercial, retail, and office uses.

**AQ-IMP-4C:** Require sidewalks through parking lots, bicycle racks near building entrances and other provisions for the safety and convenience of pedestrian and bicycle riders at all commercial, mixed use, and production facilities.

**Consistent.** The proposed Project would include construction of internal pedestrian walkways, thus enhancing the existing sidewalk connectivity from the Project site to Buaro Street. Bicyclists will utilize the internal driveline and Buaro Street from their homes, where bike parking/storage is provided. The site will provide a bicycle rack as well. Commercial uses exist to the east of the Project site at the intersection of Chapman Avenue and South Harbor Boulevard, approximately ¼-mile from the Project site. Residents of the Project site would be able to walk to nearby commercial, retail, and office uses.

**Policy AQ-5.5:** Avoid locating multiple-family developments close to areas that emit harmful air contaminants.

**Consistent.** The Project is not located in an area that emits harmful air contaminants. No impacts are anticipated. No mitigation, or standard conditions are required.

**Policy AQ-5.6:** Increase residential and commercial densities around bus and/or rail transit stations, and along major arterial corridors.

**Consistent.** The proposed Project would increase the density of the Project site by developing 17 mediumdensity housing units, on a site located approximately 0.1 mile of a stop on the OCTA Route 54 ChapmanBuaro bus service on Chapman Avenue and 0.4 mile away from the Target S/B bus station on Harbor Boulevard where four different lines are available.

**AQ-IMP-6D:** Require new development to comply with the energy use guidelines in Title 24 of the California Administrative Code.

**Consistent.** As described in Section 3.7, Greenhouse Gas Emission, of this Initial Study, the proposed Project would be required to comply with the energy use guidelines in Title 24 of the CBC.

**Policy AQ-7.4:** Continue to enforce procedures that control dust from building demolition, grading, and construction activities.

**Consistent.** As described in Section 3.3, Air Quality, of this Initial Study, the proposed Project would be required to comply with all dust control procedures from construction activities as specified by SCAQMD Rule 403.

**Policy AQ-7.5:** Reduce reactive organic compounds and particulate emissions

**Consistent.** As described in Section 3.3, Air Quality, of this Initial Study, the Project would be required to comply with regional rules that assist in reducing short-term and long-term air pollutant emissions.

#### **Parks, Recreation, and Open Space Element**

**Policy PRK-1.3:** Allow for a variety of active and passive space for recreation and leisure use.

**Consistent.** The proposed Project would provide a 1,646 sq. ft. common active use area and 3,515 sq. ft. of private use area for a total of 5,161 sq. ft., to serve on-site residents.

**Policy PRK-1.4:** Encourage the provision of parks and recreation space in new development and redevelopment projects.

**Consistent.** The proposed Project would provide a 1,646 sq. ft. common active use area and 3,515 sq. ft. of private use area for a total of 5,161 sq. ft.

**PRK-IMP-2A:** Maintain compliance with the requirements identified in the Americans with Disabilities Act (ADA).

**Consistent.** All development included as part of the proposed Project would be required to comply with all requirements identified in the ADA.

**Policy PRK-5.1:** Continue to require that adequate, usable, and permanent private open space is provided in residential developments.

**Consistent.** The proposed Project would provide a 1,646 sq. ft. common active use area and 3,515 sq. ft. of private use area for a total of 5,161 sq. ft.

## Housing Element

**Policy 1.8:** Reduce lead-based paint hazard in the housing stock.

**Consistent.** As previously discussed in Section 3.8, Hazards and Hazardous Materials, of this Initial Study, there is a potential to encounter lead-based paint (LBP) during project demolition of the existing facilities, due to the age of structure(s). As such, the proposed Project would be required to comply with **Mitigation Measure MM-HAZ-1**, which requires the completion of predemolition surveys to identify any on-site LBP. Therefore, with implementation of **Mitigation Measure MM-HAZ-1**, the proposed Project would minimize impacts associated with LBP. Further, the proposed Project would not develop the proposed residential buildings with building materials containing LBP.

**Policy 2.7:** Improve housing affordability by promoting energy conservation programs and sustainable development as outlined in the Land Use, Air Quality, and Conservation Elements of the General Plan.

**Consistent.** The proposed Project would be required to comply with Title 24, requiring the provision of energy conservation features in all new development. With implementation of these measures, the Project would add to the affordability of the proposed 17 housing units.

**Policy 3.1:** Provide adequate sites to encourage housing development that would meet the needs of all income groups.

**Consistent.** The proposed Project would re-develop the existing site into 17 housing units that would help the City serve the needs of the housing market.

**Policy 3.2:** Promote a balance of housing types, including mixed-use development, to meet the needs of the community.

**Consistent.** The Project's site density would be 17.0 du/ac. Therefore, the proposed Project would be considered a medium-density project according to the City's General Plan Land Use Element. Therefore, the proposed Project would promote a balance of housing types to help meet the varying housing needs of the community.

**Policy 3.4:** Promote the provision of housing for households with special needs, including but not limited to, large families, persons with disabilities, families with children, the elderly, and the homeless.

**Consistent.** The Project, as proposed, does not preclude the attainment of this Policy.

**Policy 5.3:** Broaden the accessibility and availability of housing to special needs residents such as the homeless, disabled, developmentally disabled, elderly, large households, families with children, and femaleheaded households.



**Consistent.** The Project, as proposed, does not preclude the attainment of this Policy.

#### **Conservation Element**

**Policy CON-1.2:** Reduce the waste of potable water through efficient technologies, conservation efforts, and design and management practices, and by better matching the source and quality of water to the user's needs.

**Consistent.** The proposed Project would implement a number of sustainable project design features intended to reduce the waste of potable water such as efficient landscape irrigation and low-flow appliances.

**Policy CON-1.3:** Promote water conservation in new development or redevelopment project design, construction, and operations.

**Consistent.** The proposed Project would implement a number of sustainable project design features intended to reduce the waste of potable water such as efficient landscape irrigation and low-flow appliances.

**CON-IMP-1B:** Require on-site infiltration whenever feasible for new development or redevelopment projects.

**Consistent.** As discussed further in Section 3.9, Hydrology and Water Quality, of this Initial Study, the proposed Project would implement storm water BMPs to improve on-site infiltration.

**Policy CON-2.1:** Enhance water infiltration throughout watersheds by decreasing accelerated runoff rates and enhancing groundwater recharge. Whenever possible, maintain or increase a site's pre-development infiltration to reduce downstream erosion and flooding.

**Consistent.** As discussed further in Section 3.9, Hydrology and Water Quality, of this Initial Study, through compliance with the Project's WQMP and implementation of storm water BMPs, the proposed Project would not significantly increase runoff from the Project site. As such, the proposed Project would result in less than significant impacts related to downstream erosion and flooding.

**Policy CON-2.2:** Encourage practices that enable water to percolate into the surrounding soil, instead of letting sediment, metals, pesticides and chemicals runoff directly into the storm drain system, creeks, or regional flood control facilities.

**Consistent.** As discussed further in Section 3.9, Hydrology and Water Quality, through compliance with the Project's WQMP and implementation of storm water BMPs, the proposed Project would not significantly increase runoff from the Project site. As such, the proposed Project would result in less than significant impacts related to downstream erosion and flooding.

**Policy CON-2.4:** Continue to comply with federal, State, and regional governments and agencies to protect and improve the quality of local and regional groundwater resources available to the City.

**Consistent.** The proposed Project would comply with all federal, State, and regional governments and agencies to protect and improve the quality of local and regional groundwater resources.

**CON-IMP-2D:** Minimize impervious services for new development, and incorporate technologies such as pervious paving, landscaped roofs, planter boxes, and rainwater capture and reuse.

**Consistent.** As discussed further in Section 3.9, Hydrology and Water Quality, of this Initial Study, the proposed Project would increase impervious surfaces on the project site; however, this increase in impervious surfaces would be minimal and would not result in significant impacts related to stormwater runoff, due to the implementation of BMPs. Further, the proposed Project would include the addition of onsite landscaping to offset the loss in pervious area associated with Project development, and includes infiltration BMPs to offset any increase in stormwater runoff that would result from the increased impervious surface area.

**CON-IMP-3B:** Encourage materials recycling during renovation or demolition of old buildings.

**Consistent.** As discussed further in Section 3.18, Utilities and Service Systems, of this Initial Study, the proposed Project is required to recycle materials during the demolition of old buildings in cooperation with the City's waste hauler, Republic Services.

**CON-IMP-3D:** Encourage the use of recycled or rapidly renewable materials, and building reuse and renovation over new construction, where feasible.

**Consistent.** The proposed Project would divert at least 50 percent of site's construction waste from landfills for recycling or reuse.

**Policy CON-7.1:** Preserve and protect Garden Grove's significant historical, archaeological and cultural value resources.

**Consistent.** As discussed further in Section 3.5, Cultural Resources, of this Initial Study, the proposed Project site is not anticipated to have any significant impacts to historical, archaeological, or cultural resources.

**Policy CON-7.2:** Preserve Garden Grove's significant historic resources to promote community identity, stability, and aesthetic character.

**Consistent.** As discussed further in Section 3.5, Cultural Resources, of this Initial Study, the proposed Project is not anticipated to result in any significant impacts to any historical resources.

**CON-IMP-7A:** Preserve significant archeological sites in conformance with Public Resources Code Section 21083.2 or Section 21084.1, as applicable.

**Consistent.** The Project site is located adjacent to a historic Native American Trail. Therefore, **Mitigation Measure MM-CUL-1** has been included to require Tribal Monitoring during ground disturbance activities in

order to preserve significant archeological sites in conformance with Public Resources Code Section 21083.2 or Section 21084.1, as applicable.

### **Safety Element**

**SAF-IMP-2A:** Encourage site design using the following: increased pedestrian-level lighting, pedestrian routes that avoid blind corners and provide escape route choices, low fences or well-placed landscaping, and building entrances visible from public streets.

**Consistent.** The proposed Project includes internal pedestrian pathways that would be visible from public streets. These pathways would include ornamental landscaping that would be of a height and scale so as to not introduce any potential blind corners.

**Policy SAF-5.2:** Ensure that the City has adequate resources to respond to health and fire emergencies, such as Fire Stations, personnel, and equipment.

**Consistent.** Due to the scale of the proposed Project, it is not expected that the development of the 17 housing units would result in an adverse impact to the City's resources to respond to health and fire emergencies.

**SAF-IMP-5A:** Continue to require installation of automatic fire sprinkler systems in all new structures and existing structures undergoing substantial remodeling, and provide incentives for sprinkler installation in all other habitable structures.

**Consistent.** The proposed Project would install automatic fire sprinkler systems in compliance with the City of Garden Grove Municipal Code Section 8.32.050 Section 903.2.

**SAF-IMP-5D:** Continue to require compliance with all provisions of the most recently adopted version of the California Fire Code (with local amendments).

**Consistent.** The proposed Project shall comply with all applicable provisions of the California Fire Code.

**SAF-IMP-5F:** Continue to provide adequate staffing of fire response personnel based upon changing conditions, density, and development type.

**Consistent.** As discussed further in Section 3.14, Public Services, of this Initial Study, the proposed Project would not interfere with the City's ability to provide adequate staffing of fire response personnel.

**Policy SAF-6.1:** Avoid or minimize to the greatest extent feasible, hazards resulting from development on unstable ground conditions.

**Consistent.** As discussed further in Section 3.6, Geology and Soils, of this Initial Study, the proposed Project would not result in significant impacts related to unstable ground conditions.

**Policy SAF-6.3:** Ensure that new structures are seismically safe through the proper design and construction. The minimum level of design necessary would be in accordance with seismic provisions and criteria contained in the most recent version of the State and County Codes. Construction shall require effective oversight and enforcement to ensure adherence to the earthquake design criteria.

**Consistent.** As discussed further in Section 3.6, Geology and Soils, of this Initial Study, the proposed Project would not result in significant impacts related to seismic activity. Further, the proposed project would comply with all provisions and criteria for seismic safety. Refer to **Standard Condition SC-GEO-1** in Section 3.6, Geology and Soils, of this Initial Study.

**SAF-IMP-6C:** All new development, with the exception of detached single-family homes, shall be subject to the preparation and submittal of a site specific geology report prepared by a registered geologist or soils engineer to the City Building Services Division for approval.

**Consistent.** As part of the environmental review and documentation process for the proposed Project, a *Preliminary Geotechnical Investigation Report and Liquefaction Study for the Multi-Family Residential Development Located at 12111 Buaro street in the City of Garden Grove, Orange County, California*, prepared by LGC Geo-Environmental, Inc. (October 14, 2016) was prepared for the proposed Project and is included as Appendix 4 of this Initial Study.

**Policy SAF-7.2:** Improve defensive measures against 100-year, or other State-defined scenario, flood conditions through land use and design, such as increased pervious surfaces, on-site water capture and reuse, minimized building footprints, etc.

**Consistent.** As discussed further in Section 3.9, Hydrology and Water Quality, of this Initial Study, the proposed Project is not located within a designated 100-year special flood hazard area. Although the Project site is located within the Prado Dam Inundation Area, the Project would have no impact on the likelihood of the dam's failure. Therefore, the proposed Project would not result in any significant impacts related to flooding.

**SAF-IMP-7B:** Encourage use of Low Impact Development (LID) methods that capture and treat water onsite, therefore, reducing flows to storm drain systems.

**Consistent.** As discussed further in Section 3.9, Hydrology and Water Quality, of this Initial Study, the proposed Project would implement infiltration BMPs. Therefore, the proposed Project would result in less than significant impacts related to flow to storm drain systems.

**SAF-IMP-7C:** Maintain and improve capacity levels of storm drainage service, where appropriate.

**Consistent.** As discussed further in Section 3.9, Hydrology and Water Quality, of this Initial Study, the proposed Project would result in less than significant impacts related to the capacity of existing storm drains to receive runoff from the Project site due to implementation of infiltration BMPs, that allow soil to treat stormwater

before reaching storm drains. Therefore, with implementation of these infiltration BMPs, storm drainage capacity levels would be maintained.

**Policy SAF-9.1:** Continue to strictly enforce federal, State, and local laws and regulations related to the use, storage, and transportation of toxic, explosive, and other hazardous and extremely hazardous materials to prevent unauthorized discharges.

**Consistent.** As discussed further in Section 3.8, Hazards and Hazardous Materials, of this Initial Study, the proposed Project would comply with all applicable federal, State, and local laws and regulations related to the use, storage, and transportation of toxic, explosive, and other hazardous and extremely hazardous materials.

**Zoning Ordinance.** The City's Zoning Ordinance is the primary implementation tool for the Land Use Element and the goals and policies contained therein. For this reason, the Zoning Map must be consistent with the General Plan Land Use Map. The General Plan Land Use Map indicates the general location and extent of future land use in the City. The Zoning Ordinance, which includes the Zoning Map, contains more detailed information about permitted land uses, building intensities, and required development standards.

The base Zoning Ordinance designation for the 0.99-acre parcel of the proposed Project site located at 12111 Buaro Street site is Multi-Family Residential Development (R-3). According to Chapter 9.12 (MultiFamily Residential Development Standards), Section 9.12.020.020.A.2 (Summary of Zones of the City's Municipal Code), "the R-3 zone 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." The proposed Project would be consistent with the zoning designation for the Project site.

The list below provides applicable development standards and an evaluation of the Project's consistency with each standard. Although the proposed Project would not conflict with most of the provisions in the City's Development Standards for R-3 zoning designation, the Project would require two variances to setback from drive aisle to living space; required setback is 10-feet, Project proposes 5-feet, and setback from Public Open Space to living space; required setback is 5-feet, Project proposes 3-feet.

Based on the City's parking requirement, medium density residential uses for developments with less than 50 units, and not adjacent to any principal, major, primary or secondary arterial street would require 3.25 parking spaces per dwelling unit for units with 3 or more sleeping rooms, as outlined in the City's Municipal Code. For the Proposed 17 unit building, the required number of spaces is 55.25; the Project is providing 56 spaces.

#### Zoning Ordinance Development Standards Consistency Analysis

**Height** The maximum building height permitted is 35 ft.

**Consistent.** Building A would be 35 ft.; and Building B would be 35 ft. Therefore, none of the structures proposed as part of the project would be constructed at a height that would exceed maximum building heights permitted in the City's Zoning Code.

#### **Setbacks**

- Front: 20 feet
- Street Side: 15 feet
- From drive aisle to living space: 10 feet
- Public open space to living space: 5 feet

**Consistent with Proposed Variance.** Setback from drive aisle to living space; required setback is 10-feet, Project proposes 5-feet, and setback from public open space to living space; required setback is 5-feet, Project proposes 3-feet. Two (2) variance applications are included as part of the Project applications. Similar variances have been approved for other residential Projects within the City. Planning Staff agreed with these Variance requests as they provide more efficient use of the site and allow for the open space to be centrally located instead of in the far, rear corner.

#### **Maximum Density**

- Maximum Residential Density: 32 units/acre

**Consistent.** Allowable uses within the MDR General Plan land use designation include traditional multifamily apartments, condominiums, townhomes, and single-family small-lot subdivisions. The MDR land use designation allows residential densities between 18.1 and 32 dwelling units per acre (du/ac). While the implementing R-3 zoning keeps densities lower than the GP allowable density, the MDR Designation would accommodate any affordable or senior density bonuses on top of the R-3 number of units (meaning that ultimate build-out review through the General Plan would cover density bonuses).

#### **Minimum Dwelling Unit Area •**

- 1 Bedroom: 750 sq. ft. •
- 2 Bedroom: 900 sq. ft. •
- 3 or More Bedroom: 1,050 sq. ft.

**Consistent.** There are three-bedroom units and three-bedroom units with optional den or fourth bedroom proposed; three-bedroom units would be a minimum of 1,467 sq. ft. and three-bedroom units with optional den or fourth bedroom units would be a minimum of 1,627 sq. ft. Therefore, all dwelling units exceed the minimum dwelling unit area for residential units proposed in the R-3 zoning designation.

**Maximum Number of Bedrooms per Unit:** No single dwelling unit shall have more than four bedrooms.

**Consistent.** The proposed Project does not include the development of any units with more than four bedrooms.

**Residential Parking Requirements:**

**Enclosed Parking Required.** Required residential parking, per 9.12.040.180 (Parking Spaces Required), Developments with less than 50 units, and not adjacent to any principal, major, primary or secondary arterial street, with 3 or more sleeping rooms shall provide 3.25 spaces per dwelling unit. Based on this ratio, the Project requires 56 parking spaces.

**Consistent.** The Project proposes the development of 17 attached 2- and 3-story townhomes within 2 buildings. Each of the units shall have a 2-car garage, for a total of 34 garage parking spaces. In addition, the Project also includes 22 open parking spaces (20 standard parking spaces and 2 handicapped accessible parking spaces). The total number of parking spaces provided is 56, which meets the requirements of Title 9.

As illustrated by the lists above, the proposed Project would be consistent with applicable goals and policies outlined in the City's General Plan and development standards outlined in the City's Zoning Code. Therefore, implementation of the proposed Project would not result in conflicts with any applicable land use plan, policy, or regulation applicable to the Project.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.

(c) *Would the Project conflict with any applicable habitat conservation plan or natural community conservation plan?*

***No Impact***

The Project site is currently developed with a pre-school and its associated facilities. No natural or native habitats are found within the site or in the surrounding area. The Project area is not located within the boundaries of the Orange County Central Coastal Natural Community Conservation Plan/Habitat Conservation Plan (NCCP)/(HCP). The Project does not conflict with local ordinances or the adopted Orange County NCCP/HCP, or other approved local, regional, or State HCPs. Therefore, the proposed Project would not result in an impact related to any applicable HCP or NCCP, and no mitigation would be required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.

**3.11 MINERAL RESOURCES.**

Would the Project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				<b>X</b>
(b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				<b>X</b>

**Source(s):** General Plan Conservation Element; and Google Maps.

**Findings of Fact:**

*(a) Would the Project result in the loss of availability of a known mineral resource that would be of value to the region or the residents of the State?*

***No Impact***

No known commercially valuable mineral resources exist on or near the Project site. The Project site has not been used for mining. The Project will include residential uses in an area where these uses currently exist, and will be the predominant future uses in the area. Further, the City's General Plan Conservation Element does not discuss mineral extraction or oil production in the City. Therefore, the proposed Project would not result in the loss of a valuable commercial or locally important mineral resource. No impacts are anticipated. No mitigation is required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.

*(b) Would the Project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*

***No Impact***

As stated above, no known commercially valuable mineral resources exist on or near the Project site. In addition, the Project site is not identified on a local General Plan, Specific Plan, or other land use plan as the location of a locally important mineral resource. Therefore, implementation of the Project will not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. No impacts are anticipated. No mitigation is required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.



**MITIGATION MEASURES:** No mitigation measures are required.

### 3.12 NOISE.

Would the Project result in:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) The exposure of persons to or generation of noise levels in excess of standards established in the local General Plan or noise ordinance, or applicable standards of other agencies?		<b>X</b>		
(b) The exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			<b>X</b>	
(c) A substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?			<b>X</b>	
(d) Result in the substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project?		<b>X</b>		
(e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the Project area to excessive noise levels?				<b>X</b>
(f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the Project area to excessive noise levels?				<b>X</b>

**Source(s):** *General Plan Noise Element; 12111 Buaro Street Project Noise Impact Analysis*, prepared by Kinzman Associates, Inc., dated February 28, 2017 (*NIA, Appendix 7*); and **Figure 2-1, Aerial Photo**.

#### **Findings of Fact:**

A Project would normally have a significant effect on the environment related to noise if it would substantially increase the ambient noise levels for adjoining areas or conflict with the adopted environmental plans and goals of the community in which it is located. The applicable noise standards governing the Project site are the criteria in the City of Garden Grove's (City's) General Plan and in its Noise Ordinance that are for multifamily residential uses (i.e., 50 to 70 A-weighted decibels [dBA] is considered normally acceptable to conditionally acceptable) contained in **Table 3.12-1, Land Use Compatibility for Exterior Community Noise**, below.

**General Plan Noise Element.** The Noise Element of the General Plan contains noise standards for residential structures. Specifically, the City's Noise Policy N-1.1 requires "all new residential construction in areas with

exterior noise level greater than 55 dBA to include sound attenuation measures.” In addition, the City enforces the California Building Code for indoor noise levels, which is 45 dBA Community Noise Equivalent Level (CNEL).

**Municipal Code.** The City’s Municipal Code, Chapter 47, Noise Control, sets forth exterior and interior noise standards for residential and commercial uses. **Table 3.12-2, City of Garden Grove Ambient Base Noise Levels,** below, lists the exterior noise standards for daytime and nighttime noise standards. In addition, Section 8.47.060 of the Garden Grove Municipal Code states that:

*“It shall be unlawful for any person within a residential area, or within a radius of five hundred (500) feet there from, to operate equipment or perform any outside construction or repair work on buildings, structures, or projects, or to operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist, or any other construction type device between the hours of 10:00 p.m. of one day and 7:00 a.m. of the next day in such a manner that a person of normal sensitiveness, as determined utilizing the criteria established in Section 8.47.050(B), is caused discomfort or annoyance unless such operations are of an emergency nature.”*

**Table 3.12-1**  
**City of Garden Grove Noise and Land Use Compatibility Matrix**

Land Use Category	Community Noise Equivalent Level (Ldn or CNEL, dBA)			
	Normally Acceptable	Conditionally Acceptable	Normally Unacceptable	Clearly Unacceptable
Residential- Low Density, Single-Family, Duplex, Mobile Homes	50 - 60	55 - 70	70 - 75	75 - 85
Residential- Multiple Family	50 - 65	60 - 70	70 - 75	70 - 85
Transient Lodging- Motel, Hotel	50 - 65	60 - 70	70 - 80	80 - 85
Schools, Libraries, Churches, Hospitals, Nursing Homes	50 - 70	60 - 70	70 - 80	80 - 85
Auditoriums, Concert Halls, Amphitheatres	NA	50 - 70	NA	65 - 85
Sports Arena, Outdoor Spectator Sports	NA	50 - 75	NA	70 - 85
Playgrounds, Neighborhood Parks	50 - 70	NA	67.5 - 75	72.5 - 85
Golf Courses, Riding Stables, Water Recreation, Cemeteries	50 - 70	NA	70 - 80	80 - 85
Office Buildings, Business Commercial and Professional	50 - 70	67.5 - 77.5	75 - 85	NA
Industrial, Manufacturing, Utilities, Agriculture	50 - 75	70 - 80	75 - 85	NA
NA:	Not Applicable			
Normally Acceptable:	Specified land use is satisfactory, based up the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.			
Conditionally Acceptable:	New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed insulation features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning, will normally suffice.			
Normally Unacceptable:	New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise reduction features included in the design.			
Clearly Unacceptable:	New construction or development should generally not be undertaken.			

Source: City of Garden Grove General Plan Noise Element, May 2008.

**Table 3.12-2**  
**City of Garden Grove Ambient Base Noise Levels**

Land Use Designation		Ambient Base Noise Level	Time of Day
Sensitive Uses	Residential Use	55 dBA	7:00 AM - 10:00 PM
		50 dBA	10:00 PM - 7:00 AM
Conditionally Sensitive Uses	Institutional Use	65 dBA	Any Time
	Office-Professional Use	65 dBA	Any Time
	Hotels and Motels	65 dBA	Any Time
Non-Sensitive Uses	Commercial Uses	70 dBA	Any Time
	Commercial/Industrial Uses within 150 feet of Residential Uses	65 dBA	7:00 AM - 10:00 PM
		50 dBA	10:00 PM - 7:00 AM
	Industrial Uses	70 dBA	Any Time

Source: City of Garden Grove Municipal Code, Section 8.47, Noise Control, 2005.

### *Existing Land Uses and Sensitive Receptors*

The Project site (12111 Buaro Street) is located on the west side of Buaro Street between Jentges Avenue and Hampton Avenue in the City of Garden Grove. Land uses to the north currently include multi-family attached residential dwelling units and a nursing home; the land use to the south is Walton Intermediate School; the land use to the west is multi-family attached residential dwelling units, and the land use to the east includes transient lodging and single-family detached residential dwelling units.

The State of California defines sensitive receptors as those land uses that require serenity or are otherwise adversely affected by noise events or conditions. Schools, libraries, churches, hospitals, single and multiplefamily residential, including transient lodging, motels and hotel uses make up the majority of these areas. In addition to the proposed residential uses, sensitive receptors that may be affected by Project generated noise include the multi-family attached residential dwelling units located to the north and west, Walton Intermediate School located adjacent to the south, single-family detached residential dwelling units located approximately 80 feet southeast, and transient lodging uses located approximately 420 feet and 540 feet northeast of the Project site's boundaries.

#### *Ambient Noise Measurements*

Noise measurements are taken to determine the existing noise levels. A noise receiver or receptor is any location in the noise analysis in which noise might produce an impact. As shown on **Figure 3.12-1, Noise Measurement Location Map**, below, the noise measurements were taken near the single-family detached residential dwelling units located north of the northeast corner of the Project site; in the southeastern corner of the multi-family attached residential property west of the Project site and at the single-family detached residential area located southeast of the Project site.

**FIGURE 3.12-1, Noise Measurement Location Map**



KUNZMAN ASSOCIATES, INC.

Source: Noise Study February 2017 (Appendix 7)



**Table 3.12-3, *Short-Term Noise Measurement Summary (dBA)***, below, provides a summary of the short-term ambient noise data. Ambient noise levels ranged between 54.7 and 63.7 dBA Leq. Dominant noise sources

included vehicle traffic and children playing. Secondary noise sources included bird song, occasional overhead aircraft, and residential ambiance. Noise meter data are included as Appendix C of the *NIA*, **Appendix 7**.

**Table 3.12-3**  
**Short-Term Noise Measurement Summary (dBA)<sup>1,2</sup>**

Site Location	Time Started	Daytime					
		Leq	Lmax	L(2)	L(8)	L(25)	L(50)
NM1	11:29 AM	63.7	73.6	72.8	69.2	61.9	55.2
NM2	11:48 AM	61.3	73.9	71.2	66.2	59.2	53.0
NM3	12:10 PM	54.7	63.9	60.4	57.7	55.3	52.7

- (a) *Would the Project result in exposure of persons to or generation of noise levels in excess of standards established in the local General Plan or noise ordinance, or applicable standards of other agencies?*

***Less than Significant Impact with Mitigation Incorporated***

*Construction Noise Impacts*

Typical noise sources and noise levels associated with the site grading phase of construction are shown in **Table 3.12-4, Typical Construction Noise Equipment Noise Levels**, below. Demolition and site preparation are expected to produce the highest sustained construction noise levels.

**Table 3.12-4**  
**Typical Construction Noise Equipment Noise Levels<sup>1</sup>**

<sup>1</sup> See **Figure 3.12-1, Noise Measurement Location Map**, for noise measurement location. Each noise measurement was performed over a 10-minute duration. <sup>2</sup> Noise measurements were performed on August 11, 2016.

Type of Equipment	Range of Maximum Sound Levels Measured (dBA at 50 feet)	Suggested Maximum Sound Levels for Analysis (dBA at 50 feet)
Rock Drills	83-99	96
Jack Hammers	75-85	82
Pneumatic Tools	78-88	85
Pumps	74-84	80
Dozers	77-90	85
Scrappers	83-91	87
Haul Trucks	83-94	88
Cranes	79-86	82
Portable Generators	71-87	80
Rollers	75-82	80
Tractors	77-82	80
Front-End Loaders	77-90	86
Hydraulic Excavators	81-90	86
Graders	79-89	86
Air Compressors	76-89	86
Trucks	81-87	86

Typical operating cycles for these types of construction equipment may involve one or two minutes of full power operation followed by three to four minutes at lower power settings. A likely worst-case construction noise scenario during grading assumes the use of a grader, a dozer, a water truck (modeled as a dump truck), and a backhoe operating between 25 and 150 feet from the property line. Assuming a usage factor of 40 percent for each piece of equipment, unmitigated noise levels have the potential to reach 87.6 dBA  $L_{eq}$  and 91.0 dBA  $L_{max}$  at the property line demolition and site preparation.

Section 8.47.060 of the City of Garden Grove Municipal Ordinance limits construction to between the hours of 7:00 a.m. and 10:00 p.m. Construction is anticipated to occur during the permissible hours according to the City's Municipal Code. Per **Standard Condition SC-NOI-1**, construction activities will have to adhere to the City of Garden Grove's policies found in the General Plan Noise Element and Municipal Code limiting the construction hours of operation. Adherence to these hours for construction activities, and implementation of the **Mitigation Measure MM-NOI-1**, will minimize construction noise impacts. Any impacts are considered less than significant with adherence to **Standard Condition SC-NOI-1** and **Mitigation Measure MM-NOI-1**.

#### *Noise Impacts to Off-Site Receptors Due to Project Generated Traffic*

The proposed Project is expected to generate approximately 99 average daily vehicle trips which will not noticeably increase ambient noise levels in the Project area. Typically, a doubling of traffic volumes is required to result in an increase of 3 dBA, which is considered to be a barely audible change. Based on existing traffic data, Project trip generation and distribution information provided by the TIA, **Appendix 8** (February 2017), Project generated traffic will not result in a doubling of traffic volumes along any affected road segment. Any impacts are considered incremental and less than significant.

#### *Transportation Noise Impacts to the Proposed Project*

There are no acoustically significant road segments adjacent to the proposed Project site. Buaro Street is not expected to generate more than 2,500 average daily trips per day (City of Garden Grove 2008), and per the

future noise contours within the City's General Plan, the Project site is located within the 60 dBA CNEL contour along Buaro Street.

The City of Garden Grove land use compatibility guidelines set forth noise/land use compatibility criteria for various land use types. The guidelines state that the proposed Project would be "normally acceptable" in areas with noise levels up to 65 dBA CNEL and "conditionally acceptable" in areas with noise levels up to 70 dBA CNEL. Vehicle traffic associated with Buaro Street is not expected to **exceed** 65 dBA CNEL at the Project site. No impacts are anticipated. No mitigation is required.

#### *Land Use Compatibility*

The proposed Project is surrounded by single-family and multi-family residential uses, school uses, and transient lodging uses. As per the City of Garden Grove land use compatibility guidelines multi-family residential uses are considered "normally acceptable" in areas that reach up to 65 dBA CNEL. Neither measured nor modeled noise levels exceed this criterion. Further, the proposed residential land uses are consistent with existing residential and school land uses surrounding the site. No impacts are anticipated. No mitigation is required.

#### **STANDARD CONDITIONS AND REQUIREMENTS:**

**SC-NOI-1:** Construction of the proposed Project would potentially result in relatively high noise levels and annoyance at the closest off-site residential uses. The following standard condition shall be implemented:

- Section 8.47.060 of the Garden Grove Municipal Code prohibits construction activity and repair work where the use of any power tool, device, or equipment would disturb persons occupying sleeping quarters in any dwelling, hotel, apartment, or other place of residence between the hours of 10:00 p.m. and 7:00 a.m., Monday through Saturday. All such activities are also prohibited on Sundays and all federal holidays.

#### **MITIGATION MEASURE(S):**

**MM- NOI-1:** During grading and construction, the City of Garden Grove (City) Building Official, or designee, shall verify that the following measures are implemented to reduce construction noise and vibrations, emanating from the proposed Project:

- During all Project site demolition, excavation and grading on-site, construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturer standards.
- The contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the Project site.
- Equipment shall be shut off and not left to idle when not in use.



- The contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise/vibration sources and sensitive receptors nearest the Project site during all Project construction.
- The contractor shall limit the use of heavy equipment or vibratory rollers and soil compressors along the Project boundaries to the greatest degree possible.

(b) *Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?*

***Less than Significant Impact***

Vibration levels in the Project area may be influenced by construction. **Table 3.12-5, Guideline Vibration Damage Potential Threshold Criteria**, provides threshold criteria for potential building damage and Table 3.12-6, provides threshold criteria for annoyance. For transient vibration sources, such as construction equipment, damage criteria for residential structures range between 0.50 to 1.0 PPV depending on their age. As shown in **Table 3.12-6, Guideline Vibration Annoyance Potential Criteria**, transient vibration may become distinctly perceptible and possibly annoying at 0.90 PPV.

**Table 3.12-5  
Guideline Vibration Damage Potential Threshold Criteria**

Structure and Condition	Maximum PPV (in/secs)	
	Transient Sources	Continuous/Frequent Intermittent Sources
Extremely fragile historic buildings, ruins, ancient monuments	0.12	0.08
Fragile Buildings	0.20	0.10
Historic and some old buildings	0.50	0.25
Older residential structures	0.50	0.30
New residential structures	1.00	0.50
Modern industrial/commercial buildings	2.00	0.50

Source: California Department of Transportation, 2013.

**Table 3.12-6  
Guideline Vibration Annoyance Potential Criteria**

Human Response	Maximum PPV (in/secs)	
	Transient Sources	Continuous/Frequent Intermittent Sources
Barely Perceptible	0.04	0.01
Distinctly Perceptible	0.25	0.04
Strongly Perceptible	0.90	0.10
Severe	2.00	0.40

***Construction Vibration***

There are several types of construction equipment that can cause vibration levels high enough to annoy persons in the vicinity and/or result in architectural or structural damage to nearby structures and improvements. For example, a vibratory roller could generate up to 0.21 PPV at a distance of 25 feet; and operation of a small bulldozer (0.003 PPV) at a distance of 25 feet (two of the most vibratory pieces of construction equipment). Groundborne vibration at sensitive receptors associated with this equipment would drop off as the equipment moves away. For example, as the vibratory roller moves further than 100 feet from the sensitive receptors, the vibration associated with it would drop below 0.0026 PPV. It should be noted that these vibration levels are reference levels and may vary slightly depending upon soil type and specific usage of each piece of equipment.

#### *Architectural Damage*

Vibration generated by construction activity has the potential to damage structures. This damage could be structural damage, such as cracking of floor slabs, foundations, columns, beams, or walls, or cosmetic architectural damage, such as cracked plaster, stucco, or tile. As shown in **Table 3.12-5**, residential structures may be damaged when exposed to PPV levels between 0.5 and 1.0. A nursing home is situated within ten-feet of the northern property line. It is considered a “modern industrial/commercial building.” This building could experience transient vibration levels ranging between 0.24 to 0.58 PPV for short periods of time if a vibratory roller and/or large bulldozer is utilized along the northern property line. Use of a vibratory roller along the northern property line should be limited, and would cease upon completion of this phase of construction. Impacts would be below the 2.0 PPV threshold identified in **Table 3.12-5**.

Implementation of **Standard Condition SC-NOI-1** and **Mitigation Measure MM-NOI-1**, will minimize vibration noise impacts. Any impacts will be less than significant. No additional mitigation is required.

#### *Annoyance to Persons*

The primary effect of perceptible vibration is often a concern. However, secondary effects, such as the rattling of a china cabinet, can also occur, even when vibration levels are well below perception. Any effect (primary perceptible vibration, secondary effects, or a combination of the two) can lead to annoyance. The degree to which a person is annoyed depends on the activity in which they are participating at the time of the disturbance. For example, someone sleeping or reading will be more sensitive than someone who is running on a treadmill. Reoccurring primary and secondary vibration effects often lead people to believe that the vibration is damaging their home, although vibration levels are well below minimum thresholds for damage potential. Construction activities are not likely to be distinctly perceptible or annoying. No mitigation is required for this impact.

**STANDARD CONDITIONS AND REQUIREMENTS:** The Project is required to comply with **Standard Condition SC-NOI-1** (see details in Section 3.12.a, above).

**MITIGATION MEASURES:** The Project is required to comply with **Mitigation Measure MM-NOI-1** (see details in Section 3.12.a, above).

(c) *A substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project?*

***Less than Significant Impact***

Development of the Project site will result in an increase in daily traffic trips in the Project vicinity over existing conditions; therefore, there would be a potential increase in traffic noise along access roads leading to the project site. However, as described in Response 3.12(a), the Project-increase in traffic-related noise would be less than significant.

Project construction includes development of 17 attached 2- and 3-story townhomes within 2 buildings and open parking spaces on .99-acres. As a residential use, no significant on-site noise-generating activities will occur that would result in a substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project will occur. No mitigation is required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.

(d) *A substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project?*

***Less than Significant Impact with Mitigation Incorporated***

Although there would at times be high intermittent construction noise in the Project area during Project construction, construction of the Project would not significantly affect land uses adjacent to the Project site. In addition, construction shall comply with the hourly limits specified by the City's Noise Control Ordinance and **Standard Condition SC-NOI-1** and Project-specific mitigation contained in **Mitigation Measure MM-NOI-1**. Compliance with **Standard Condition SC-NOI-1** and **Mitigation Measure MM-NOI-1** would ensure that potential noise impacts would remain at a less than significant level.

**STANDARD CONDITIONS AND REQUIREMENTS:** The Project is required to comply with **Standard Condition SC-NOI-1** (see details in Section 3.12.a, above).

**MITIGATION MEASURES:** The Project is required to comply with **Mitigation Measure MM-NOI-1** (see details in Section 3.12.a, above).

(e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?*

**No Impact**

The nearest public airports are the John Wayne Airport located at 18601 Airport Way, approximately 9 miles southeast of the Project site, or the Fullerton Municipal Airport (FMA), a general aviation airport located at 4011 West Commonwealth Avenue, approximately 6.9 miles northwest of the Project site. At these distances, the Project site is not located within the 65 dBA CNEL airport noise contour. Therefore, no impacts related to excessive airport noise are anticipated, and no mitigation would be required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.

*(f) For a project within the vicinity of a private airstrip, would the Project expose people residing or working in the Project area to excessive noise levels?*

**No Impact**

The Project site is not located within the vicinity of a private airstrip. Therefore, there are no impacts related to this issue, and no mitigation would be required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.

**3.13 POPULATION AND HOUSING.**

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			<b>X</b>	
(b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				<b>X</b>
(c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				<b>X</b>

**Source(s):** California Department of Finance. E-5 City/County Population and Housing Estimates, May 2014; Ibid; United States Census Bureau, 2010 Census; California Department of Finance Op. cit; and Southern California Association of Governments, Integrated Growth Forecast, Regional Transportation Plan 2012.

**Findings of Fact:**

- (a) *Would the Project induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

***Less Than Significant Impact***

The proposed Project would intensify the Project site's existing uses by developing .99 acres with a multifamily development consisting of 17 housing units with open space and parking. The development of 17 housing units is anticipated to slightly increase the residential population in the City. According to the California Department of Finance City/County Population and Housing Estimates, the average number of persons per dwelling unit in the City is 3.74 persons. Based on the City's average occupancy rate of 3.74 persons per unit, the proposed Project would introduce approximately 64 persons into the City. However, the addition of 64 new residents would be approximately 0.037 percent of the City's population of 170,883 persons in 2010, 0.036 percent of the City's population of 175,953 in 2014, and 0.035 percent of the City's projected population of 179,400 in 2020 (the closest year to Project build out for which projections are available). As such, the Project-related increase in population would represent a less than significant portion of the City's current and projected population.

Additionally, the proposed Project is located in an established area of the City with surrounding land uses including multi-family residences to the north and west, a skilled nursing facility to the west across Jentges Avenue, Walton Intermediate School to the south, and single-family homes and a Marriott Suites to the east. The proposed Project does not propose to expand surrounding utility infrastructure in the Project vicinity. Therefore, the proposed Project would not directly or indirectly induce population growth through the extension of roads or other infrastructure.

Therefore, impacts related to inducement of population growth would be less than significant. No mitigation is required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.

- (b) *Would the Project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?*

***No Impact***

The proposed Project site is currently developed with an abandoned pre-school, and its associated facilities and parking lot, which would be demolished to provide the 17 residential units. No housing currently exists on the Project site and housing displacement would not occur as a result of Project implementation. Therefore, the proposed Project would not result in an impact related to housing displacement. No mitigation is required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.

(c) *Would the Project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?*

**No Impact**

The proposed Project site is currently developed with an abandoned pre-school and its associated facilities and parking lot which would be demolished to provide the 17 residential units. No housing is located on the Project site and no people would be displaced as a result of Project implementation. Therefore, the proposed Project would not result in an impact related to the displacement of people. No mitigation is required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.

### 3.14 PUBLIC SERVICES.

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Would the Project result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire Protection?			<b>X</b>	
ii) Police Protection?			<b>X</b>	
iii) Schools?			<b>X</b>	
iv) Parks?			<b>X</b>	
v) Other public facilities?			<b>X</b>	

**Source(s):** City of Garden Grove Fire Department (GGFD); City of Garden Grove Police Department (GGPD); Garden Grove Unified School District (GGUSD); Appendix C from GGUSD Fee Study Final (2016).; and General Plan.

**Findings of Fact:**

- (a) i) *Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire services?*

***Less Than Significant Impact***

The City of Garden Grove Fire Department (GGFD) provides fire protection and emergency services throughout the City. The GGFD provides a wide array of services to the community, including emergency medical service, fire suppression and prevention, response to hazardous and toxic material release, and technical rescue. The GGFD operates seven fire stations and has 29 firefighters on duty daily. Total emergency activity includes 25 percent fire protection and 75 percent emergency medical services.

The Project site is located in the service area of Fire Station No. 6, which is located approximately 0.3 mile northwest of the Project site at 12111 Chapman Avenue. This fire station is equipped with one Paramedic Assessment Engine Company (Captain, Engineer, Firefighter/Paramedic). However, Fire Station No. 6 is being replaced with a new building, located in West Haven Park on West Street. The new Fire Station No. 6 will be larger in size and have increased capacity for fire personnel and equipment. Fire Station No. 6 has an expected completion date of October 2017. The proposed Project includes the development of 17 housing units with open space and parking. The proposed Project would represent a small increase in demand for fire protection service. Based on the City's average occupancy rate of 3.74 persons per unit, the proposed Project would introduce approximately 64 persons into the City. However, the addition of 64 new residents would be approximately 0.037 percent of the City's population of 170,883 persons in 2010, 0.036 percent of the City's population of 175,953 in 2014, and 0.035 percent of the City's projected population of 179,400 in 2020 (the closest year to Project build out for which projections are available). Based on the small increase from the Project and the increased capacity for fire personnel and equipment with the completion of Fire Station No. 6, the proposed Project would not trigger the need for new or altered facilities.

The proposed Project would comply with the California Fire Code in effect at the time of the application for the building permit. The proposed Project would also submit a fire master plan prior to issuance of a building permit to identify standard design features including the design of fire department connections. In addition, for firefighting purposes, all buildings on the Project site would include fire suppression sprinklers. The City may also impose additional standard design features required by the City to be included in the design and construction of new development such as fire hydrants, fire-resistant doors, fire flow standards, and other measures designed to increase fire safety. Therefore, the impact of the proposed Project on fire protection would be less than significant, and no mitigation would be required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.

- (a) ii) *Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities or the need for new or physically altered governmental facilities,*

*the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for sheriff services?*

***Less Than Significant Impact***

The City of Garden Grove Police Department (GGPD) provides police protection services throughout the City. The GGPD station located closest to the Project site is within the Civic Center Complex located at 11301 Acacia Parkway, approximately 1.7 miles southwest of the Project site. Captain Travis Whitman of the Garden Grove Police Department indicated in an e-mail to MFCS dated June 13th, 2017 that police service needs are determined by doing periodic analysis of various factors including officer per capita ratio, number of calls for service, and officer unstructured time. According to Captain Whitman, the current GGPD staffing level is 166 officers to 170,000 residents, or a ratio of 0.976GGPD staff per 1,000 residents. Response times are calculated from time of dispatch to first officer on-scene. Captain Whitman indicated that the citywide average response time for emergency calls as of January 1, 2017 was 4 minutes, 29 seconds. Furthermore, Captain Whitman indicated that the proposed Project would not substantially increase response times or create a substantial increase in demand for staff, facilities, equipment or police or other emergency services; and that the Garden Grove Police Department would be able to adequately serve the proposed Project.

Although the proposed Project would incrementally contribute to demand for additional police protection services, impacts to police services would be less than significant, and no mitigation would be required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required. **MITIGATION MEASURES:** No mitigation measures are required.

*(a) iii) Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools?*

***Less Than Significant Impact***

The proposed Project is located within the Garden Grove Unified School District (GGUSD). Violette Elementary School, Walton Intermediate School, and Santiago High School are the public schools serving the Project site. Violette Elementary School is located approximately 0.5 mile southwest of the Project site at 12091 Lampson Avenue. Walton Intermediate School is located approximately 400 feet south of the Project site at 12181 Buaro Street. Santiago High School is located approximately 1.8 miles southeast of the Project site at 12342 Trask Avenue. GGUSD student generation rates provided in **Table 3.14-1, Projected School Enrollments**, below, used for both single and multi-family residential developments, were used to analyze the estimated students generated as a result of the Project implementation. Based on these generation factors, it is assumed that the 17 family units proposed would generate approximately 16 elementary school students, 2 intermediate school students, and 7 high school students.

**Table 3.14-1**



### Projected School Enrollments

Grade Levels	Student Generation	Projected
Elementary School	0.3042 student/unit	16
Intermediate School	0.0937 student/unit	2
High School	0.1840 student/unit	7
<b>Total</b>	-	<b>23</b>

Source: Appendix C from GGUSD Fee Study Final (2016).

The small increase in students projected as a result of Project implementation would incrementally increase the demand for school facilities. Should seating be unavailable for students, they could be assigned to other schools within the GGUSD on a space-available basis. If and when students are assigned to other schools, the GGUSD would provide transportation, and bus fees may be assigned to the parents.

Pursuant to California Education Code Section 17620(a)(1), the governing board of any school district is authorized to levy a fee, charge, dedication, or other requirement against any construction within the boundaries of the district for the purpose of funding the construction or reconstruction of school facilities. The Project Applicant would be required to pay such fees to reduce any impacts of new residential development on school services as provided in Section 65995 of the California Government Code. Pursuant to the provisions of Government Code Section 65996, a Project's impact on school facilities is fully mitigated through payment of the requisite school facility development fees current at the time a building permit is issued. Therefore, with payment of the required fees (**Standard Condition SC-PS-1**), potential impacts to school services and facilities associated with implementation of the proposed Project would be less than significant, and no mitigation would be required.

#### STANDARD CONDITIONS AND REQUIREMENTS:

**SC-PS-1** Prior to building permit issuance, the Project applicant shall pay the requisite, applicable school facility development fees.

**MITIGATION MEASURES:** No mitigation measures are required.

*(a) iv) Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks?*

#### ***Less Than Significant Impact***

As discussed further in Section 3.15, Recreation, of this Initial Study, the City owns 14 park properties and uses five public schools as additional park facilities through joint-use agreements with the GGUSD. According to

the City's General Plan Parks, Recreation, and Open Space Element, the total amount of parkland in the City is estimated at 157.1 acres. The closest parks to the Project site include the following: West Haven Park Park, Pioneer Park, and Haster Basin Recreational Park. West Haven Park Park is located approximately 0.4 mile from the Project site at 12252 West Street. The West Haven Park Park is approximately 10 acres and includes amenities such as a play area, reserveable picnic areas, and an open field. Pioneer Park is located 0.6 mile from the Project site at 12722 Chapman Avenue. This park is 4 acres and includes amenities such as a picnic shelter, play area, and fire rings. Haster Basin Recreational Park is located approximately 1 mile from the Project site at 12952 Lampson Avenue. The Haster Basin Recreational Park is a 23 acre park with a lake and includes amenities such as a play area, soccer fields, picnic shelters, an exercise course, and jogging trails.

Development of the proposed Project would result in an increase of an estimated 64 new residents within the Project area. Therefore, although implementation of the proposed project would cause an incremental increase in demand for parks, this increase would be offset by the inclusion of private recreational amenities on site such as the proposed Project's features, which Development of the proposed Project would result in an increase of an estimated 64 new residents within the Project area.

Although implementation of the proposed Project would cause an incremental increase in demand for parks, the city zoning code requires each home to receive 300 sq. ft. of outdoor open space for a total of 5,100 sq. ft. Of that area, a minimum 1,600 sq. ft. must be for active use recreation, the remainder can comprise private use areas and/or passive use areas. The proposed Project would provide a 1,646 sq. ft. common active use area and 3,515 sq. ft. of private use area for a total of 5,161 sq. ft.

The Project proposes ample landscaping around the site, in setback areas, along walkways, and in the active recreation area. The plantings are a mix of trees, shrubs, and groundcovers. All landscaping for the Project would be required to comply with Section 9.12.040.070 of the City's Municipal Code's Landscaping design standards.

In addition, the City of Garden Grove requires payment of an in-lieu fee for upgrade of existing parks. Therefore, impact to parks and parkland facilities would be less than significant, and no mitigation would be required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.

*(a) v) Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other public facilities?*

***Less Than Significant Impact***

The City is served by Orange County Public Library’s Garden Grove Regional Branch located at 11200 Stanford Avenue, located approximately 1.7 miles from the Project site, as well as the Garden Grove Chapman Branch located at 9182 Chapman Avenue, approximately 3.2 miles from the Project site. In addition, the Garden Grove West Branch located at 11962 Bailey Street is 10 miles from the project site. Each branch is operated as a community resource providing library materials, computer access, meeting room space, and study areas. As discussed above, development of the proposed project would result in an increase of an estimated 64 new residents within the Project area. Therefore, although implementation of the proposed Project would cause an incremental increase in demand for library facilities, this increase would be minimal, and impacts to library facilities would be less than significant. No mitigation would be required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.

### 3.15 RECREATION.

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			<b>X</b>	
(b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			<b>X</b>	

**Source(s):** City of Garden Grove Municipal Code; National Recreation and Park Association website; and City of Garden Grove Parks & Facilities website.

#### **Findings of Fact:**

*(a) Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

#### ***Less Than Significant Impact***

The City of Garden Grove (City) currently owns 14 park properties, consisting of approximately 157.1 acres, in addition to five public schools that serve as additional park facilities through joint-use agreements with the Garden Grove Unified School District. Parks within the City are categorized as community parks, neighborhood parks, and mini parks, all of which provide a range of passive and active recreation opportunities.

As discussed previously in Section 3.10, Land Use, the proposed Project would increase the housing density on the Project site to 17 du/acre. The 17 housing units proposed as part of the Project would incrementally

increase usage of City parks and recreational facilities. Based on the National Recreation and Park Association's recommendation of 2 acres of parks per a population of 1,000, the proposed Project's 64 residents would result in an increased demand for 0.352-acre of parkland in the City, which would be approximately 0.0022 percent of the parkland currently available in the City. This increase in demand for parkland would also be offset by the proposed Project's 5,161 sq.ft. of open space area. In addition, the City of Garden Grove requires payment of an in-lieu fee for upgrade of existing parks.

The proposed Project is consistent with the growth projections developed for the City by the Southern California Association of Governments (SCAG). Although implementation of the proposed Project would cause an incremental increase in demand for parks, this increase would be offset by the inclusion of the proposed on-site recreational amenities. As discussed further in Section 3.15, Recreation, of this Initial Study, the City owns 14 park properties and uses five public schools as additional park facilities through joint-use agreements with the GGUSD. According to the City's General Plan Parks, Recreation, and Open Space Element, the total amount of parkland in the City is estimated at 157.1 acres. The closest parks to the Project site include the following: West Haven Park, Pioneer Park, and Haster Basin Recreational Park.

West Haven Park is located approximately 0.4 mile from the Project site at 12252 West Street. The West Haven Park is approximately 10 acres and includes amenities such as a play area, reservable picnic areas, and an open field; this park is being improved as part of the construction of New Fire Station No. 6. Pioneer Park is located 0.6 mile from the Project site at 12722 Chapman Avenue. This park is 4 acres and includes amenities such as a picnic shelter, play area, and fire rings. Haster Basin Recreational Park is located approximately 1 mile from the Project site at 12952 Lampson Avenue. The Haster Basin Recreational Park is a 23 acre park with a lake and includes amenities such as a play area, soccer fields, picnic shelters, an exercise course, and jogging trails.

Development of the proposed Project would result in an increase of an estimated 64 new residents within the Project area. Therefore, although implementation of the proposed project would cause an incremental increase in demand for parks, this increase would be offset by the inclusion of private recreational amenities on site such as the proposed Project's features, which Development of the proposed Project would result in an increase of an estimated 64 new residents within the Project area.

Although implementation of the proposed Project would cause an incremental increase in demand for parks, the city zoning code requires each home to receive 300 sq. ft. of outdoor open space for a total of 5,100 sq. ft. Of that area, a minimum 1,600 sq. ft. must be for active use recreation, the remainder can comprise private use areas and/or passive use areas. The proposed Project would provide a 1,646 sq. ft. common active use area and 3,515 sq. ft. of private use area for a total of 5,161 sq. ft.

The Project proposes ample landscaping around the site, in setback areas, along walkways, and in the active recreation area. The plantings are a mix of trees, shrubs, and groundcovers. All landscaping for the Project would be required to comply with Section 9.12.040.070 of the City's Municipal Code's Landscaping design standards.

In addition, the City of Garden Grove requires payment of an in-lieu fee for upgrade of existing parks. Therefore, impact to parks and parkland facilities would be less than significant, and no mitigation would be required.

As a result, increased usage of parks and facilities in the City from the Project residents is not anticipated to cause substantial deterioration of the parks, facilities, or open space. Therefore, potential impacts related to parks and other recreational facilities would be less than significant, and no mitigation would be required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.

*(b) Would the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

***Less Than Significant Impact***

The proposed Project would provide a 1,646 sq. ft. common active use area and 3,515 sq. ft. of private use area for a total of 5,161 sq. ft. These facilities would be limited to the Project site, and would not adversely affect the surrounding environment. In addition, The City of Garden Grove requires payment of an in-lieu fee for upgrade of existing parks. Therefore, impacts related to the construction or expansion of recreational facilities included as part of the proposed Project would be less than significant, and no mitigation would be required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.

**3.16 TRANSPORTATION/TRAFFIC.**

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			<b>X</b>	
(b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				<b>X</b>
(c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				<b>X</b>
(d) Substantially increase hazards due to a design feature (e. g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				<b>X</b>
(e) Result in inadequate emergency access?			<b>X</b>	
(f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				<b>X</b>

**Source(s):** 12111 Buaro Street Project Focused Traffic Analysis, prepared by Kunzman Associates, Inc., February 21, 2017 (FTA Appendix 8).

**Findings of Fact:**

(a) *Would the Project conflict with an applicable plan, ordinance or policy establishing a measure of effectiveness for the performance of the circulation system, taking into account all modes of transportation, including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?*

***Less Than Significant Impact***

The proposed project consists of developing the project site with 17 dwelling units of residential condominium land use. Each dwelling unit is proposed to be built with a two car garage. In addition, 22 open parking spaces

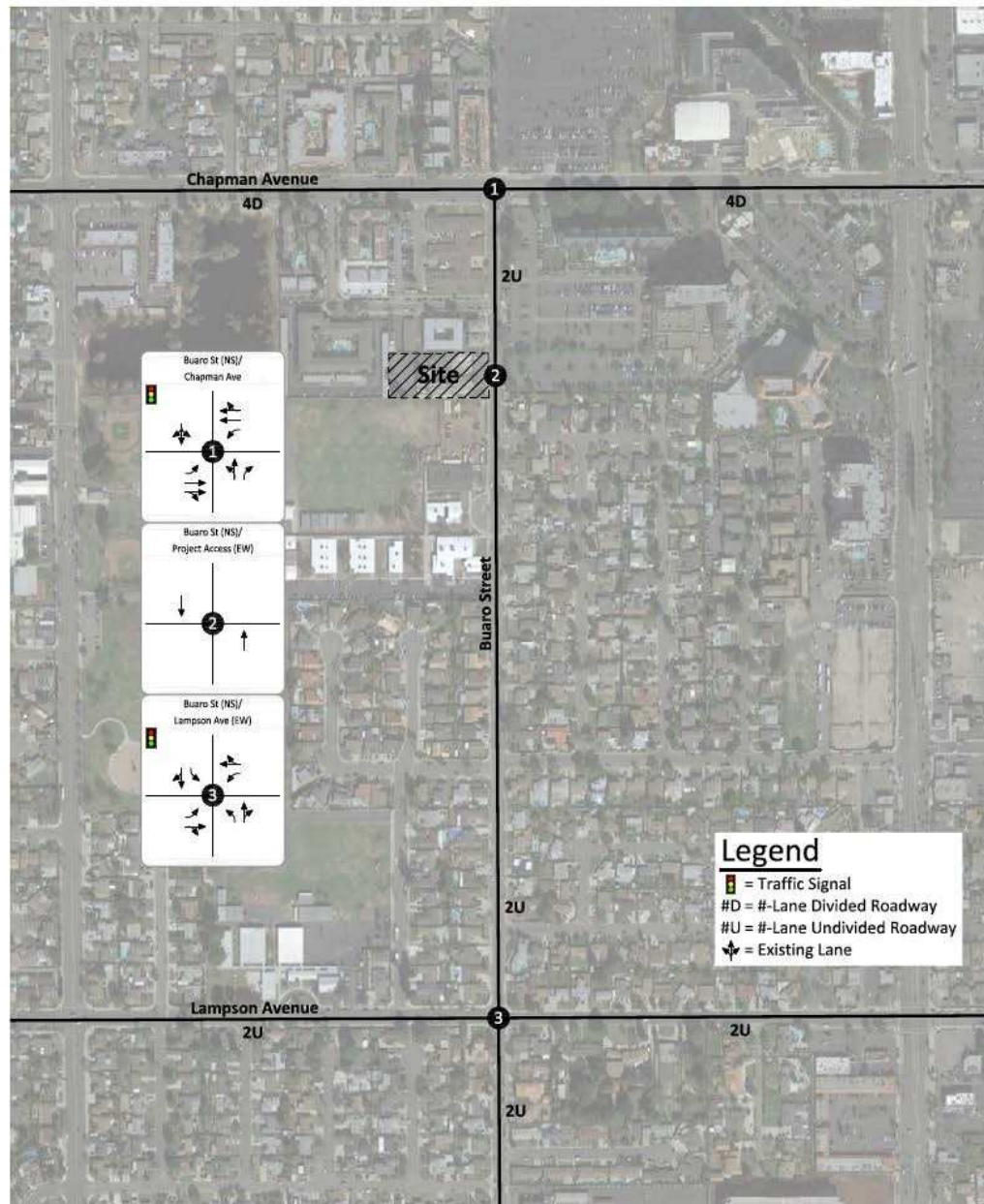
and 2 accessible parking spaces will also be provided. Four parking spaces on Buaro Street adjacent to the Project site are available as well.

*Existing Conditions*

**Figure 3.16-1, *Existing Through Travel Lanes and Intersection Controls***, below, identifies the existing number of through lanes, intersection traffic controls, and intersection lane geometry based on a field survey of the study area.

**Figure 3.16-1**  
**Existing Through Travel Lanes and Intersection Controls**





Source: Figure 3 of FTA, Appendix 8

# 1. Chapman Avenue.

Chapman Avenue is currently an east-west four-lane divided roadway in the Project vicinity. On-street parking is generally prohibited east of Buaro Street and allowed west of Buaro Street. Sidewalks and bicycle lanes are provided on both sides of Chapman Avenue. The posted speed limit is 40 miles per hour. Chapman Avenue is classified as a Primary Arterial (typically 100 feet right-of-way) in the City's General Plan Circulation Element.

# 2. Lampson Avenue.



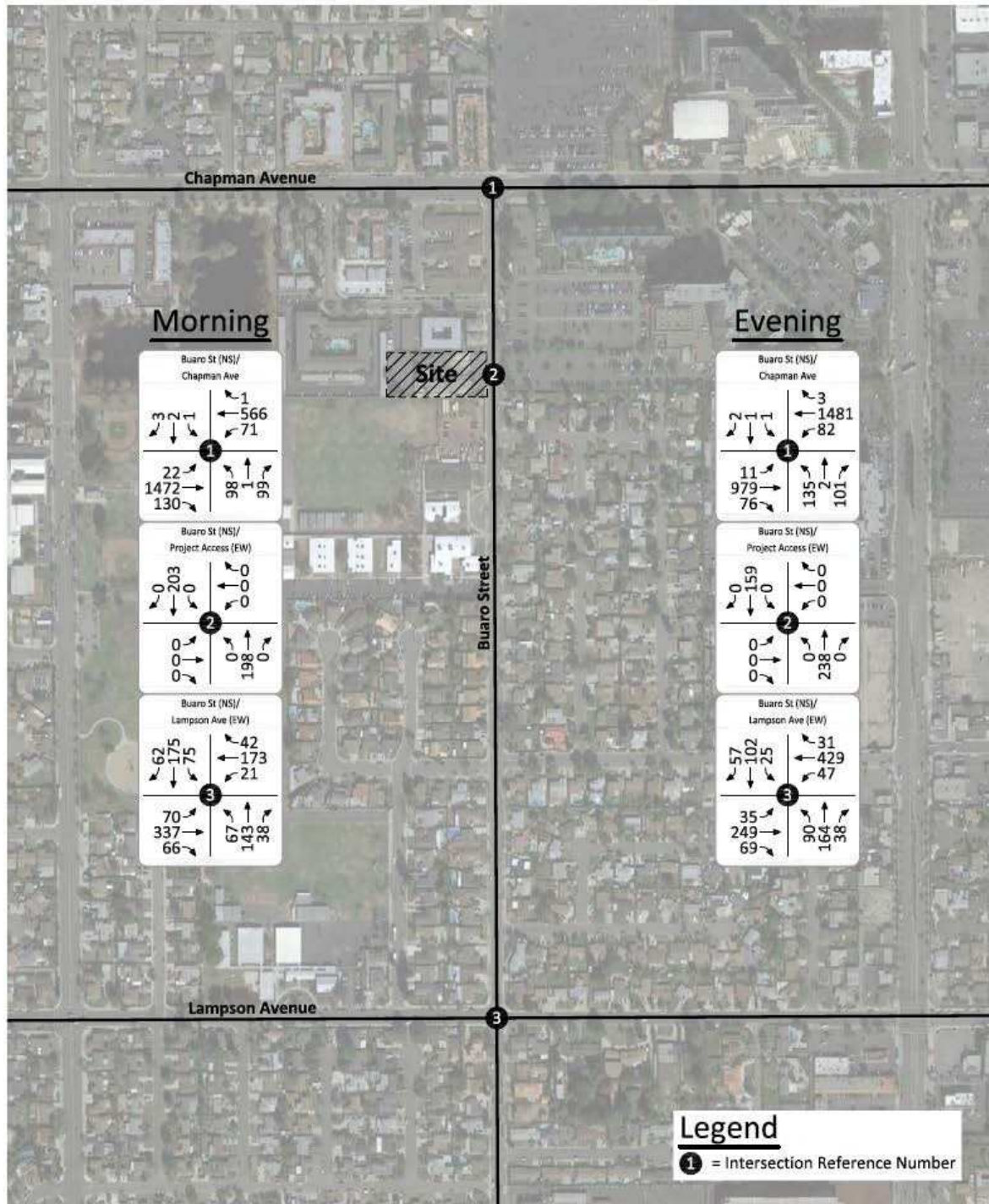
Lampson Avenue is currently an east-west two-lane undivided roadway in the Project vicinity. On-street parking is generally allowed and sidewalks are provided along both sides of Lampson Avenue. Bicycle lanes are currently provided west of Buaro Street. The posted speed limit is 35 miles per hour. Lampson Avenue is classified as a Secondary Arterial (typically 80 feet right-of-way) in the City's General Plan Circulation Element.

### 3. Buaro Street.

Buaro Street is currently a north-south two-lane undivided roadway in the Project vicinity. On-street parking is generally allowed and sidewalks are provided along both sides Buaro Street. There are currently no bicycle lanes provided on Buaro Street. The posted speed limit is 25 miles per hour. Buaro Street is not specifically classified in the City's General Plan Circulation Element, but would be considered a Local Residential Street.

**Figure 3.16-2, Existing Peak Hour Intersection Turning Movement Volumes**, below, shows the existing morning peak hour and evening peak hour intersection turning movement volumes. Existing peak hour traffic volumes are based upon morning peak period and evening peak period intersection turning movement counts conducted in February 2017 during typical weekday conditions. The morning peak period was counted between 7:00 AM and 9:00 AM and the evening peak period was counted between 4:00 PM and 6:00 PM. The actual peak hour within the peak period is the four consecutive 15-minute periods with the highest total volume when all movements are added together. Thus, the weekday evening peak hour at one intersection may be 4:45 PM to 5:45 PM if those four consecutive 15-minute periods have the highest combined volume. Traffic count worksheets are provided in Appendix B of the *FTA* (**Appendix 8**).

**Figure 3.16-2**  
**Existing Peak Hour Intersection Turning Movement Volumes**



Source: Figure 3 of FTA, Appendix 8

The Intersection Capacity Utilization and Level of Service for existing traffic conditions have been calculated and are shown in **Table 3.16-1, Existing Intersection Capacity Utilization and Level of Service**, below. As shown in **Table 3.16-1**, the FTA study area intersections currently operate within acceptable Levels of Service (D or better) during the morning and evening peak hours for Existing traffic conditions. The City of Garden

Grove has established Level of Service D as the minimum acceptable Level of Service for its arterial roadway system. Roadway facilities operating at Level of Service E or F are considered deficient.

**Table 3.16-1**  
**Existing Intersection Capacity Utilization and Level of Service**

Intersection	Traffic Control <sup>3</sup>	Intersection Approach Lanes <sup>1</sup>												Peak Hour V/C-LOS <sup>2</sup>	
		Northbound			Southbound			Eastbound			Westbound			Morning	Evening
		L	T	R	L	T	R	L	T	R	L	T	R		
Buaro Street (NS) at:															
Chapman Avenue (EW) - #1	TS	0.5	0.5	1	0	1	0	1	1.5	0.5	1	1.5	0.5	0.625-B	0.576-A
Lampson Avenue (EW) - #3	TS	1	0.5	0.5	1	0.5	0.5	1	0.5	0.5	1	0.5	0.5	0.478-A	0.488-A

Source: Table 1 of FTA, Appendix 8

<sup>1</sup> L = Left, T = Through, R = Right.

<sup>2</sup> V/C = Volume to Capacity Ratio, LOS = Level of Service. <sup>3</sup> TS = Traffic Signal

### Project Trip Generation

**Table 3.16-2, Project Trip Generation**, below, shows the Project trip generation based upon rates obtained from the Institute of Transportation Engineers, Trip Generation Manual, 9th Edition, 2012. Trip generation rates were determined for daily trips, morning peak hour inbound and outbound trips, and evening peak hour inbound and outbound trips for the proposed land use. The Project trip forecast was determined by multiplying the trip generation rates by the land use quantity.

As shown in **Table 3.16-2**, the proposed Project is forecast to generate approximately 99 daily trips, 7 trips of which will occur during the morning peak hour and 9 trips of which will occur during the evening peak hour.

**Table 3.16-2**  
**Project Trip Generation**

Land Use	Quantity	Units <sup>1</sup>	Trip Generation Rates/Trips Generated							
			Source <sup>2</sup>	Morning Peak Hour			Evening Peak Hour			Daily
				In	Out	Total	In	Out	Total	
<u>Trip Generation Rates</u>										
Condominium/Townhouse	1	DU	ITE 230	0.07	0.37	0.44	0.35	0.17	0.52	5.81
<u>Trips Generated</u>										
Condominium/Townhouse	17	DU	ITE 230	1	6	7	6	3	9	99

Source: Table 2 of FTA, Appendix 8

### Trip Distribution and Trip Assignment

<sup>1</sup> DU = Dwelling Units.

<sup>2</sup>ITE = Institute of Transportation Engineers, Trip Generation Manual, 9<sup>th</sup> Edition, 2012; ### = Land Use Code.

**Figure 3.16-3, *Project Trip Distribution***, below, shows the directional distribution of the Project generated trips. The forecast Project trip distribution patterns are based on review of existing traffic data, surrounding land uses, and roadway facilities in the Project vicinity.

**Figure 3.16-3  
Project Trip Distribution**

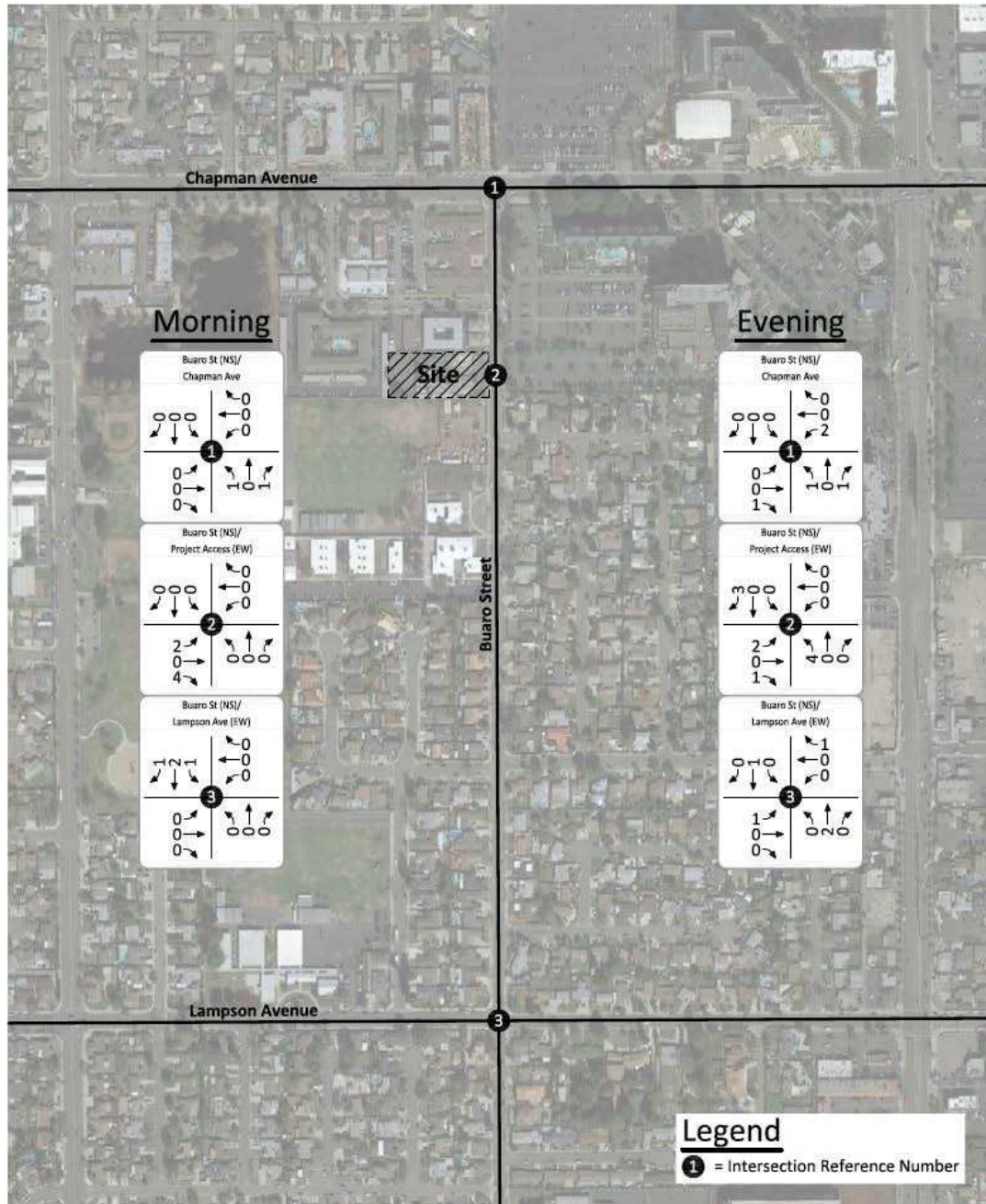


Source: Figure 5 of FTA, Appendix 8



Based on the identified Project trip generation and trip distribution, **Figure 3.16-4, Project Peak Hour Intersection Turning Movement Volumes**, below, shows the morning and evening peak hour intersection turning movement volumes expected from the Project.

**Figure 3.16-4**  
**Project Peak Hour Intersection Turning Movement Volumes**



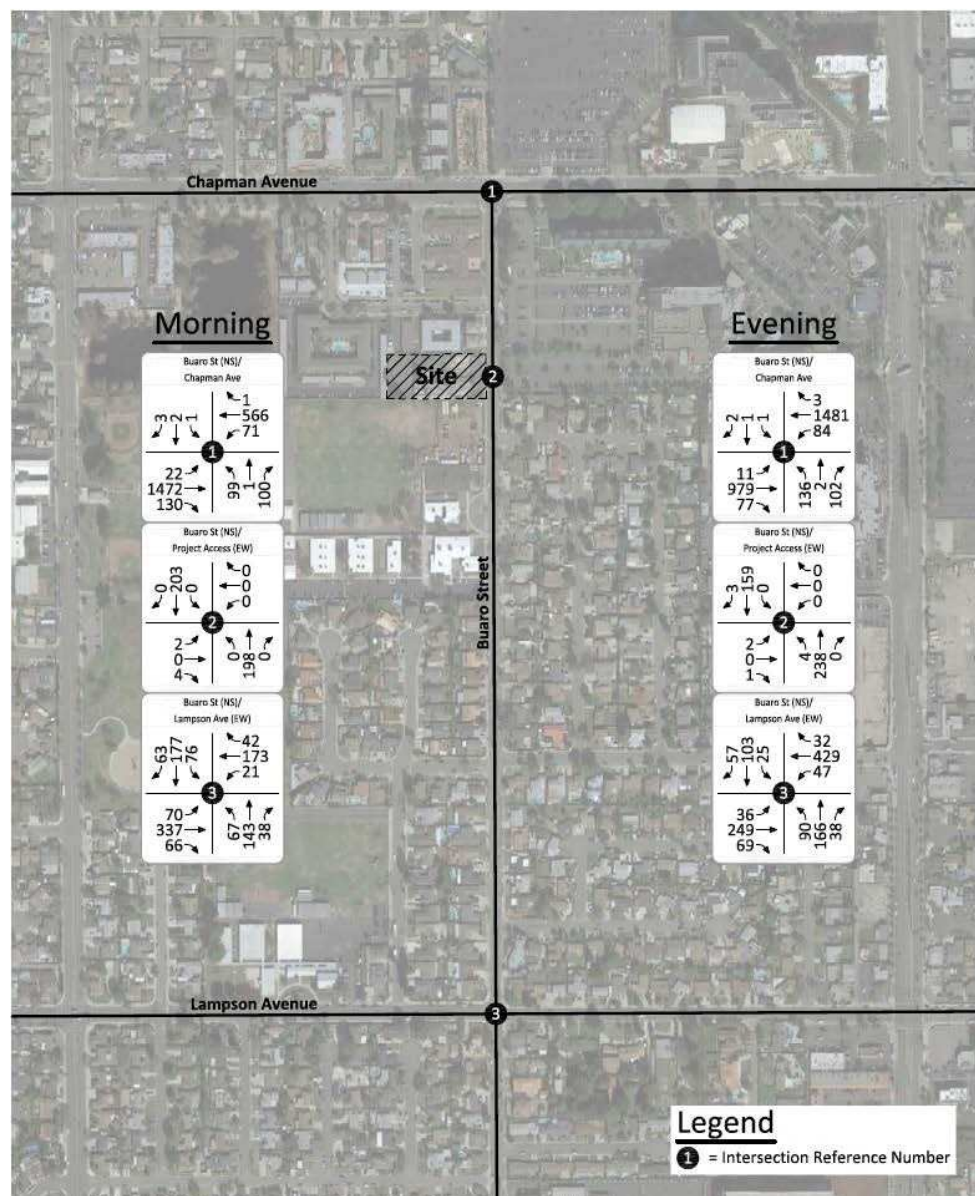
Source:

Figure 6 of FTA, Appendix 8

### Existing Plus Project Conditions

The traffic volumes for Existing Plus Project conditions have been derived by adding the Project generated trips to existing traffic volumes. Morning and evening peak hour intersection turning movement volumes for Existing Plus Project traffic conditions are shown below on **Figure 3.16-5, Existing Plus Project Peak Hour Intersection Turning Movements**.

**Figure 3.16-5**  
**Existing Plus Project Peak Hour Intersection Turning Movements**



Source: Figure 7 of FTA, Appendix 8

The Intersection Capacity Utilization/Delay and Level of Service for Existing Plus Project traffic conditions have been calculated and are shown below in **Table 3.16-3, Existing Plus Project Intersection Capacity Utilization/Delay and Level of Service**. As shown in Table 3, the study area intersections are forecast to operate within acceptable Levels of Service (D or better) during the morning and evening peak hours for Existing Plus Project traffic conditions. Existing Plus Project Intersection Capacity Utilization/delay and Level of Service worksheets are provided in Appendix C of the FTA (**Appendix 8**).

**Table 3.16-3**  
**Existing Plus Project Intersection Capacity Utilization/Delay and Level of Service**

Intersection	Traffic Control <sup>3</sup>	Intersection Approach Lanes <sup>1</sup>								Peak Hour	
		Northbound			Southbound			Eastbound			V/C(Delay)-LOS <sup>2</sup>
		L	T	R	L	T	R	L	T	R	
Buaro Street (NS) at:											
Chapman Avenue (EW) - #1	TS	0.5	0.5	1	0	1	0	1	1.5	0.5	0.625-B 0.576-A
Project Access (EW) - #2	CSS	0.5	0.5	0	0	0.5	0.5	<b>0.5</b>	0	<b>0.5</b>	{11.0}-B {11.0}-B
Lampson Avenue (EW) - #3	TS	1	0.5	0.5	1	0.5	0.5	1	0.5	0.5	0.480-A 0.489-A

Source: Table 3 of FTA, Appendix 8

<sup>1</sup> L= Left; T = Through; R = Right; **BOLD** = Improvement.

<sup>2</sup> V/C = Volume to Capacity Ratio; Delay shown in (seconds); LOS = Level of Service; V/C, Delay and LOS have been calculated using the Vistro software (Version 5.00-00). For intersections with cross street stop control, Level of Service is based on average delay of the worst individual movement (or movements sharing a lane) per the Highway Capacity Manual.

<sup>3</sup> TS = Traffic Signal; CSS = Cross Street Stop.

#### Existing Plus Project Impact Evaluation

**Table 3.16-4, Existing Plus Project Impact Evaluation**, below, summarizes the impact evaluation for Existing Plus Project traffic conditions. As shown in **Table 3.16-4**, the proposed Project is forecast to result in no significant traffic impacts for Existing Plus Project traffic conditions

**Table 3.16-4**  
**Existing Plus Project Impact Evaluation**

<sup>1</sup> V/C = Volume to Capacity Ratio; Delay shown in (seconds); LOS = Level of Service; For intersections with cross street stop control, Level of Service is based on average delay of the worst individual movement per the Highway Capacity Manual. <sup>2</sup> TS = Traffic Signal; CSS = Cross Street Stop.

Any impacts for existing plus Project are considered less than significant. No mitigation is required.

Intersection	Traffic Control <sup>2</sup>	Peak Hour V/C(Delay)-LOS <sup>1</sup>				Project-Related Change in V/C		Significant Impact?
		Existing		Existing Plus Project				
		Morning	Evening	Morning	Evening			
Buaro Street (NS) at:								
Chapman Avenue (EW) - #1	TS	0.625-B	0.576-A	0.625-B	0.576-A	0.000	0.000	No
Project Access (EW) - #2	<b>CSS</b>	n/a	n/a	(11.0)-B	(11.0)-B	n/a	n/a	No
Lampson Avenue (EW) - #3	TS	0.478-A	0.488-A	0.480-A	0.489-A	+0.002	+0.001	No

Source: Table 4 of FTA, Appendix 8

### Opening Year Conditions

To derive Opening Year traffic volumes, existing traffic is combined with ambient growth and trips generated by other development projects. Existing traffic volumes were increased by one (1) percent per year over a two year period to account for ambient traffic growth. The ambient growth rate was confirmed with City of Garden Grove Transportation Department staff. This is a conservative assumption since the ambient growth was applied to all movements at the study intersections.

Other development projects (pending or approved/unconstructed) with the potential to add trips to the FTA study area were obtained from the City of Garden Grove Development Projects Update by the Community & Economic Development Department and the City of Anaheim "Andy's Map." The other development projects included in the FTA are:

- SP-021-2015: 4 Single-Family Homes;
- DR-016-2015: 1 Single-Family Home;
- SP-025-2016: 940 square foot Coffee Shop w/ Drive-Thru; • DEV2015-00071: 120 Condominiums; and
- DEV2015-00043: 3 Apartments.

Trips generated by other development projects were calculated based on applicable trip generation rates obtained from the Institute of Transportation Engineers, Trip Generation Manual, 9th Edition, 2012 and assigned to the FTA study area. Other development trip generation is shown below in **Table 3.16-5, Other Development Trip Generation**. It should be noted, trips generated by other development projects not specifically identified above are represented in the traffic growth resulting from application of the ambient growth rate.

**Table 3.16-5  
Other Development Trip Generation**



Project Name	Land Use	Quantity	Units <sup>1</sup>	Source <sup>2</sup>	Trips Generated						
					Morning Peak Hour			Evening Peak Hour			Daily
					In	Out	Total	In	Out	Total	
SP-021-2015	Single-Family Detached Residential	4	DU	ITE 210	1	2	3	3	1	4	38
DR-016-2015	Single-Family Detached Residential	1	DU	ITE 210	0	1	1	1	0	1	10
SP-025-2016	Coffee Shop w/ Drive-Thru	0.940	TSF	ITE 937	48	46	94	20	20	40	769
DEV2015-00071	Residential Condominiums	120	DU	ITE 230	9	44	53	42	21	63	697
DEV2015-00043	Apartments	3	DU	ITE 220	0	1	1	1	1	2	20
Total Other Development Trips Generated					58	94	152	67	43	110	1,534

Source: Table 5 of FTA, Appendix 8 <sup>1</sup>

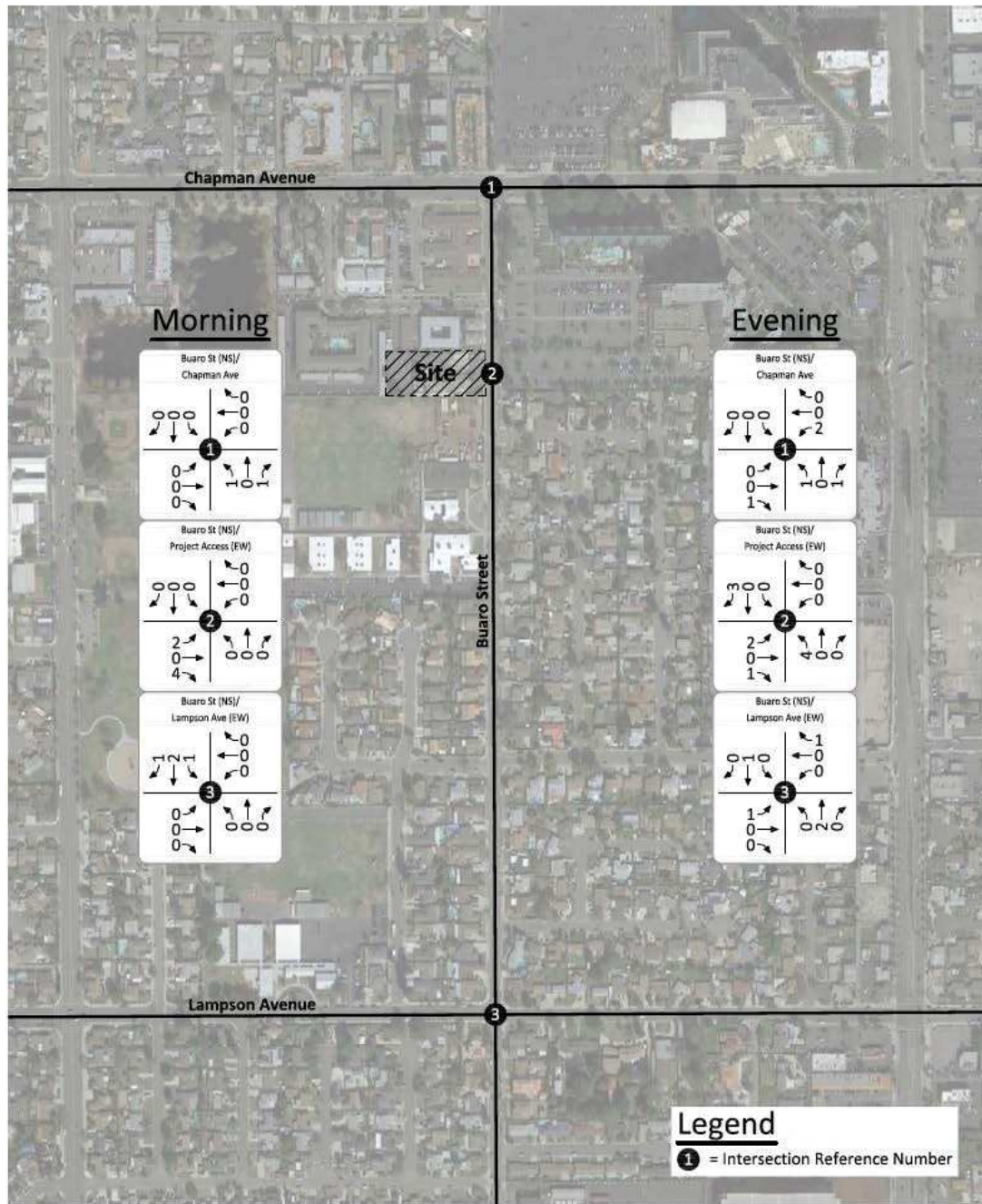
DU = Dwelling Units.

<sup>2</sup> ITE = Institute of Transportation Engineers, Trip Generation Manual, 9<sup>th</sup> Edition, 2012; ### = Land Use Code.

Morning peak hour and evening peak hour intersection turning movement volumes for Opening Year Without Project traffic conditions are shown below on **Figure 3.16-6, Opening Year Without Project Peak Hour Intersection Turning Movement Volumes**. Opening Year With Project morning peak hour and evening peak hour intersection turning movement volumes are shown on **Figure 3.16-7, Opening Year With Project Peak Hour Intersection Turning Movement Volumes**.

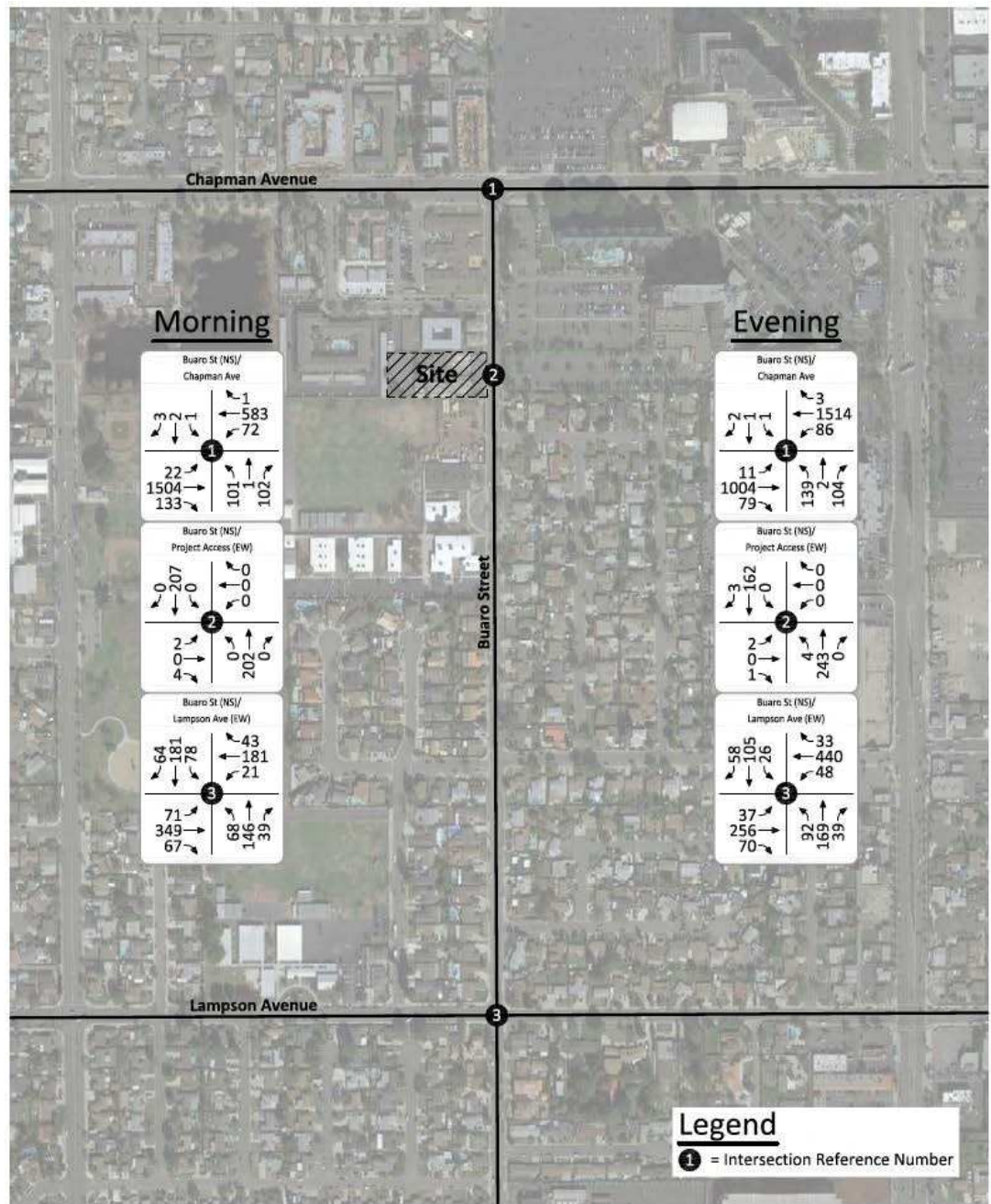
**Figure 3.16-6**

**Opening Year Without Project Peak Hour Intersection Turning Movement Volumes**



Source: Figure 8 of FTA, Appendix 8

**Figure 3.16-7**  
**Opening Year With Project Peak Hour Intersection Turning Movement Volumes**



Source: Figure 9 of FTA, Appendix 8

The Intersection Capacity Utilization and Levels of Service for Opening Year Without Project are shown below in **Table 3.16-6, Opening Year Without Project Intersection Capacity Utilization and Level of Service**. The Intersection Capacity Utilization/Delay and Levels of Service for Opening Year With Project traffic conditions have been calculated and are shown in **Table 3.16-7, Opening Year With Project Intersection Capacity Utilization and Level of Service**. As shown in **Table 3.16-7**, below, the FTA study area intersections are forecast to operate within acceptable Levels of Service (D or better) during the morning and evening peak hours for

Opening Year With Project traffic conditions. Opening Year Intersection Capacity Utilization/delay and Level of Service worksheets are provided in Appendix C of the *FTA* (**Appendix 8**).

**Table 3.16-6**  
**Opening Year Without Project Intersection Capacity Utilization and Level of Service**

Intersection	Traffic Control <sup>3</sup>	Intersection Approach Lanes <sup>1</sup>												Peak Hour	
		Northbound			Southbound			Eastbound			Westbound			V/C-LOS <sup>2</sup>	
		L	T	R	L	T	R	L	T	R	L	T	R	Morning	Evening
Buaro Street (NS) at:															
Chapman Avenue (EW) - #1	TS	0.5	0.5	1	0	1	0	1	1.5	0.5	1	1.5	0.5	0.637-B	0.587-A
Lampson Avenue (EW) - #3	TS	1	0.5	0.5	1	0.5	0.5	1	0.5	0.5	1	0.5	0.5	0.489-A	0.498-A

Source: Table 6 of *FTA*, **Appendix 8**

<sup>1</sup> L = Left; T = Through; R = Right

<sup>2</sup> V/C = Volume to Capacity Ratio; LOS = Level of Service.

<sup>3</sup> TS = Traffic Signal.

**Table 3.16-7**  
**Opening Year With Project Intersection Capacity Utilization and Level of Service**

Intersection	Traffic Control <sup>3</sup>	Intersection Approach Lanes <sup>1</sup>												Peak Hour	
		Northbound			Southbound			Eastbound			Westbound			V/C (Delay)-LOS <sup>2</sup>	
		L	T	R	L	T	R	L	T	R	L	T	R	Morning	Evening
Buaro Street (NS) at:															
Chapman Avenue (EW) - #1	TS	0.5	0.5	1	0	1	0	1	1.5	0.5	1	1.5	0.5	0.637-B	0.588-A
Project Access (EW) - #2	<b>CSS</b>	0.5	0.5	0	0	0.5	0.5	<b>0.5</b>	0	<b>0.5</b>	0	0	0	(11.1)-B	(11.1)-B
Lampson Avenue (EW) - #3	TS	1	0.5	0.5	1	0.5	0.5	1	0.5	0.5	1	0.5	0.5	0.491-A	0.500-A

Source: Table 7 of *FTA*, **Appendix 8**

<sup>4</sup> L = Left; T = Through; R = Right; **BOLD** = Improvement.

<sup>5</sup> V/C = Volume to Capacity Ratio; Delay shown in (seconds); LOS = Level of Service; V/C, Delay and LOS have been calculated using the Vistro software (Version 5.00-00). For intersections with cross street stop control, Level of Service is based on average delay of the worst individual movement (or movements sharing a lane) per the Highway Capacity Manual.

<sup>6</sup> TS = Traffic Signal; CSS = Cross Street Stop.

Any impacts for opening year conditions are considered less than significant. No mitigation is required.

#### *Opening Year Impact Evaluation*

**Table 3.16-8, Opening Year Impact Evaluation**, below, summarizes the impact evaluation for Opening Year traffic conditions. As shown in **Table 3.16-8**, the proposed Project is forecast to result in no significant traffic impacts for Opening Year With Project traffic conditions.

**Table 3.16-8**  
**Opening Year Impact Evaluation**

Intersection	Traffic Control <sup>2</sup>	Peak Hour V/C (Delay)-LOS <sup>1</sup>				Project-Related		Significant Impact?
		Existing		Existing Plus Project		Change in V/C		
		Morning	Evening	Morning	Evening	Morning	Evening	
Buaro Street (NS) at:								
Chapman Avenue (EW) - #1	TS	0.637-B	0.587-A	0.637-B	0.588-A	0.000	+0.001	No
Project Access (EW) - #2	<b>CSS</b>	n/a	n/a	(11.1)-B	(11.1)-B	n/a	n/a	No
Lampson Avenue (EW) - #3	TS	0.489-A	0.498-A	0.491-A	0.500-A	+0.002	+0.002	No

Source: Table 8 of FTA, Appendix 8

<sup>1</sup> V/C = Volume to Capacity Ratio; Delay shown in (seconds); LOS = Level of Service; For intersections with cross street stop control, Level of Service is based on average delay of the worst individual movement per the Highway Capacity Manual.

<sup>2</sup> TS = Traffic Signal; CSS = Cross Street Stop.

**Standard Conditions SC-TR-1 through SC-TR-3** requires the Project Applicant to provide Project signing, striping, driveway construction, and Buaro Street improvements. Compliance with these standard conditions would typically be applicable to all development; therefore, they are not considered mitigation for CEQA implementation purposes. With adherence to **Conditions SC-TR-1 through SC-TR-3**, potential impacts related to Project conflicts with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit would be considered less than significant. No mitigation is required.

#### STANDARD CONDITIONS AND REQUIREMENTS:

- SC-TR-1** *On-Site Traffic Signing and Striping.* Prior to issuance of an occupancy permit, the Applicant/Developer shall submit a signing and striping plan to the City of Garden Grove Public Works Departments for review and approval.
- SC-TR-2** *Driveway Construction.* Prior to issuance of a grading permit, the Project Applicant/Developer shall submit plans for the Project driveway to the City of Garden Grove Public Works Departments for review and approval. Said plans shall be designed in conformance with City of Garden Grove standards, including provisions for sight distance requirements.
- SC-TR-3** *Buaro Street.* Prior to issuance of an occupancy permit, the Applicant/Developer shall construct Buaro Street along the Project site boundary at its ultimate half-section width, including landscaping, sidewalk and bicycle lane improvements, in conjunction with development as necessary/required by the City of Garden Grove.

**MITIGATION MEASURES:** No mitigation measures are required.

- (b) Would the Project conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?*

***No Impact***

There are no County of Orange (County) Congestion Management Program (CMP) facilities within the vicinity of the Project site, reference **Figure 3.16-8, 2015 CMP Highway System**. As a result, no impacts to CMP locations are anticipated.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.

- (c) Would the Project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?*

***No Impact***

The proposed Project would not result in a change in air traffic patterns. The nearest public airports are the John Wayne Airport located at 18601 Airport Way, approximately 9 miles southeast of the Project site, or the Fullerton Municipal Airport (FMA), a general aviation airport located at 4011 West Commonwealth Avenue, approximately 6.9 miles northwest of the Project site. Therefore, no impacts are anticipated, and no mitigation would be required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.

- (d) Would the Project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?*

***No Impact***

Access to the Project site would be provided via a right-in right-out driveway on Buaro Street. The Project design features would comply with all City standards. Furthermore, there are no sight distance obstructions along Buaro Street, and the proposed driveway would intersect with Buaro Street at 90 degrees. Therefore, the Project would not introduce or increase hazards due to its design features. As a result, no impacts are anticipated.

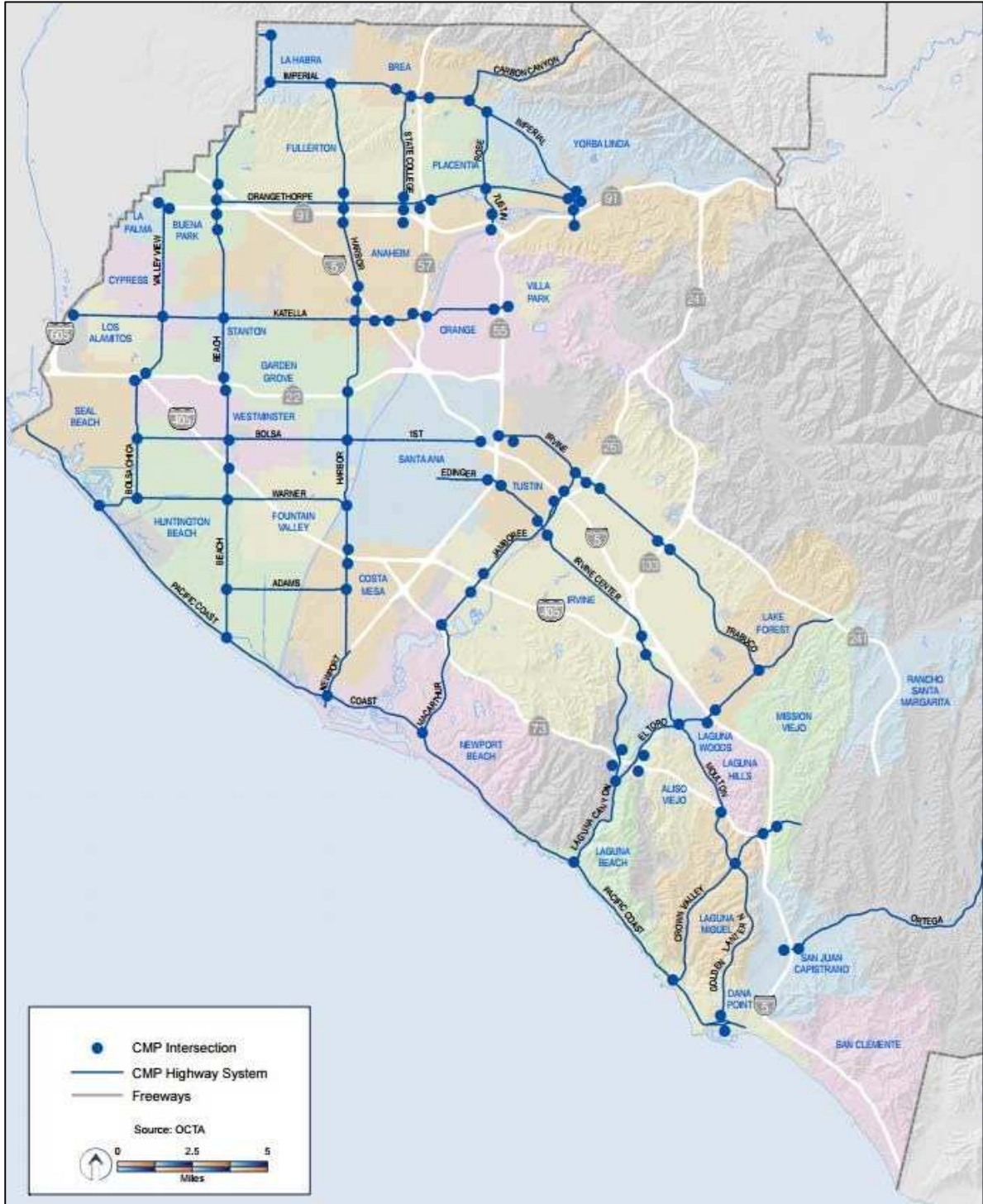
**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURE(S):** No mitigation measures are required.

**Figure 3.16-8**



# 2015 CMP Highway System



Source: 2015 Orange County Congestion Management Program

(e) Would the Project result in inadequate emergency access?



### ***Less than Significant Impact***

As previously described, the proposed driveway along Buaro Street, as well as the internal circulation, would comply with all City design standards. Therefore, adequate access would be provided for all vehicles (i.e., resident, guest, and emergency vehicles). As a result, no impacts are anticipated. Furthermore, **Standard Condition SC-TR-4** requires a construction Staging and Traffic Management Plan **to** be prepared for approval by the Director of the City of Garden Grove Public Works Department, or designee, prior to issuance of any demolition or grading permits. With adherence to **Standard Condition SC-TR-4**, potential impacts related to emergency access would be considered less than significant. No mitigation is required.

#### **STANDARD CONDITIONS AND REQUIREMENTS:**

**SC-TR-4** A construction Staging and Traffic Management Plan shall be prepared for approval by the Director of the City of Garden Grove Public Works Department, or designee, prior to issuance of any demolition or grading permits.

**MITIGATION MEASURE(S):** No mitigation measures are required.

*(f) Would the Project conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities supporting alternative transportation (e.g., bus turnouts, bicycle racks)?*

### ***No Impact***

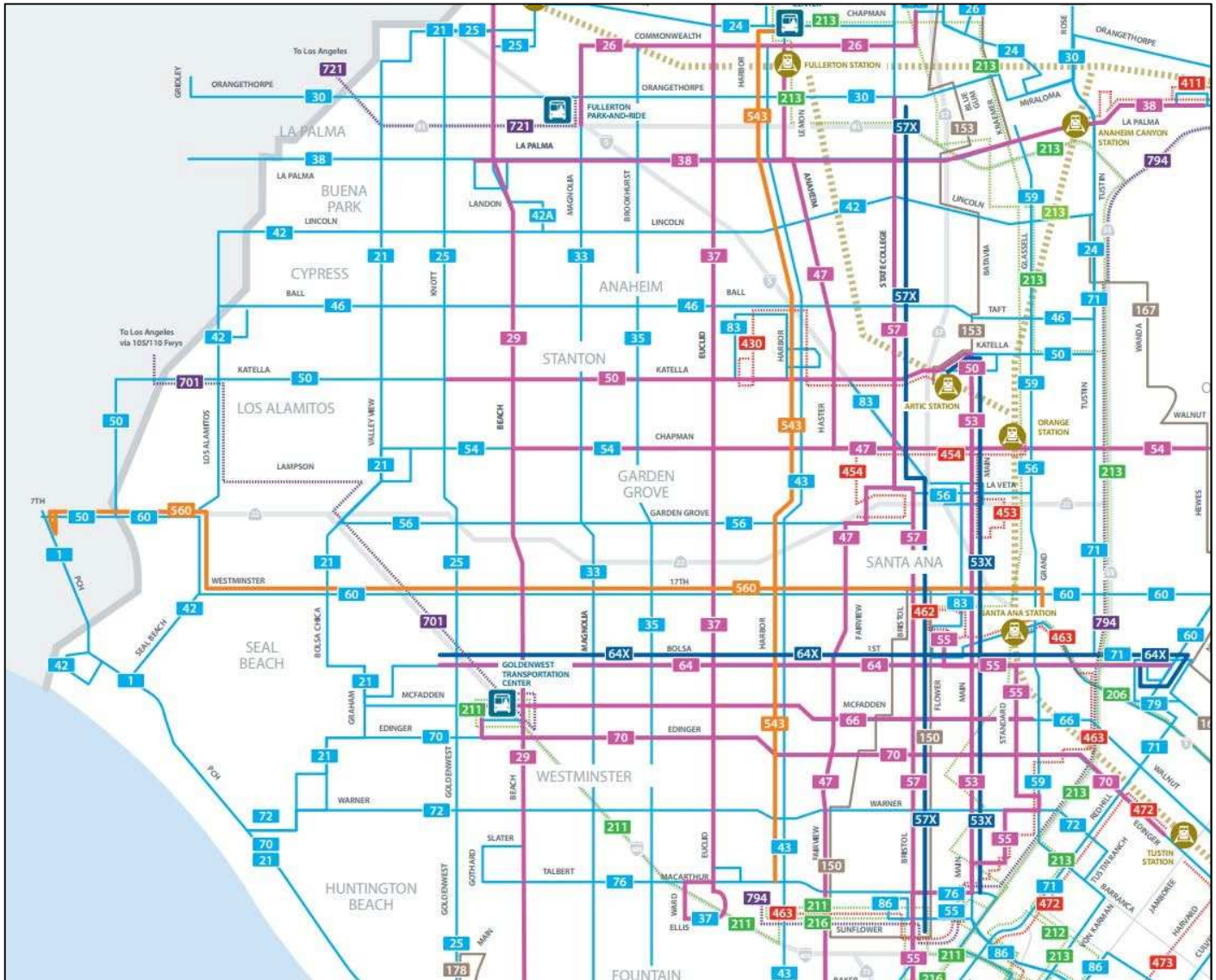
The Orange County Transit Authority (OCTA) provides public transit service throughout the City and in proximity to the Project site (i.e., Euclid Avenue and Garden Grove Boulevard). The proposed Project would not affect existing transit service (i.e., bus stops or routes). The proposed Project is located within approximately 0.1 mile of a stop on the OCTA Route 54 Chapman-Buaro bus service on Chapman Avenue and 0.4 mile away from the Target S/B bus station on Harbor Boulevard where four different lines are available. Please reference **Figure 3.16-9, OCTA Bus Routes**. The Project would not decrease the performance or safety of any public transit, bicycle, or pedestrian facilities. As a result, no impacts are anticipated.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.

**Figure 3.16-9**

## OCTA Bus Routes



Source: <http://www.octa.net/ebusbook/routePdf/WCCounty.pdf> accessed June 2017 accessed June 2017

### 3.17 TRIBAL CULTURAL RESOURCES.

Would the Project:

Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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(a) Cause a substantial adverse change in the significance of a Tribal Cultural Resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1 (k)?		X		
(b) Cause a substantial adverse change in the significance of a Tribal Cultural Resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c). of Public Resources Code Section 5024.1 for the purpose of this paragraph, the lead agency shall consider the significance to a California Native tribe?		X		

**Source(s):** General Plan; *Local Government Tribal Consultation List Request to Native American Heritage Commission (Appendix 3a)*; Native American Heritage Commission Response Letter and List of Tribes, March 24, 2017 (**Appendix 3b**); *Project Notification Pursuant to Assembly Bill 52 (AB 52) and Senate Bill 18 (SB 18) Formal Notification for Consultation for the Property Located at 12111 Buaro Street, City of Garden Grove, Orange County, California*, prepared by City of Garden Grove, mailed out to 16 Tribes, as directed by the NAHC April 12, 2017 (**Appendix 3c**); and *Preliminary Geotechnical Investigation Report and Liquefaction Study for the Multi-Family Residential Development Located at 1211 Buaro Street in the City of Garden Grove, Orange County, California*, prepared by LGC Geo-Environmental, Inc. October 16, 2016 (**Appendix 4**).

**Findings of Fact:**

(a) *Would the Project cause a substantial adverse change in the significance of a Tribal Cultural Resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1 (k)?*

***Less Than Significant Impact With Mitigation Incorporated***

CEQA defines the term “tribal cultural resource” and delineates restrictions on the meaning of the term “cultural landscape.” Pursuant to Public Resources Code section 21074(a), “tribal cultural resources” consist of either of the following:

“(1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following: (A) Included or determined to be eligible for inclusion in the California Register of Historical Resources. (B) Included in a local register of historical resources as defined in subdivision (k) of [Public Resources Code] Section 5020.1; or

(2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of [Public Resources Code] Section 5024.1.”

Regarding the application of the term “cultural landscape,” Public Resources Code section 21074(b) limits its definition such that “[a] cultural landscape that meets the definition of [Public Resources Code section 21074] subsection (a) is a tribal cultural resource *to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.*” (Emphasis added.) Accordingly, if an area that may potentially be considered a “cultural landscape” is *not* geographically defined in terms of the size and scope of the landscape, it cannot be found to be a “tribal cultural resource” even if it otherwise meets the qualifications for such in Public Resources code section 21074(a).

Because the proposed Project would require a General Plan Amendment (GPA) to change the land use designation for Project site from Civic/Institutional (CI) to Medium Density Residential (MDR), City staff conducted Native American consultation for the proposed Project consistent with Senate Bill 18 (SB 18) requirements. Concurrently, City staff conducted Native American consultation for the proposed Project consistent with Assembly Bill 52 (AB52) requirements.

As part of this process, the City staff submitted a request to perform a Sacred Lands File (SLF) search to the Native American Heritage Commission (NAHC) and a Local Tribal Consultation List Request to the NAHC. The *City Letter* (joint SB 18 and AB 52 – per NAHC direction) is included in **Appendix 3a**. The NAHC responded and identified 16 tribes recommended for notification of the Project and the City’s desire for consultation. The *NAHC Letter* is included in **Appendix 3b**.

On April 12, 2017, all 16 Native American tribes were notified of the proposed Project. The letters to the Tribes are included in **Appendix 3c**. One (1) response, from the Gabrieleno Band of Mission Indians - Kizh Nation, was received out of the 16 Native American tribes consulted.

On June 15, 2017, Erin Webb (City); Matthew Fagan and Angie Douvres (Matthew Fagan Consulting Services, Inc.); and Andrew Salas and Matthew Teutimez, from the Gabrieleno Band of Mission Indians - Kizh Nation, conducted consultation via the telephone. As a result of this conversation, the City was informed that Harbor Boulevard, which is located approximately 1,420 feet east of the Project site, was considered a prehistoric trading route, and that artifacts and human remains may be beneath the surface at the Project site. As a result of consultation, it was concluded that monitoring of the site would be required during ground disturbance

activities. **Mitigation Measure MM-CUL-1** was deemed to be adequate mitigation by the Gabrieleno Band of Mission Indians - Kizh Nation.

The City did not receive any evidence, from the Gabrieleno Band of Mission Indians - Kizh Nation, or from any Tribes, or other sources, geographically defining the size and scope of any cultural landscape in the Project area. However, to ensure that no significant impacts occur in the event that unknown resources are discovered, Mitigation Measure MM-CUL-1 will be implemented to reduce potential impacts to a less than significant level. Mitigation Measure MM-CUL-1 requires that a qualified Native American Monitor be on site during grading and other significant ground-disturbing activities.

At the completion of Project construction, the proposed Project would not result in further disturbance of native soils on the Project site. Therefore, operation of the proposed Project would not cause a substantial adverse change in the significance of a Tribal Cultural Resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1 (k).

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.

*(b) Would the Project cause a substantial adverse change in the significance of a Tribal Cultural Resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c). of Public Resources Code Section 5024.1 for the purpose of this paragraph, the lead agency shall consider the significance to a California Native tribe?*

***Less Than Significant Impact With Mitigation Incorporated***

Because the proposed Project would require a General Plan Amendment (GPA) to change the land use designation for Project site from Civic/Institutional (CI) to Medium Density Residential (MDR), City staff conducted Native American consultation for the proposed Project consistent with Senate Bill 18 (SB 18) requirements. Concurrently, City staff conducted Native American consultation for the proposed Project consistent with Assembly Bill 52 (AB 52) requirements.

As part of this process, the City staff submitted a request to perform a Sacred Lands File (SLF) search to the Native American Heritage Commission (NAHC) and a Local Tribal Consultation List Request to the NAHC. The *City Letter* (joint SB 18 and AB 52 – per NAHC direction) is included in **Appendix 3a**. The NAHC responded and

identified 16 tribes recommended for notification of the Project and the City's desire for consultation. The *NAHC Letter* is included in **Appendix 3b**.

On April 12, 2017, all 16 Native American tribes were notified of the proposed Project. The letters to the Tribes are included in **Appendix 3c**. One (1) response, from the Gabrieleno Band of Mission Indians - Kizh Nation, was received out of the 16 Native American tribes consulted.

On June 15, 2017, Erin Webb (City); Matthew Fagan and Angie Douvres (Matthew Fagan Consulting Services, Inc.); and Andrew Salas and Matthew Teutimez, from the Gabrieleno Band of Mission Indians - Kizh Nation, conducted consultation via the telephone. As a result of this conversation, the City was informed that Harbor Boulevard, which is located approximately 1,420 feet east of the Project site, was considered a prehistoric trading route, and that artifacts and human remains may be beneath the surface at the Project site. **Mitigation Measure MM-CUL-1**, shall be implemented, which requires that the Applicant will coordinate with the representative tribes in order to provide a Native American monitor during excavation activities if necessary. With the incorporation of **Mitigation Measure MM-CUL-1**, any impacts will be reduced to a less than significant level.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** The Project is required to comply with **Mitigation Measure MM-CUL-1** (see details in Section 3.5.b., above).

### 3.18 UTILITIES/SERVICE SYSTEMS.

Would the Project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			<b>X</b>	
(b) Require or result in the construction of new water or wastewater treatment or collection facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			<b>X</b>	
(c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			<b>X</b>	
(d) Have sufficient water supplies available to serve the Project from existing entitlements and resources, or are new or expanded entitlements needed?			<b>X</b>	
(e) Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?			<b>X</b>	
(f) Be served by a landfill with insufficient permitted capacity to accommodate the Project's solid waste disposal needs?			<b>X</b>	
(g) Comply with federal, state, and local statutes and regulations related to solid wastes?			<b>X</b>	

**Source(s):** City of Garden Grove Public Works Department Letter dated June 15, 2017: Water and Sewer Service for Proposed Project at 12111 Buaro Street (*GGPWD Letter, Appendix 9*).

#### **Findings of Fact:**

(a) *Would the Project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?*

#### ***Less Than Significant Impact***

The Orange County Sanitation District (OCSD) is responsible for the collection, treatment, and disposal of domestic, commercial, and industrial wastewater generated by over 2.5 million people living and working in the central and northwestern County of Orange (County). OCSD facilities would receive wastewater generated from the proposed Project. Wastewater from the Project site would be treated at OCSD's Reclamation Plant No. 2 in Huntington Beach. This facility is responsible for disposal of treated wastewater. The Santa Ana Regional Water Quality Control Board (RWQCB) regulates the treatment of wastewater at treatment plants and the discharge of treated wastewater into receiving waters. Reclamation Plant No. 2 has been designed to treat typical wastewater flows from different land uses in Orange County, including the City of Garden

Grove (City). The estimated average daily effluent received at Plant No. 2 is 129 million gallons per day (mgd). This facility currently has a total primary treatment capacity of 168 mgd, with an average daily treatment of approximately 129 mgd.

Therefore, there is an excess primary treatment capacity of approximately 41 mgd at OCSD Plant No. 2. Plant No. 2 also has 90 mgd of secondary treatment capacity.

According to the review of the Project by the City of Garden Grove Public Works Department staff and their Letter dated June 15, 2017 (*GGPWD Letter Appendix 9*), the sewer in this location is capacity sufficient and is adequate to handle the sewage discharge from the Project. Therefore, with adequate capacity, wastewater generated by the proposed Project would not require or result in the construction of new wastewater treatment facilities or expansion of existing facilities; and would not result in a determination by the wastewater treatment provider that they have inadequate capacity to serve the proposed Project's projected demand in addition to existing commitments. Thus, no potential exists for the proposed project to exceed wastewater treatment requirements of the Santa Ana RWQCB, and potential impacts would be less than significant. No mitigation would be required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.

- (b) *Would the Project require or result in the construction of new water or wastewater treatment or collection facilities or expansion of existing facilities, the construction of which would cause significant environmental effects?*

***Less Than Significant Impact***

**Water.** Delivery of domestic water service in the City is provided by the Water Services Division of the City's Public Works Department. The Water Services Division is responsible for maintaining the wells, reservoirs, import water connections, and the distribution systems that deliver water throughout the City. To meet its infrastructure needs, the Water Services Division collaborates with other jurisdictions, agencies, and service providers, as required. According to the *GGPWD Letter*, the water system in the Project area is adequate for domestic water supply and fire protection.

**Wastewater.** The Garden Grove Sanitary District is responsible for installation and maintenance of local wastewater collection facilities, which convey wastewater to OCSD trunk sewers. The OCSD is responsible for the collection, treatment, and disposal of domestic, commercial, and industrial wastewater generated by over 2.5 million people living and working in central and northwestern Orange County. Most of the surrounding developed areas in the City area surrounding the project site are located within the OCSD. Wastewater generated by the proposed Project would be treated at OCSD Reclamation Plant No. 2. OCSD currently has plans to expand its treatment capacity in order to respond to the countywide increased need for sewage treatment. OCSD is proposing to upgrade the level of wastewater treatment at both of its treatment plants to meet secondary treatment standards for the projected 2030 effluent flow of 261 mgd. A portion of the



sewage fee charged to developers in the City would be paid to the County for regional facilities improvements. In addition, OCSD's Capital Facilities Capacity Charge is applied to cities and developers for new or expanded residential, commercial, and industrial development and is used for improving the efficiency and effectiveness of OCSD operations. According to the *GGPWD Letter*, the sewer in this location is capacity sufficient and is adequate to handle the sewage discharge from the Project.

Therefore, development of the proposed Project would not require, nor would it result in, the construction of new water or wastewater treatment or collection facilities or expansion of existing facilities other than those facilities to be constructed on site. Project impacts are incremental, yet less than significant. No mitigation is required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.

- (c) Would the Project require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

***Less Than Significant Impact***

The City is served by the Orange County Flood Control District (OCFCD), which operates and maintains regional and municipal storm drainage facilities. As discussed further in Section 3.9, Hydrology and Water Quality of this Initial Study, the proposed Project would permanently increase the on-site impervious surface area. The projected storm water runoff is not anticipated to significantly increase, however, due to the Project's inclusion of on-site infiltration that would collect and treat runoff and minimize erosion and siltation. Storm water infiltration Best Management Practices (BMPs) and catch basins would increase infiltration and reduce the rate and amount of surface runoff from the Project site.

Therefore, the proposed Project would not contribute additional runoff to the downstream storm water drainage facilities or cause the expansion of existing facilities. Any impacts are considered less than significant. No mitigation is required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.

- (d) Have sufficient water supplies available to serve the Project from existing entitlements and resources, or are new or expanded entitlements needed?

***Less Than Significant Impact***

Refer to discussion in Section 3.18(b), above. Delivery of domestic water service in the City is provided by the Water Services Division of the City's Public Works Department. The Water Services Division is responsible for maintaining the wells, reservoirs, import water connections, and the distribution systems that deliver water throughout the City. To meet its infrastructure needs, the Water Services Division collaborates with other jurisdictions, agencies, and service providers, as required. According to the *GGPWD Letter*, the water system in the Project area is adequate for domestic water supply and fire protection. Therefore, incremental water demand increases from the proposed Project would have sufficient water supplies available to serve the Project from existing entitlements and resources and would not require new or expanded entitlements. Impacts related to water supplies would be incremental, yet less than significant. No mitigation is required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.

- (e) *Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

***Less Than Significant Impact***

Refer to discussion in Section 3.18(b), above. The Garden Grove Sanitary District is responsible for installation and maintenance of local wastewater collection facilities, which convey wastewater to OCSD trunk sewers. The OCSD is responsible for the collection, treatment, and disposal of domestic, commercial, and industrial wastewater generated by over 2.5 million people living and working in central and northwestern Orange County. Most of the surrounding developed areas in the City area surrounding the project site are located within the OCSD. Wastewater generated by the proposed Project would be treated at OCSD Reclamation Plant No. 2. OCSD currently has plans to expand its treatment capacity in order to respond to the countywide increased need for sewage treatment. OCSD is proposing to upgrade the level of wastewater treatment at both of its treatment plants to meet secondary treatment standards for the projected 2030 effluent flow of 261 mgd. A portion of the sewage fee charged to developers in the City would be paid to the County for regional facilities improvements. In addition, OCSD's Capital Facilities Capacity Charge is applied to cities and developers for new or expanded residential, commercial, and industrial development and is used for improving the efficiency and effectiveness of OCSD operations. According to the *GGPWD Letter*, the sewer in this location is capacity sufficient and is adequate to handle the sewage discharge from the Project.

Therefore, development of the proposed Project would not require, nor would it result in, the construction of new *water or* wastewater treatment or collection facilities or expansion of existing facilities other than those facilities to be constructed on site. Project impacts incremental, yet less than significant. No mitigation is required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.

*(f) Would the Project be served by a landfill with insufficient permitted capacity to accommodate the Project's solid waste disposal needs?*

***Less Than Significant Impact***

The Project site is located within Orange County Waste & Recycling's (OCWR) service area. OCWR administers the countywide Integrated Waste Management Plan. OCWR owns and operates three active landfills (i.e., Olinda Alpha Landfill in Brea, Frank R. Bowerman Landfill in Irvine, and Prima Deshecha Landfill in San Juan Capistrano), as well as four household hazardous waste collection centers. All three landfills are permitted as Class III landfills. Class III landfills accept all types of nonhazardous municipal solid waste for disposal.

Within the City, collection of solid waste is contracted to Republic Services. According to the Republic Services website, the company collects solid waste, green waste (grass clippings, tree and shrub clippings), and items for recycling. The company provides three different carts for automated collection of trash, recyclables, and green waste. By providing these three carts, the City aims to encourage residents and businesses to reduce the amount of solid wastes that enter the aforementioned regional landfills.

Olinda Alpha Landfill, located at 1942 North Valencia Avenue, Brea, is the closest OCWR landfill to the Project site (approximately 16 miles northeast) and would provide waste disposal for the proposed Project once operational. According to Orange County Waste & Recycling's website, this landfill is permitted to accept up to 8,000 tons of solid waste per day (tpd) and currently accepts a daily average of approximately 6,000 tpd. The anticipated closure date for the landfill is 2021. OC Waste and Recycling evaluates solid waste generation at a rate of 13 lbs./residential unit per day. Average daily solid waste generation would be about 221 lbs per day (0.1105 tons). Annual average solid waste generation would be about 80,665 lbs or about 40.3325 tons per year. CalRecycle requires a mandatory 50% recycling rate and daily solid waste generation is forecast to be about 0.05525 tons per day for disposal at the Olinda Alpha Landfill. This is approximately a 0.0014 percent increase in tpd. Thus, the proposed Project will consume some capacity of the existing landfill, but the level of impact is considered less than significant. There is adequate capacity at the area landfill to accommodate the solid waste generated by the proposed Project, and the Project will comply with all laws and regulations in managing solid waste.

Therefore, solid waste generated by the proposed project would not cause the capacity of the Olinda Alpha Landfill to be exceeded. The proposed Project would result in an incremental impact to solid waste and landfill facilities; however, these impacts are considered less than significant. No mitigation is required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.

*(f) Would the Project comply with federal, state, and local statutes and regulations related to solid wastes?*

***Less Than Significant Impact***

The California Integrated Waste Management Act [Assembly Bill (AB) 939] changed the focus of solid waste management from landfill to diversion strategies such as source reduction, recycling, and composting. The purpose of the diversion strategies is to reduce dependence on landfills for solid waste disposal. AB 939 established mandatory diversion goals of 25% by 1995 and 50% by 2000. According to the City's General Plan Conservation Element, in 2005, approximately 199,737 tons of waste produced by the City was disposed in a landfill while 64 tons were burned at a waste-to-energy facility. Of this, household disposal consisted of 52% of waste disposal while business disposal consisted of 48%. The City provides curbside recycling for both residential and commercial uses, which counts toward the City's solid waste diversion rate. The City also collects curbside residential green waste, which also counts toward the City's diversion rate. In addition, the City currently offers free recycling to all businesses within the City.

The proposed Project would comply with existing and future statutes and regulations, including waste diversion programs mandated by City, State, or federal law. In addition, as discussed above, the proposed Project would not result in an excessive production of solid waste that would exceed the capacity of the existing landfill serving the Project site. Therefore, the proposed Project would not result in an impact related to federal, State, and local statutes and regulations related to solid wastes. No mitigation is required.

**STANDARD CONDITIONS AND REQUIREMENTS:** No standard conditions are required.

**MITIGATION MEASURES:** No mitigation measures are required.

### 3.19 MANDATORY FINDINGS OF SIGNIFICANCE.

#### Would the Project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a) Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X		
(b) Does the Project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects?)			X	
(c) Does the Project have environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly?		X		

**Source(s):** Project Description, and Sections 3.1 through 3.18 of the Initial Study.

#### Findings of Fact:

*(a) Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

#### ***Less Than Significant Impact with Mitigation Incorporated***

Implementation of the Project does not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare, or endangered plant or animal. The Project does not have the potential to eliminate important examples of the major periods of California history or prehistory.

Impacts will be reduced to a less than significant level with adherence to **Mitigation Measures MM-BIO-1, and MM-CUL-1 through MM-CUL-3.**

*(b) Does the Project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection*

*with the effects of past projects, the effects of other current projects, and the effects of probable future projects?)*

**Source(s):** Project Description, and Sections 3.1 through 3.18 of the Initial Study.

**Findings of Fact:**

***Less Than Significant Impact with Mitigation Incorporated***

As demonstrated in Sections 3.1 – 3.18 of this Initial Study, the Project does not have impacts which are individually limited, but cumulatively considerable. The Project will comply with mitigation measures and standard conditions, as applicable.

**Aesthetics**

Implementation of the Project would not contribute to cumulative visual resource or aesthetic impacts. The Project proposes several design measures to minimize light pollution. With approval of the Project applications, the Project is in compliance with the City's zoning and design standards and guidelines, which regulate building design, mass, bulk, height, color, and compatibility with surrounding uses. Thus, the Project would have a less than cumulatively considerable impact to aesthetics.

**Agricultural Resources**

Implementation of the Project would not result in any impacts to agricultural or forestry resources and would therefore not contribute to cumulative impacts to these resources.

**Air Quality**

The South Coast Air Quality Management District's (SCAQMD) approach for assessing cumulative impacts is based on the Air Quality Management Plan forecasts of attainment of ambient air quality standards in accordance with the requirements of the federal and California Clean Air Acts. The SCAQMD considers projects that are consistent with the AQMP, which is intended to bring the basin into attainment for all criteria pollutants, to also have less than significant cumulative impacts. The discussion under Issue a) in Section 3.3, Air Quality, describes the SCAQMD criteria for determining consistency with the AQMP and further demonstrates that the Project would be consistent with the Plan. As such, the Project would have a less than cumulatively considerable impact on air quality.

**Biological Resources**

The Project is not anticipated to impact Biological Resources. However, existing ornamental landscaping and trees on the Project site may provide suitable habitat for nesting birds. Disturbing or destroying active nests is a violation of the Migratory Bird Treaty Act (MBTA). In addition, nests and eggs are protected under Fish

and Game Code Section 3503. With implementation of **Mitigation Measure MM-BIO-1**, potentially significant impacts to nesting birds would be reduced to a less than significant level. Therefore, the Project would have a less than cumulatively considerable impact on biological resources.

### **Cultural Resources**

Development of the Project site would contribute to a cumulative increase in potential impacts to cultural archaeological, and paleontological resources. However, **Mitigation Measures MM-CUL-1, MM-CUL-2 and MM-CUL-3** would reduce the potential impacts associated with development on the Project site. Thus, the Project would have a less than cumulatively considerable impact.

### **Geology and Soils**

Project-related impacts on geology and soils associated with development on the Project site are sitespecific, and development on the site would not contribute to seismic hazards or soil erosion. Compliance with the California Building Code (CBC) requirements and the Project-specific Geotechnical Report (as mitigated through **Mitigation Measure MM-GEO-1**) would result in decreased exposure to the risks associated with seismic activity. Therefore, the Project is anticipated to have no impact on cumulative geophysical conditions in the region.

### **Greenhouse Gas Emissions**

The greenhouse gas analysis provided in Section 3.7, Greenhouse Gas Emissions, analyzed the Project's cumulative contribution to global climate change and determined that the Project would not create a cumulatively considerable environmental impact resulting from greenhouse gas emissions.

### **Hazards and Hazardous Materials**

The Project is not expected to utilize or contribute to hazards associated with the accidental release of hazardous materials. Furthermore, compliance with federal, state, and local regulations and implementation of Project-specific **Mitigation Measures MM-HAZ-1, and MM-HAZ-2** will ensure that cumulative hazard conditions are less than cumulatively considerable.

### **Hydrology and Water Quality**

Water quality measures included in the Project and the WQMP and SWPPP prepared for the Project would protect the quality of water discharged from the site during both construction and operational activities. Therefore, the Project would have a less than cumulatively considerable impact on water quality. The site is not located within a flood hazard zone. Therefore, the Project would have a less than cumulatively considerable impact related to hydrology.

### **Land Use and Planning**

The Project will be consistent with existing General Plan Land Use Plan designation of MDR with the approval of the General Plan Amendment. The current zoning classification for the Project site is R-3. The General Plan will be consistent with the existing zoning. Therefore, the Project would have a less than cumulatively considerable impact related to land use and planning.

### **Mineral Resources**

The Project would have no impact related to mineral resources and would therefore not contribute to any cumulative impacts to such resources.

### **Noise**

As discussed in Section 3.12, Noise, operation of the Project would comply with all applicable noise standards and would have less than significant direct impacts related to noise and vibrations. Project construction could result in some noise disturbance; however, these impacts would be temporary and would be restricted to conform to the City Noise Ordinance standards. In addition, best management practices shall be implemented to reduce construction related noise. Vibrational impacts are below the established thresholds for vibration. When the Project noise sources are added to the ambient noise sources in the Project area, any cumulative impacts will remain below established noise thresholds for construction and operation.

### **Population and Housing**

No housing units or people would be displaced and the construction of replacement housing is not required. The Project would not displace any houses or people requiring the construction of new housing elsewhere. The development of 17 housing units is anticipated to slightly increase the residential population in the City. According to the California Department of Finance City/County Population and Housing Estimates, the average number of persons per dwelling unit in the City is 3.74 persons. Based on the City's average occupancy rate of 3.74 persons per unit, the proposed Project would introduce approximately 64 persons into the City. However, the addition of 64 new residents would be approximately 0.037 percent of the City's population of 170,883 persons in 2010, 0.036 percent of the City's population of 175,953 in 2014, and 0.035 percent of the City's projected population of 179,400 in 2020 (the closest year to Project build out for which projections are available). As such, the Project-related increase in population would represent a less than significant portion of the City's current and projected population. Therefore, the Project would have a less than cumulatively considerable impact related to population and housing.

### **Public Services and Recreation**

Implementation of the Project, in combination with other existing, planned, proposed, approved, and reasonably foreseeable development in the immediate area, may increase the demand for public services such as fire and police protection. Adequate staffing exists to support the Project, while not impacting response times or service levels. Therefore, the Project would have a less than cumulatively considerable impact on public services.



## **Transportation/Traffic**

The CEQA Guidelines require that other reasonably foreseeable development projects which are either approved or being processed concurrently in the study area also be included as part of a cumulative analysis scenario. The cumulative setting for the Project includes the nearby development for opening year traffic conditions provided by City Traffic Engineering Staff. Cumulative traffic impacts are created as a result of a combination of the Project and other future developments contributing to the overall traffic impacts and requiring additional improvements to maintain acceptable level of service operations with or without the Project. The Project does not exceed any level of service requirements at Opening Year . Therefore, the Project's contribution to a cumulatively significant impact is considered less than significant.

## **Tribal Cultural Resources**

The City did not receive any evidence, from the Gabrieleno Band of Mission Indians - Kizh Nation, or from any Tribes, or other sources, geographically defining the size and scope of any cultural landscape in the Project area. However, to ensure that no significant impacts occur in the event that unknown resources are discovered, **Mitigation Measure MM-CUL-1** will be implemented to reduce potential impacts to a less than significant level. **Mitigation Measure MM-CUL-1** requires that a qualified Native American Monitor be on site during grading and other significant ground-disturbing activities.

Because any potential cultural landscape at the Project site does not meet the definition of a tribal cultural resource as defined in Public Resources Code Section 21074, the Project's impacts on cumulative tribal cultural resources would not be considered cumulatively significant in this regard.

## **Utilities and Service Systems**

Implementation of the Project would increase demand for public utilities. Construction activities related to development of the Project site may result in impacts to utilities and service systems, including solid waste. However, any impacts would be less than cumulatively considerable.

- (c) *Does the Project have environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly?*

**Source(s):** Project Description, and Sections 3.1 through 3.18 of the Initial Study.

### **Findings of Fact:**

***Less Than Significant Impact with Mitigation Incorporated***

As demonstrated in Sections 3.1 – 3.18 of this Initial Study, the Project does not have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly. Mitigation measures and standard conditions will apply to the Project. Any impacts are considered less than significant with mitigation incorporated.

#### 4.0 MITIGATION MONITORING AND REPORTING PROGRAM

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

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

3.5 CULTURAL RESOURCES		
<b>MM-CUL-1:</b> <i>Unknown Archeological Resources.</i> Prior to the issuance of grading permits, the Applicant shall be required to obtain the services of a qualified Native American Monitor (Monitor) during all construction-related ground disturbance activities. The Monitor must be approved by the tribal	City of Garden Grove Director of Community Development, or designee.	Prior to the issuance of any grading activities.

Mitigation	Responsible Party	Timing
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		or construction activities.
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Mitigation	Responsible Party	Timing
<p>Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the most likely descendant from the deceased Native American. The most likely descendant may make recommendations to the landowner or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98; or</p> <p>b. Where the following conditions occur, the landowner or his/her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendant or on the property in a location not subject to further subsurface disturbance:</p> <ol style="list-style-type: none"> <li>1. The NAHC is unable to identify a most likely descendant, or the most likely descendant failed to make a recommendation within 48 hours after being notified by the NAHC;</li> <li>2. The identified descendant fails to make a recommendation; or</li> <li>3. The landowner or his/her authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner.</li> </ol>		
<b>3.6 GEOLOGY AND SOILS</b>		

## Attachment 2

<p><b>MM-GEO-1</b> The Project Applicant shall comply with the recommendations of the <i>Preliminary Geotechnical Investigation</i>, the most current California Building Code (CBC), and the Structural Engineer Association of California Guidelines, which stipulates appropriate seismic design provisions that shall be implemented with Project design and construction.</p> <p><i>Geotechnical Observations and Testing.</i> Prior to the start of grading, a meeting should be held at the site with the owner, developer, city inspector, grading contractor, civil engineer, and geotechnical consultant to discuss the work schedule and geotechnical aspects relative to rough and precise grading. Rough grading, which includes clearing and grubbing, overexcavation, scarification/processing, and fill placement should be accomplished under the full-time observation and testing of the geotechnical consultant. Fills should not be placed without prior approval from the</p>	City of Garden Grove Building Official, or designee.	Prior to the start of grading.
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Mitigation	Responsible Party	Timing
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<p>geotechnical consultant.</p> <p><i>Clearing and Grubbing.</i> Weeds, grasses, and trees in areas to be graded should be stripped and hauled offsite. Trees to be removed should be grubbed so that their stumps and major-root systems are also removed and the organic materials hauled offsite. During site grading, laborers should clear from fills, roots, tree branches and other deleterious materials missed during clearing and grubbing operations.</p> <p>The Project geotechnical consultant, or his qualified representative, should be notified at the appropriate times to provide observation and testing services during clearing and grubbing operations to observe and document compliance with the above recommendations. In addition, buried structures and unusual or adverse soil conditions encountered that are not described or anticipated herein, should be brought to the immediate attention of the geotechnical consultant.</p> <p><i>Overexcavation and Ground Preparation.</i> The site is generally underlain by approximately 2 feet to 7 feet of potentially compressible soils (topsoil and the upper alluvium) which may be prone to future settlement under the surcharge of foundation and/or fill loads. These materials should be overexcavated to underlying competent alluvium or older alluvium within proposed building areas and competent alluvium within areas of proposed pavement areas and improvements outside building areas then replaced with compacted fill soils. Within the proposed building areas overexcavations should also extend at least 5 feet below proposed pad grade or 3 feet below the lowest proposed footings, whichever is deeper and at least 5 feet outside proposed footings. Within proposed wall areas, outside of the proposed building areas overexcavations should also extend at least 5 feet below proposed grade or 2 feet below the lowest proposed footings, whichever is deeper. Therefore, overexcavations are anticipated to be approximately 4 feet to 7 feet within the proposed building areas and 2 feet to 4 feet within areas of proposed pavement and improvements outside building areas. However, localized, deeper overexcavation should be anticipated where deemed necessary by the geotechnical consultant based on observations during grading as well as by proposed depths of footings or structural loads. Actual depths of overexcavation should be evaluated upon review of final grading and foundation plans, on the basis of observations and testing during grading by the Project geotechnical consultant.</p> <p>Prior to placing engineered fill, exposed bottom surfaces in each overexcavated area should first be scarified to a depth of approximately 6 inches, watered or air-dried as necessary to achieve a uniform moisture content of optimum or higher, and then compacted in place to a relative compaction of 90 percent or more (based on American Standard of Testing and Materials [ASTM] Test Method D1557). The estimated locations, extent and approximate depths for overexcavation of unsuitable materials</p>		
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Mitigation	Responsible Party	Timing
<p>are indicated on the Geotechnical Map (Plate 1) included in the <i>Preliminary Geotechnical Investigation</i>. The geotechnical consultant should be provided with appropriate survey staking during grading to document that depths and/or locations of recommended overexcavation are adequate.</p> <p>Sidewalls for overexcavations greater than 5 feet in height should be no steeper than 1:1 (H:V) and should be periodically slope-boarded during their excavation to remove loose surficial debris and facilitate mapping. Flatter excavations may be necessary for stability.</p> <p>The grading contractor will need to consider appropriate measures necessary to excavate adjacent existing improvements adjacent to the site without endangering them due to caving or sloughing.</p> <p><i>Fill Suitability.</i> Soil materials excavated during grading are generally considered suitable for use as compacted fill provided they do not contain significant amounts of trash, vegetation, construction debris and oversize material.</p> <p><i>Oversized Material.</i> Oversized material greater than 8 inches that may be encountered during grading should be reduced in size or removed from the site.</p> <p>Benching. Where compacted fills are to be placed on natural slope surfaces inclining at 5:1 (H:V) or greater, the ground should be excavated to create a series of level benches, which are at least a minimum height of 4 feet, excavated into competent bedrock.</p> <p><i>Import Soils for Grading.</i> In the event import soils are needed to achieve final design grades, all potential import materials should be free of deleterious/oversize materials, very low in expansion, and approved by the project geotechnical consultant prior to commencement of delivery onsite.</p> <p><i>Cut/Fill Transitions and Differential Fill Thicknesses.</i> To mitigate distress to structures and walls, related to the detrimental effect of differential settlement, the cut portions should be eliminated from cut/fill transition areas in order that the entire structure or wall is founded on a uniform bearing material. This should be accomplished by overexcavating the "cut" portions and shallow fill portions 4 feet or more below proposed pad grade or 3 feet below proposed footings, whichever is deeper, and replacing the excavated materials as properly compacted fill. Recommended depths of overexcavation are provided in the <i>Preliminary Geotechnical Investigation</i>.</p>		

<p><i>Fill Placement.</i> Fills should be placed in lifts no greater than 8 inches in uncompacted thickness, watered or air-dried as necessary to achieve a uniform moisture content of at least optimum</p>		
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Mitigation	Responsible Party	Timing
<p>moisture content, and then compacted in place to relative compaction of 90 percent or more. Fills should be maintained in a relatively level condition. The laboratory maximum dry density and optimum moisture content for each change in soil type should be determined in accordance with ASTM Test Method D1557.</p> <p><i>Shrinkage/Bulking and Subsidence.</i> Volumetric changes in earth quantities will occur when excavated onsite soils are replaced as properly compacted fill. The <i>Preliminary Geotechnical Investigation</i> includes a table containing an estimate of the shrinkage and bulking factors for the various geologic units present onsite. These estimates are based on in-place densities of the various materials and on the estimated average degree of relative compaction that will be achieved during grading.</p> <p>Subsidence due to recompaction of the bottom of overexcavations, prior to fill placement and placement of proposed fills, is estimated to be approximately 0.15 feet to 0.25 feet.</p> <p>The estimates of shrinkage/bulking and subsidence included in the <i>Preliminary Geotechnical Investigation</i> are intended as an aid for Project engineers in determining earthwork quantities. These are preliminary rough estimates which may vary with depth of removal, stripping losses, field conditions at the time of grading, etc. However, these estimates should be used with some caution since they are not absolute values. Contingencies should be made for balancing earthwork quantities based on actual shrinkage/bulking and subsidence that occurs during the grading operations.</p> <p><i>Slope Stability.</i> No grading plans has been developed and provided for review, however, based on the <i>Preliminary Geotechnical Investigation</i> review of the 40-scale site plan, the existing site topography, and current knowledge of the existing area of the proposed development, cut slopes and fill slopes may not be necessary in the final design.</p> <p><i>Temporary Excavations.</i> Temporary excavations varying up to a height of approximately 7 feet below existing grades will be necessary to accommodate the recommended overexcavation of the unsuitable soil materials. Based on the physical properties of the onsite soils, temporary excavations exceeding 5 feet in height should be cut back at a ratio of 1:1 (H:V) or flatter, for the duration of the overexcavation and recompaction of unsuitable soil material. Temporary slopes excavated at the above slope configurations are expected to remain stable during grading operations. However, the temporary excavations should be observed by a representative of the Project geotechnical consultant for any evidence of potential instability. Depending on the results of these observations, revised slope configurations may be necessary.</p> <p>Other factors which should be considered with respect to the stability of the temporary slopes</p>		

Mitigation	Responsible Party	Timing
<p>include construction traffic and storage of materials on or near the tops of the slopes, landscaping irrigation, construction scheduling, presence of nearby walls or structures on adjacent properties, and weather conditions at the time of construction. Applicable requirements of the California Construction and General Industry Safety Orders, the Occupational Safety and Health Act of 1970, and the Construction Safety Act should also be followed.</p> <p>Additional site testing and final design evaluation shall be conducted by the Project geotechnical consultant to refine and enhance these requirements. The Applicant shall require the Project geotechnical consultant to assess whether the requirements in the <i>Preliminary Geotechnical Investigation</i> need to be modified or refined to address any changes in the Project that occur prior to the start of grading. If the Project geotechnical consultant identifies modifications or refinements to the requirements, the Project Applicant shall require appropriate changes to the final Project design and specifications and shall submit any revised geotechnical reports to the Land Development Section of the Engineering Division, or designee, for approval prior to issuance of any grading or construction permits.</p> <p>The Land Development Section of the Engineering Division, or designee, shall review grading plans prior to the start of grading to verify that the requirements developed during the geotechnical design evaluation have been appropriately incorporated into the Project plans. Design, grading, and construction shall be performed in accordance with the requirements of the City' Building Code and the California Building Code (CBC) applicable at the time of grading, as well as the recommendations of the Project geotechnical consultant as summarized in a final report subject to review by the City's Building Official, or designee, prior to the start of grading activities. On-site inspection during grading shall be conducted by the Project geotechnical consultant and the Land Development Section of the Engineering Division to ensure compliance with geotechnical specifications as incorporated into Project plans.</p>		
<b>3.7 GREENHOUSE GAS EMISSIONS</b>		
The proposed Project would not result in significant adverse impacts related to greenhouse gas emissions. No mitigation would be required.		
<b>3.8 HAZARDS AND HAZARDOUS MATERIALS</b>		

## Attachment 2

<p><b>MM-HAZ 1: Predemolition Surveys.</b> Prior to commencement of demolition activities, the City of Garden Grove (City) Building Official, or designee, shall verify that predemolition surveys for asbestoscontaining materials (ACMs) and lead-based paints (LBPs) (including sampling and analysis of all suspected building materials) and inspections for polychlorinated biphenyl (PCB)-containing electrical fixtures and other suspect hazardous building materials have been performed. All inspections, surveys, and analyses shall be performed by appropriately licensed and qualified individuals in accordance with applicable regulations (i.e., American Society for Testing and Materials [ASTM] E 1527-05, and 40 Code</p>	<p>City of Garden Grove Building Official, or designee.</p>	<p>Prior to issuance of demolition activities.</p>
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Mitigation	Responsible Party	Timing
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<p>of Federal Regulations [CFR], Subchapter R, Toxic Substances Control Act [TSCA], Part 716). If the predemolition surveys do not find ACMs, LBPs, PCB-containing electrical fixtures, or other hazardous building materials, the inspectors shall provide documentation of the inspection and its results to the City Building Official, or designee, to confirm that no further abatement actions are required.</p> <p>If the predemolition surveys find evidence of ACMs, LBPs, or PCB- containing electrical fixtures, or other hazardous building materials, all such materials shall be removed, handled, and properly disposed of by appropriately licensed contractors according to all applicable regulations during demolition of structures (40 CFR, Subchapter R, TSCA, Parts 745, 761, and 763). Air monitoring during these predemolition surveys shall be completed, as applicable, by appropriately licensed and qualified individuals in accordance with applicable regulations both to ensure adherence to applicable regulations (e.g., South Coast Air Quality Management District [SCAQMD]) and to provide safety to workers and the adjacent community.</p> <p>The City shall provide documentation (e.g., all required waste manifests, sampling, and air monitoring analytical results) to the County of Orange (County) Environmental Health Division showing that abatement of any ACMs, LBPs, PCB-containing electrical fixtures, or other hazardous building materials identified in these structures has been completed in full compliance with all applicable regulations and approved by the appropriate regulatory agency(ies) (40 CFR, Subchapter R, TSCA, Parts 716, 745, 761, 763, and 795 and California Code of Regulations [CCR] Title 8, Article 2.6). An Operating &amp; Maintenance (O&amp;M) Plan shall be prepared for any ACM, LBP, PCB-containing fixtures, or other hazardous building materials to remain in place and will be reviewed and approved by the County Environmental Health Division.</p> <p><b>MM-HAZ-2: Contingency Plan.</b> Prior to commencement of grading activities, the Director of the County Environmental Health Division, or designee, shall review and approve a contingency plan that addresses the procedures to be followed should on-site unknown hazards or hazardous substances be encountered during demolition and construction activities. The plan shall indicate that if construction workers encounter underground tanks, gases, odors, uncontained spills, or other unidentified substances, the contractor shall stop work, cordon off the affected area, and notify the Garden Grove Fire Department (GGFD). The GGFD responder shall determine the next steps regarding possible site evacuation, sampling, and disposal of the substance consistent with local, State, and federal regulations.</p>	<p>Director of the Orange County Environmental Health Division, or designee.</p>	<p>Prior to the commencement of grading activities.</p>
<b>3.9 HYDROLOGY AND WATER QUALITY</b>		
<p>The proposed Project would not result in significant adverse impacts related to hydrology and water quality. No mitigation would be required.</p>		
<b>3.10 LAND USE/PLANNING</b>		

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



<b>3.16 TRANSPORTATION/TRAFFIC</b>
The proposed Project would not result in significant adverse impacts related to transportation or traffic. No mitigation would be required.
<b>3.17 TRIBAL CULTURAL RESOURCES</b>
The proposed Project would not result in significant adverse impacts related to tribal cultural resources. No mitigation would be required.
<b>3.18 UTILITIES/SERVICE SYSTEMS</b>
The proposed Project would not result in significant adverse impacts related to utilities/service systems. No mitigation would be required.

## 5.0 REFERENCES

*All Technical Appendices are referenced in the Table of Contents*

Assembly Bill (AB) 52

[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201320140AB52](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB52)

Assembly Bill (AB) 939 <http://www.calrecycle.ca.gov/laws/legislation/calhist/1985to1989.htm>

California Building Code

<http://www.bsc.ca.gov/Home/Current2013Codes.aspx>

California Department of Finance <http://www.dof.ca.gov/>

California Department of Finance. E-5 City/County Population and Housing Estimates, May 2014

<http://www.dof.ca.gov/Forecasting/Demographics/Estimates/E-5/>

California Department of Fish and Wildlife's California Natural Diversity Database <https://www.wildlife.ca.gov/Data/CNDDDB>

California Geological Survey Liquefaction Hazard Zone <http://maps.conservation.ca.gov/cgs/informationwarehouse/>

CalRecycle

<http://www.calrecycle.ca.gov/>

City of Garden Grove, Urban Water Management Plan (2010)

<http://www.water.ca.gov/urbanwatermanagement/2010uwmps/Garden%20Grove,%20City%20of/Garden%20Grove%20Final%202010%20UWMP.pdf>

Department of Conservation Regional Wildcat District W1-6 Map <ftp://ftp.consrv.ca.gov/pub/oil/maps/dist1/w1-6/Mapw1-6.pdf>

Expansive soils defined

[http://web.mst.edu/~rogersda/expansive\\_soils/Various%20Aspects%20of%20Expansive%20Soils.pdf](http://web.mst.edu/~rogersda/expansive_soils/Various%20Aspects%20of%20Expansive%20Soils.pdf)

Farmland Mapping and Monitoring Program of the California Resources Agency

[ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/regional/2014/so\\_cal\\_urban\\_change\\_8414.pdf](ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/regional/2014/so_cal_urban_change_8414.pdf)

Garden Grove Fire Department (GGFD)

<http://www.ci.garden-grove.ca.us/fire>

City of Garden Grove Parks & Facilities

<http://www.ci.garden-grove.ca.us/commserve/parksfacilities>

Garden Grove Sanitary District

<http://www.ci.garden-grove.ca.us/pw/sanitarymap>

National Recreation and Park Association <http://www.nrpa.org/>

OCTA BUS

<http://www.octa.net/ebusbook/routePdf/WCCounty.pdf>

OC Waste & Recycling

<http://www.oclandfills.com/landfill/active/olindalandfill>

Orange County Central Coastal Natural Communities Conservation Plan (NCCP)/ Habitat Conservation Plan (HCP)

<https://www.wildlife.ca.gov/Conservation/Planning/NCCP/Plans/Orange-Coastal>

Orange County CMP <http://www.octa.net/pdf/Final%202015%20CMP.pdf>

Orange County Flood Control District (OCFCD)

<http://www.ocflood.com/>

Orange County Sanitation District (OCSd)

<https://www.ocsd.com/>

Republic Services <https://www.republicservices.com/>

Senate Bill (SB) 18

[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=200320040SB18](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200320040SB18)

Significant Mineral Aggregate Resource Area (SMARA)

[http://www.conservation.ca.gov/cgs/information/publications/ms/Documents/MS\\_52\\_2012.pdf](http://www.conservation.ca.gov/cgs/information/publications/ms/Documents/MS_52_2012.pdf)

Southern California Association of Governments, Integrated Growth Forecast, Regional Transportation Plan 2012

<http://rtpscs.scag.ca.gov/Documents/2012/final/f2012RTPSCS.pdf>

State of California Department of Conservation, Orange County Tsunami Inundation Maps

<http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=tsunami>

United States Census Bureau, 2010 Census

<https://www.census.gov/2010census/>

## **6.0 PREPARERS**

This Initial Study was prepared for the City of Garden Grove by Matthew Fagan Consulting Services, Inc. The following professionals contributed information for its preparation:

CITY OF ORANGE COUNTY – Erin Webb, Senior Planner; Public Works Department.

MATTHEW FAGAN CONSULTING SERVICES, INC. – Initial Study: Matthew Fagan, President/Owner; Angie Douvres – Coordination, Research and Editing.

KTGY ARCHITECTURE AND PLANNING – Architectural elevations.

KUNZMAN ASSOCIATES, INC. – Air Quality and Global Climate Change Impact Analysis; Noise Impact Analysis; and Focused Traffic Analysis.

LGC GEO-ENVIRONMENTAL, INC. – Preliminary Geotechnical Investigation Report and Liquefaction Study.

PARTNER ENGINEERING & SCIENCE, INC. – Phase I Environmental Site Assessment Report.

PROACTIVE ENGINEERING CONSULTANTS, INC. – Water Quality Management Plan; Preliminary Drainage Report; and Project Plans.

# COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

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

## **REQUEST:**

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

## **PROJECT STATISTICS:**

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

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

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

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

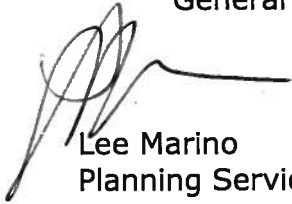
Environmental Review. The proposed project was reviewed and an initial study was prepared pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq. and the CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq.) Based on the Initial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

#### **RECOMMENDATION:**

Staff recommends that the Planning Commission take the following actions:

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

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



Lee Marino  
Planning Services Manager

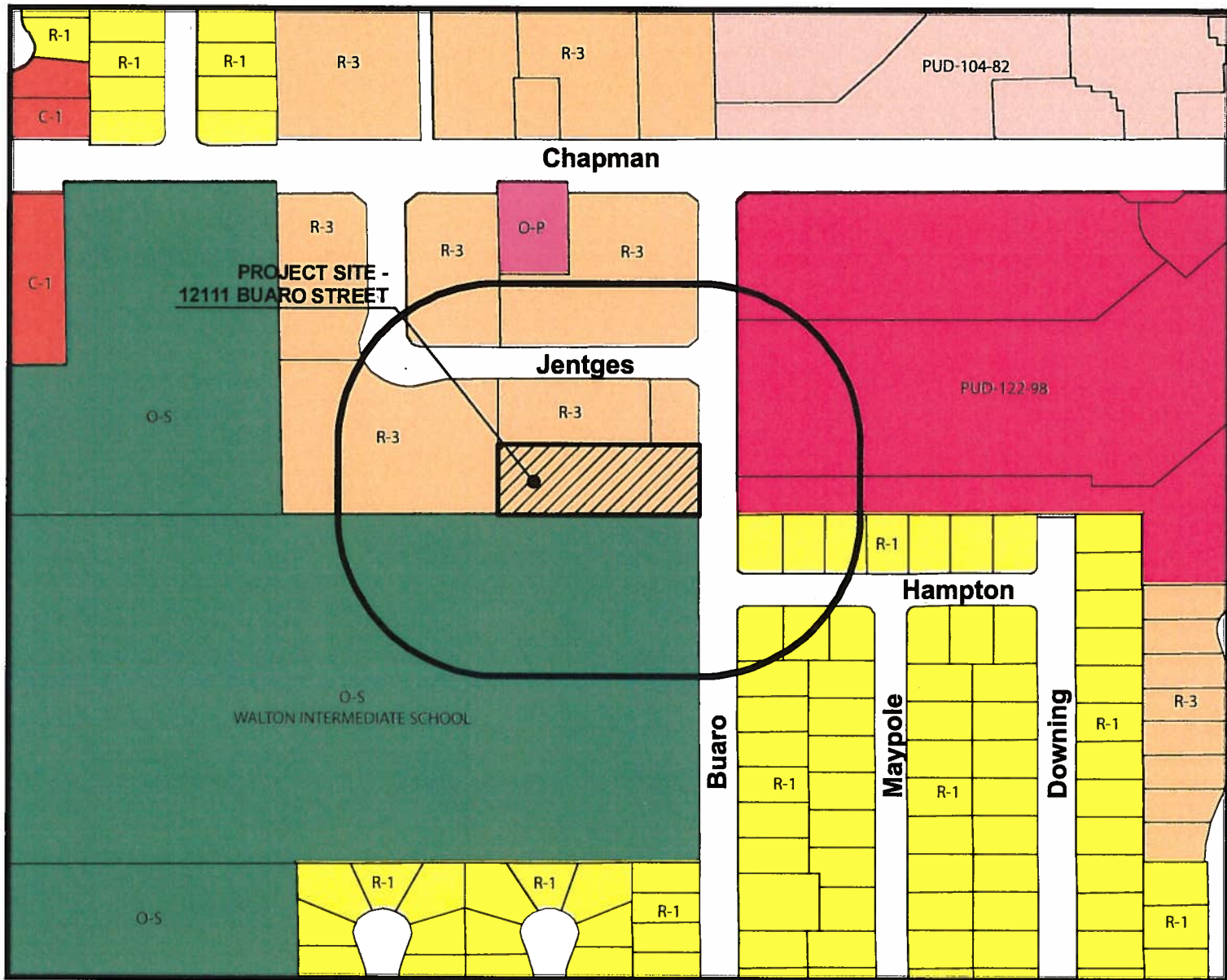


By: Erin Webb  
Senior Planner



GARDEN GROVE

GENERAL PLAN AMENDMENT NO. GPA-003-2017  
SITE PLAN NO. SP-041-2017  
VARIANCE NO. V-016-2017  
TENTATIVE TRACT MAP NO. TT-18117



LEGEND



SUBJECT SITE - 12111 BUARO STREET



300 FEET RADIUS



NOTES

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

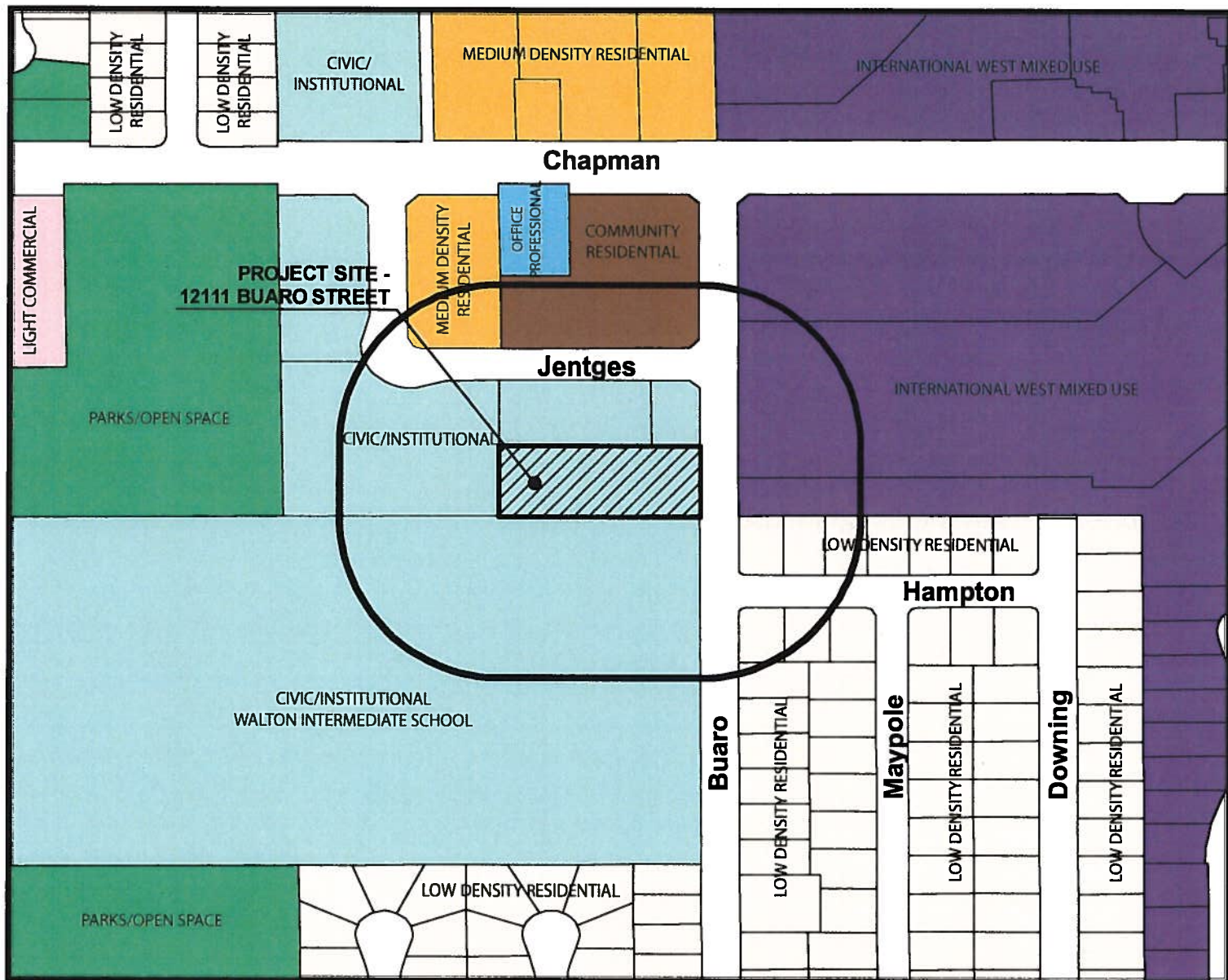
CITY OF GARDEN GROVE  
COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT  
PLANNING DIVISION  
GIS SYSTEM  
SEPTEMBER 2017





**GARDEN GROVE**

**GENERAL PLAN AMENDMENT NO. GPA-003-2017  
SITE PLAN NO. SP-041-2017  
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**LEGEND**



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

# 12111 BUARO STREET, GARDEN GROVE, CA



## SHEET INDEX

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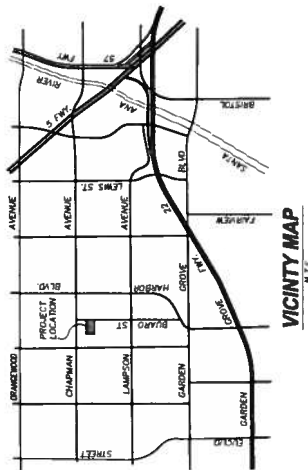


Architects & Planners  
17911 Von Karmen Ave.  
Suite 200  
Irvine, CA 92614  
Tel: 949.221.6256  
ktgy.com

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

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

Per Date:  
1st Submittal: 11-16-2017  
2nd Submittal: 03-29-2017  
3rd Submittal: 07-19-2017

[illegible]

## PROJECT INFORMATION

231-J31-012	0.987 ACRES / 42,992 S.F. (NET)	
ASSESSOR'S PARCEL NUMBER:	17	17 DU / ACRE
NET AREA:	35' - 0"	
TOTAL NUMBER OF UNITS:	16,360 S'	38.0%
BUILDING AREA COVERAGE:	10,153 S'	23.6%
ALLEY AREA:	3,566 S'	8.3%
PARKING SPACE AREA:	1,628 S'	3.6%
COMMON OPEN SPACE AREA:		
LANDSCAPING AREA:	4,892	11.4%

## UNIT SUMMARY

PLAN 1 - 6 UNITS	
3 BD / 2.5 BA	
1ST FLOOR	649 S.F.
2ND FLOOR	818 S.F.
TOTAL LIVING	1,467 S.F.
GARAGE	418 S.F.

## TOTAL UNITS = 17

PLAN 2 - 11 UNITS	
J BD / DEN/OPT	4BD / 3.5 BA
1ST FLOOR	379 S.F.
2ND FLOOR	662 S.F.
3RD FLOOR	596 S.F.
TOTAL LIVING	1,627 S.F.
GARAGE	436 S.F.
DECK	145 S.F.

## PARKING SUMMARY

PARKING PROVIDED		AMOUNT	TOTAL
TYPE			
2 CAR GARAGE	17	34 SPACES	
OPEN SPACES	20	20 SPACES	
ACCESSIBLE SPACE	2	2 SPACES	
TOTAL SPACES BROWARD			56 SPACES
TOTAL SPACES REQUIRED			55.25

## SITE PLAN

12111 BUARO STREET  
CITY OF GARDEN GROVE

PREPARED FOR

**PINNACLE**  
RESIDENTIAL

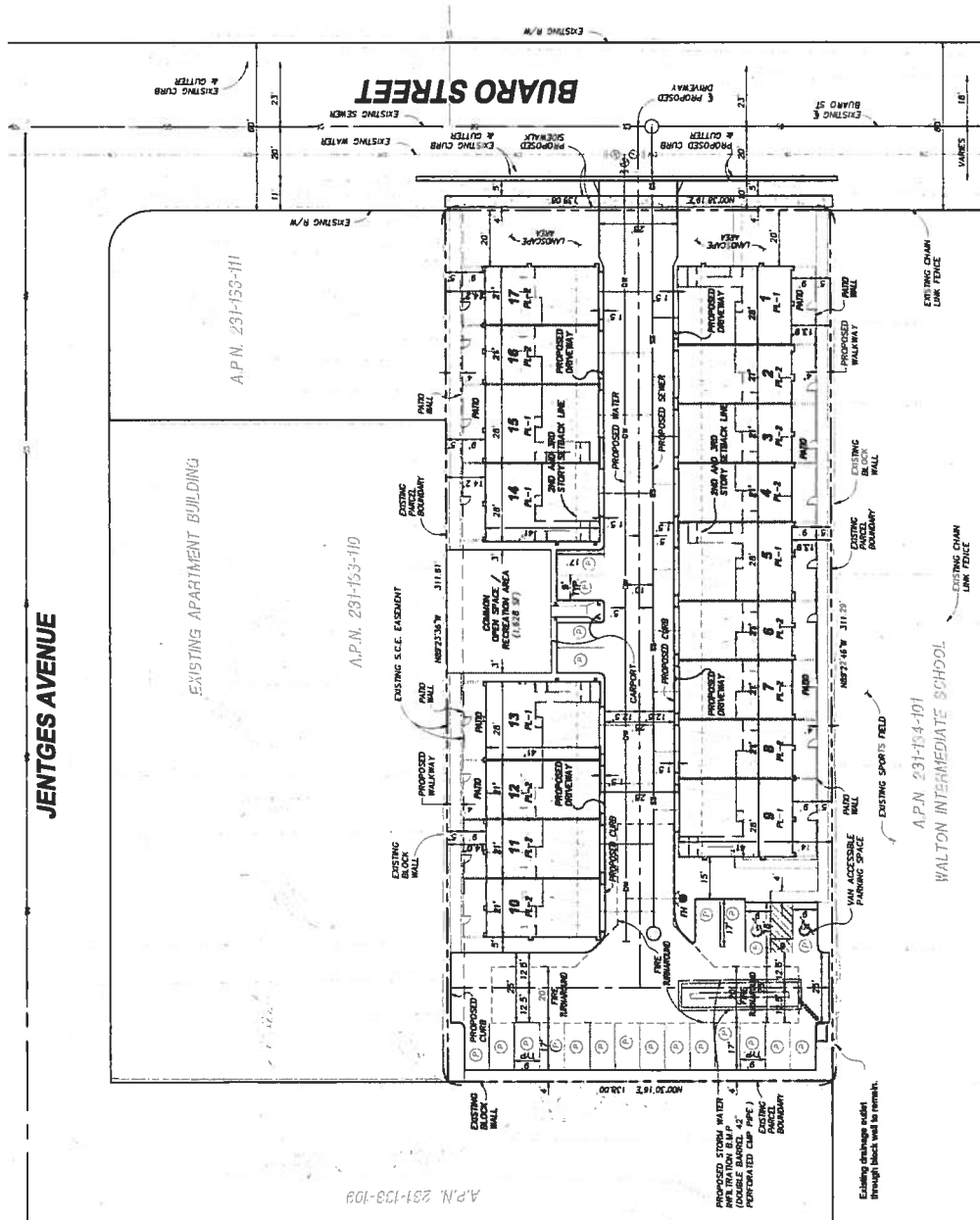
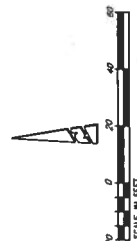
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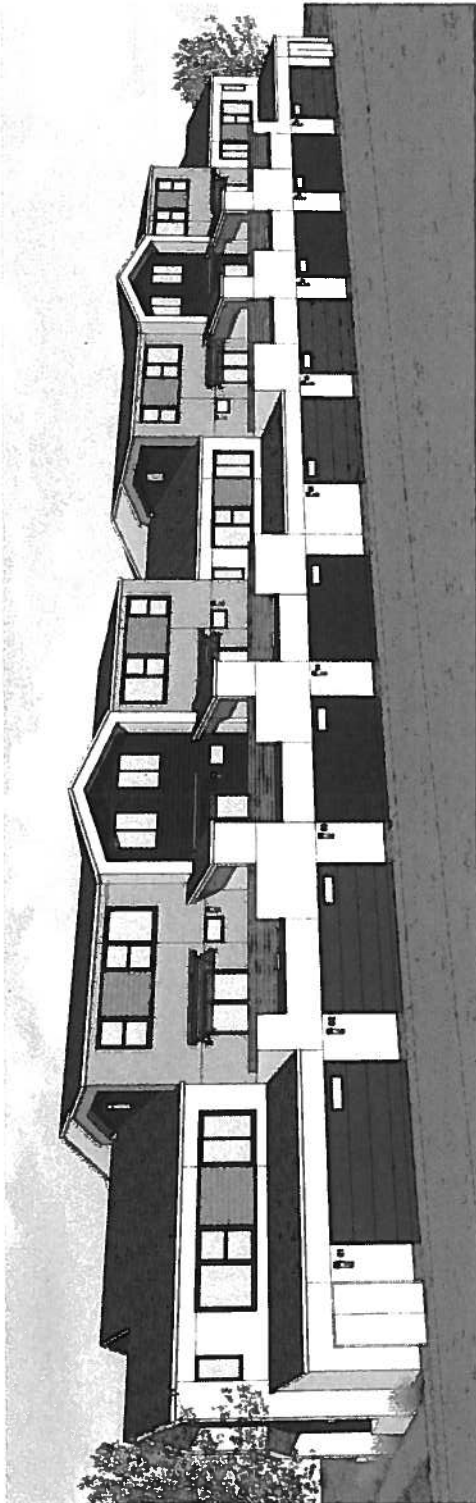
PREPARED BY

**PROACTIVE**

ENGINEERING CONSULTANTS  
2000 South Main Street, Suite 500  
San Mateo, California CA 94401

SHEET 1 OF 1





REAR PERSPECTIVE



FRONT PERSPECTIVE

## 9-UNIT COMPOSITE PERSPECTIVES

Plot Date: 18.07.2017  
1st Submittal: 11.18.2017  
2nd Submittal: 03.20.2017  
3rd Submittal: 07.19.2017

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

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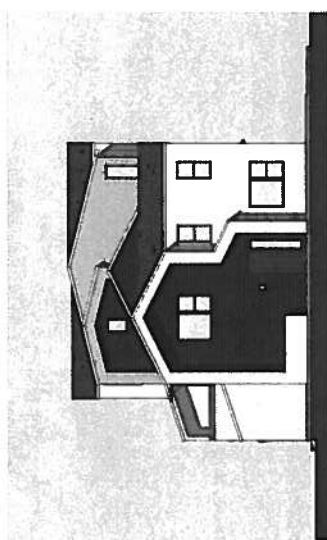
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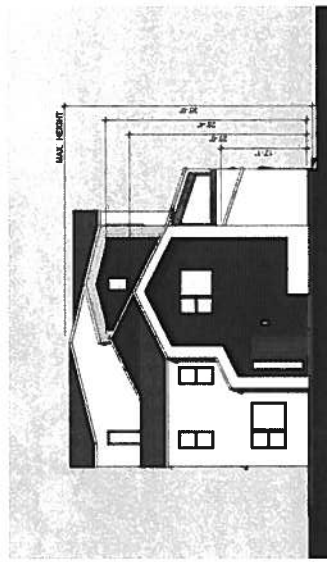
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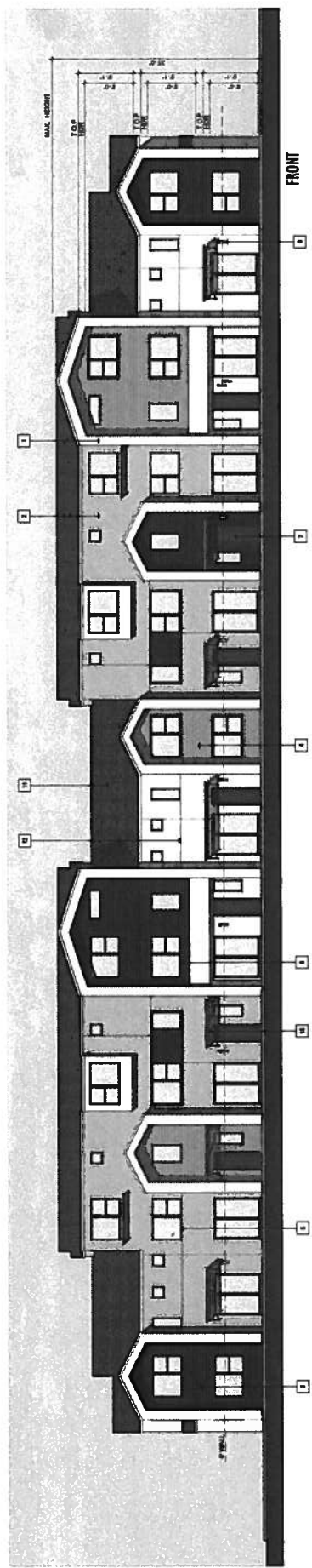
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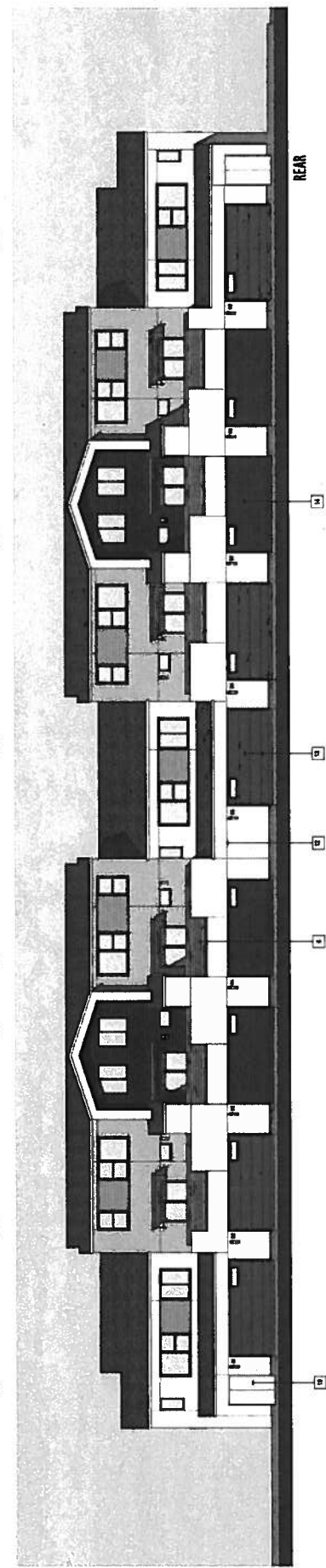
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FRONT



REAR

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# 9-UNIT COMPOSITE ELEVATIONS

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

18.07.2017  
11.18.2017  
03.20.2017  
07.19.2017

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

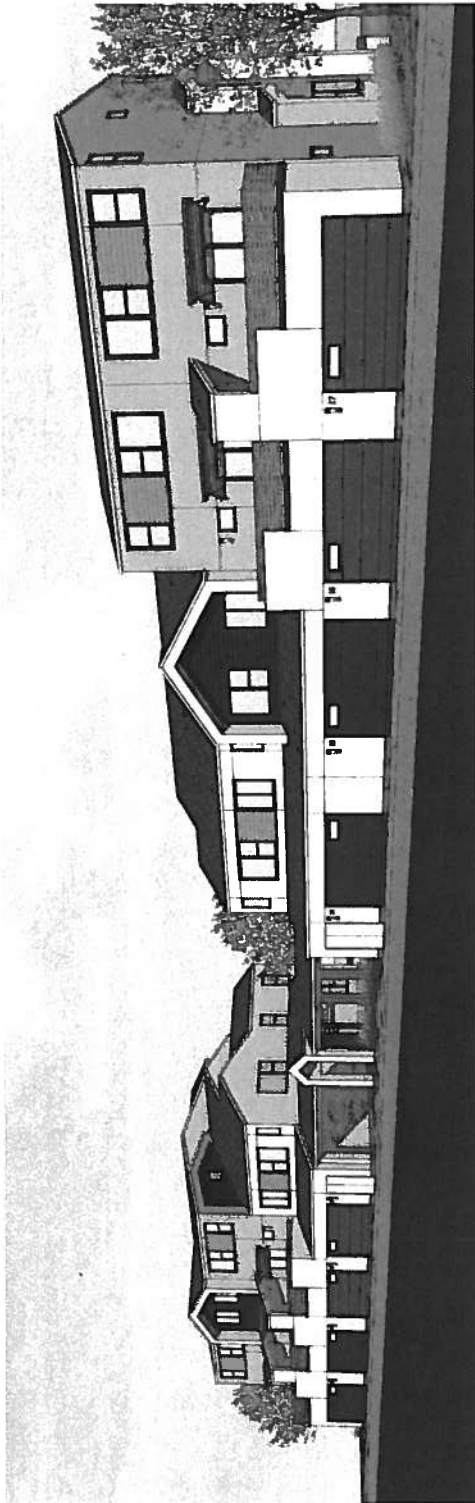
GARDEN GROVE SCHOOL SITE  
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Pinnacle Residential  
2 Venture, Suite 350  
Irvine, CA 92614  
949.207.3270

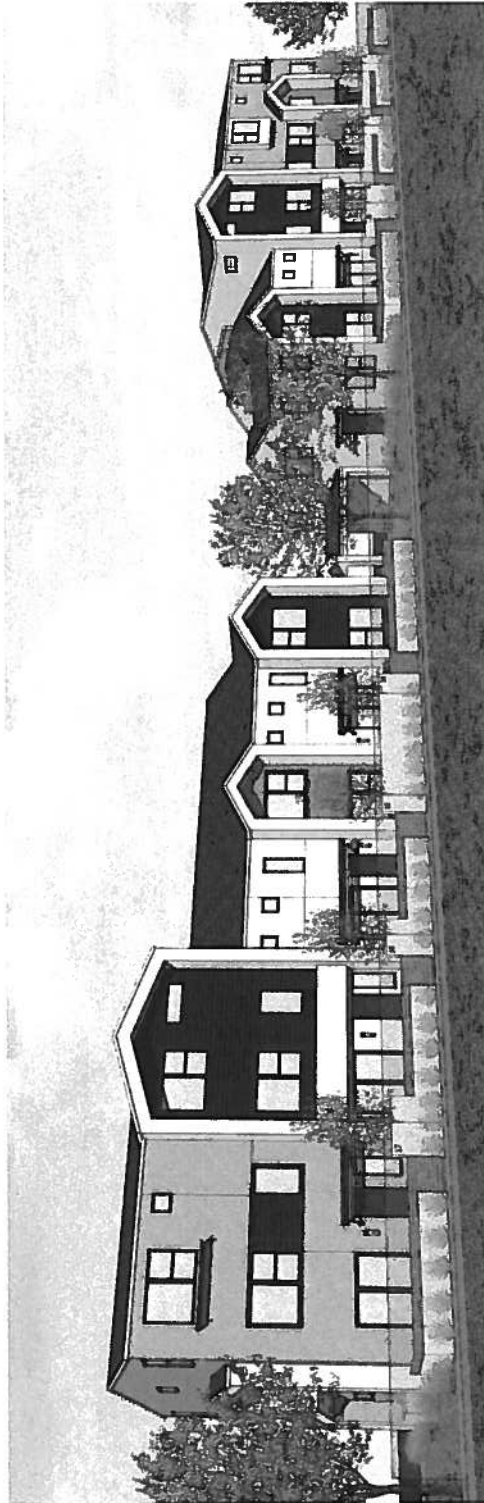
Pinnacle Residential

Architecture + Planning  
17911 Von Karman Ave  
Suite 200  
Irvine, CA 92614  
949.207.3270  
http://www.pinnacle-arch.com





REAR PERSPECTIVE



FRONT PERSPECTIVE

## 8-UNIT COMPOSITE PERSPECTIVES

Plot Date:  
18.07.2017  
1st Submittal:  
11.10.2017  
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GARDEN GROVE SCHOOL SITE  
Garden Grove, CA  
#2016-0337

Pinnacle Residential  
2 Ventura, Suite 350  
Irvine, CA 92614  
949.297.2376

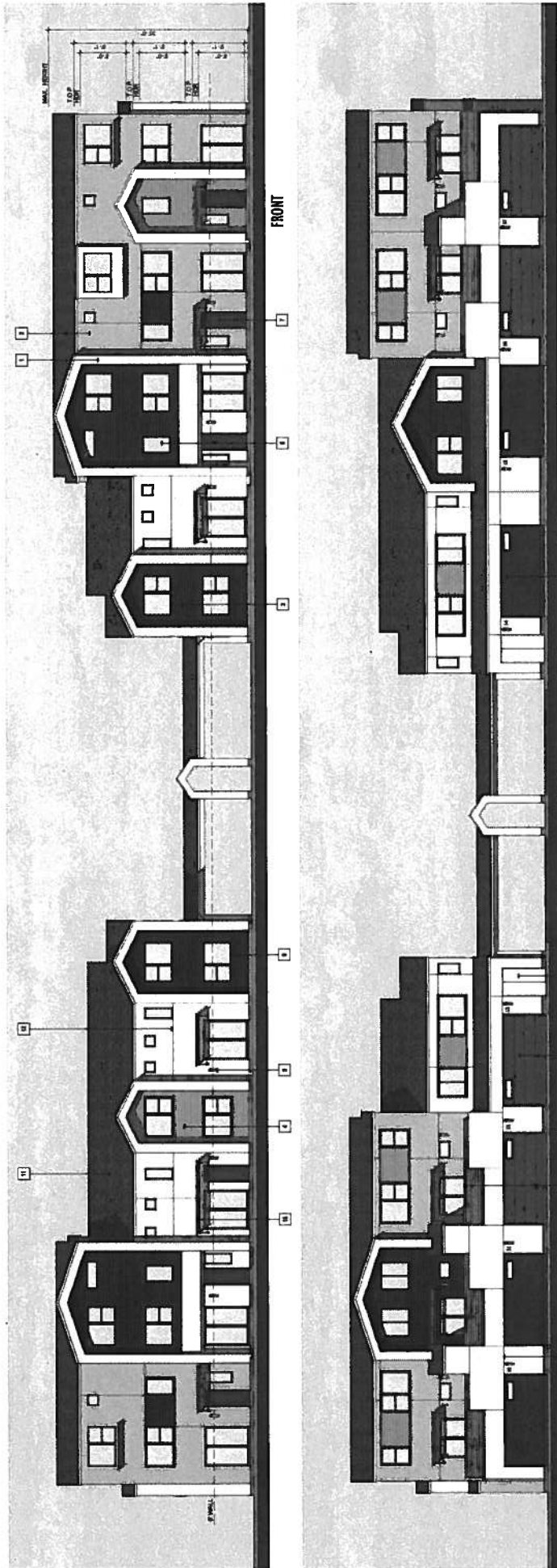
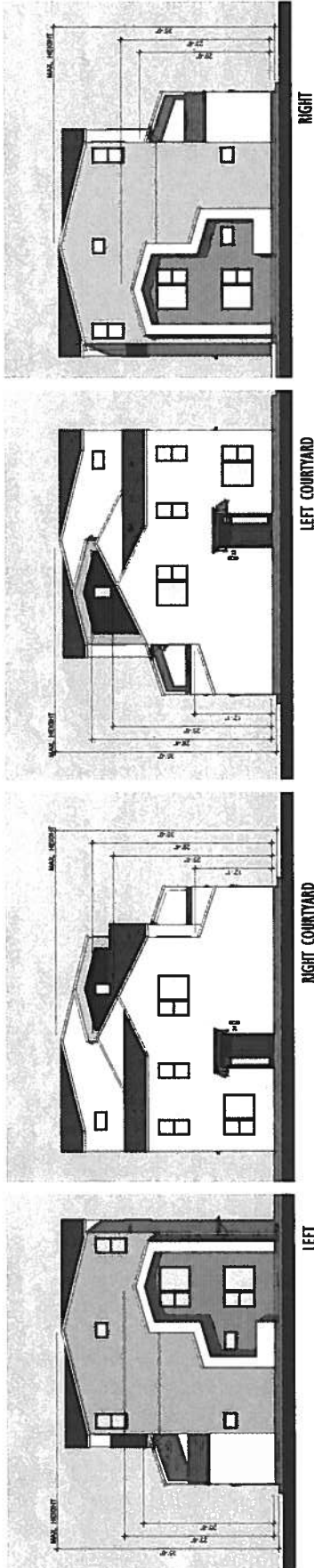
**PINNACLE**  
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  - 100 STUCCO 100, LIGHT SAND FINISH



**AI.3**

**8-UNIT COMPOSITE ELEVATIONS**

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

18.07.2017  
11.18.2017  
03.10.2017  
07.19.2017

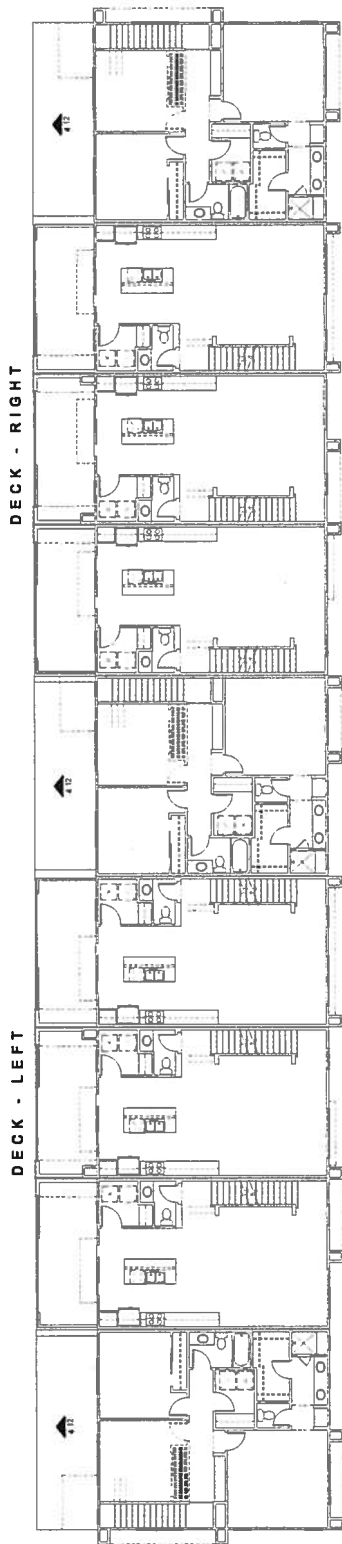
Plot Date:  
1st Submit:  
2nd Submit:  
3rd Submit:

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

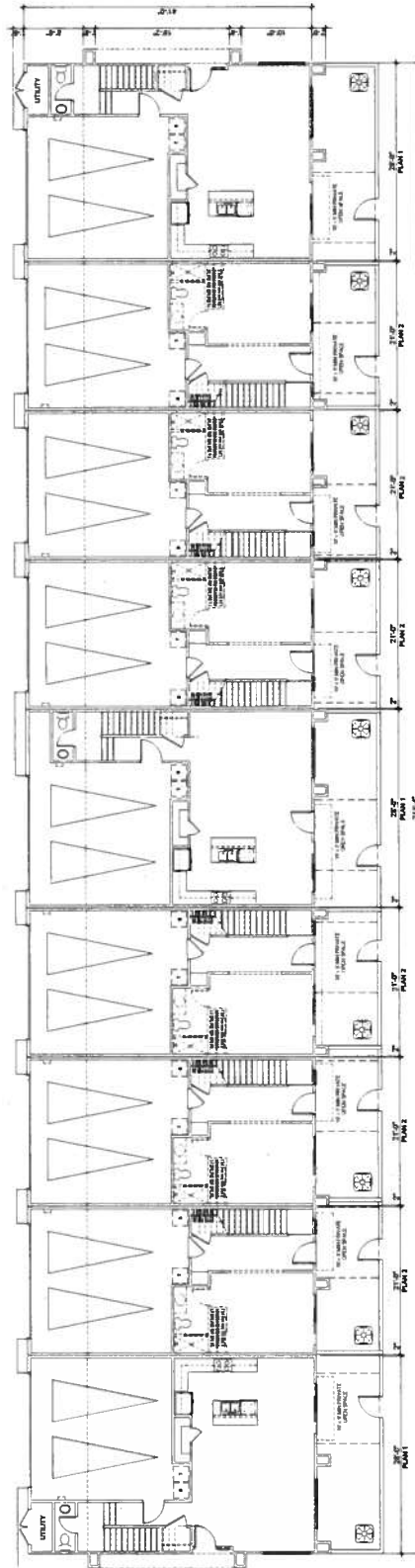
PinNACLE  
RESIDENTIAL

Architects & Planning  
17011 Von Karman Ave.  
Suite 200  
Irvine, CA 92614  
949.851.2133  
npg.com





SECOND FLOOR COMPOSITE



FIRST FLOOR COMPOSITE

NOTES

- 10% OF MULTISTORY UNITS SHALL BE ADA ADAPTABLE PER 2016 CBC 1102 A.3. UNITS SHALL BE IDENTIFIED PER CIVIL PLANS FOR FUTURE ENDS

BUILDING FOOTPRINT AREA CALC

AREA PER LEVEL	S.F.
1ST FLR FOOTPRINT	8,723
2ND FLR FOOTPRINT	8,037
3RD FLR FOOTPRINT	4,181
AREA MAX PER 3RD LEVEL	50% OF 1ST FLR AREA
3RD / 1ST	418/8723 = 4.7%

9-UNIT COMPOSITE FLOOR AREA

1ST FLOOR	8723 SQ. FT.
2ND FLOOR	8038 SQ. FT.
3RD FLOOR - LEFT	2008 SQ. FT.
3RD FLOOR - RIGHT	2008 SQ. FT.
TOTAL AREA	20833 SQ. FT.
DECK - LEFT	532 SQ. FT.
DECK - RIGHT	532 SQ. FT.

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2 Venture, Suite 350  
Irvine, CA 92616  
949.227.3270

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

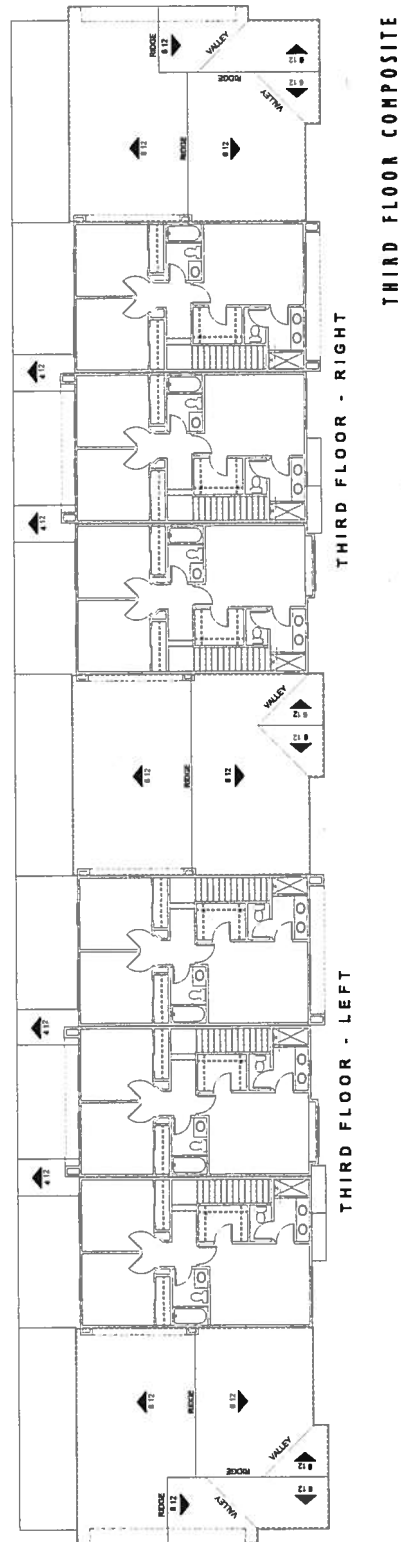
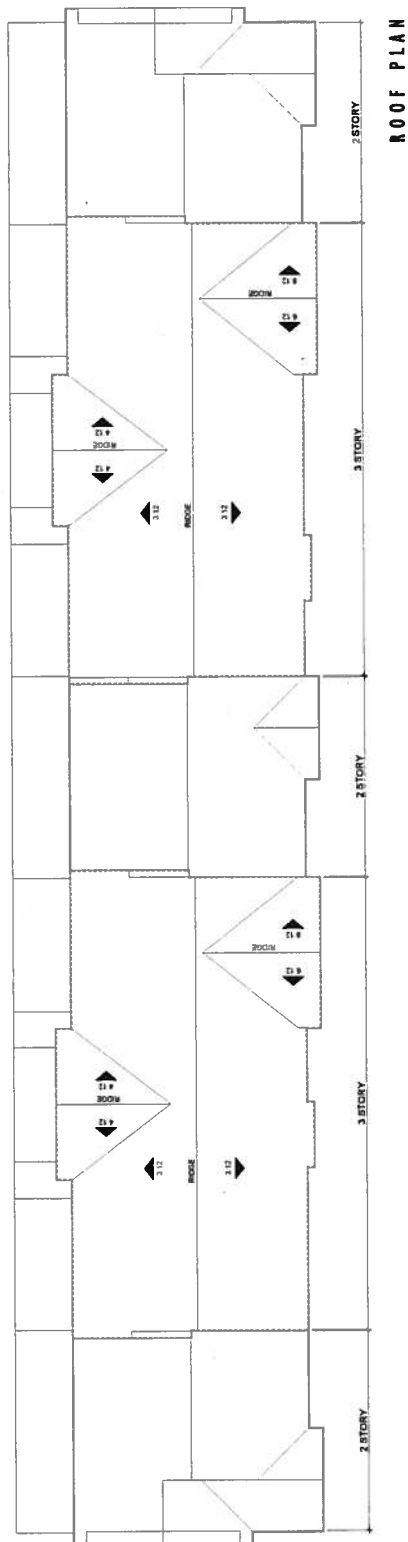
Plot Date:  
1st Submittal: 11-15-2017  
2nd Submittal: 03-20-2017  
3rd Submittal: 07-19-2017

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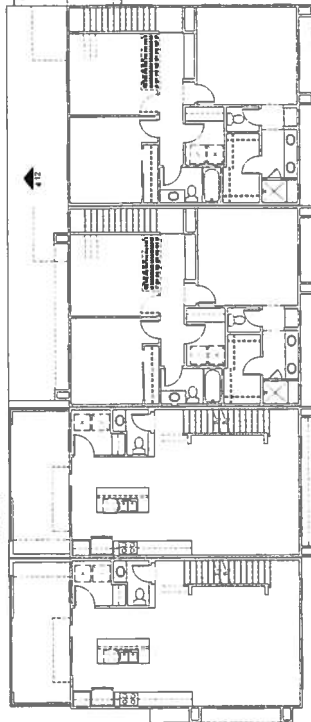
**9-UNIT COMPOSITE PLAN**

**A2.0**



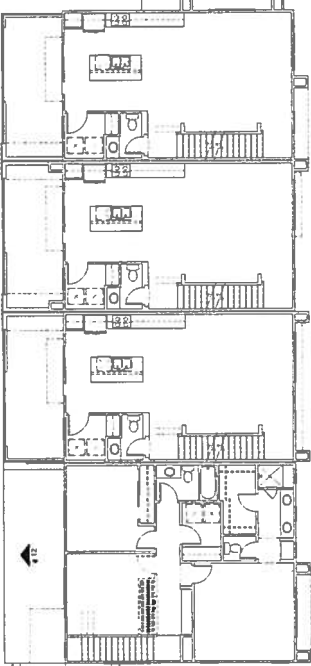


DECK - LEFT



SECOND FLOOR - LEFT

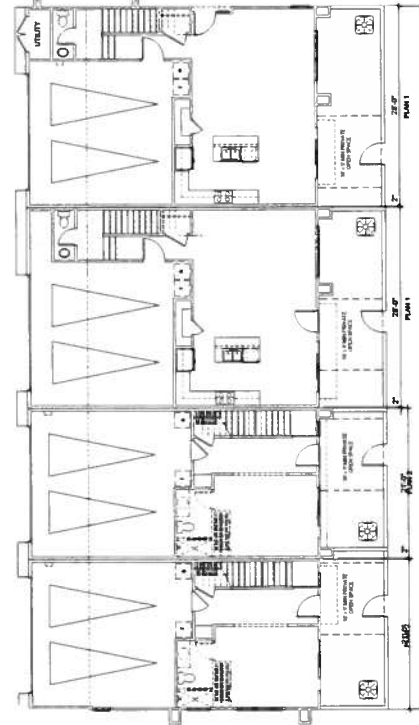
DECK - RIGHT



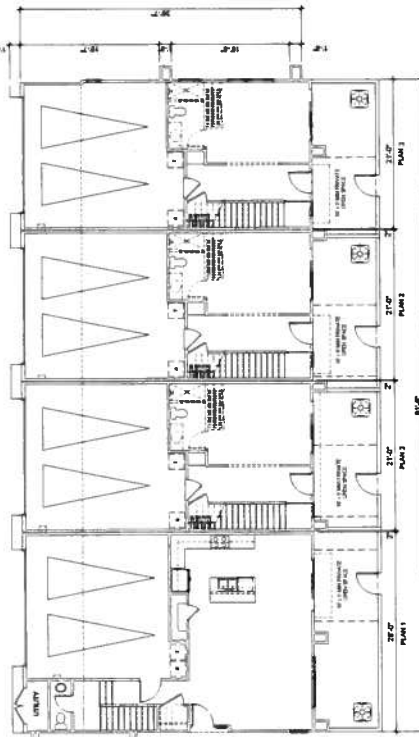
SECOND FLOOR - RIGHT

SECOND FLOOR COMPOSITE

FIRST FLOOR - LEFT



FIRST FLOOR - RIGHT



FIRST FLOOR COMPOSITE

- NOTES:
- 10% OF MULTI-STORY UNITS SHALL BE ADA ADAPTABLE PER 2018 CBC 1102.3.3 UNITS SHALL BE ADAPTABLE UNLESS STATED OTHERWISE. EACH GARAGE SHALL BE READY FOR FUTURE EVCS

BUILDING FOOTPRINT AREA CALC	
AREA PER LEVEL	S.F.
1ST FLR FOOTPRINT **	8,568
2ND FLR FOOTPRINT	7,910
3RD FLR FOOTPRINT	3,457
AREA MAX PER 3RD LEVEL	50% OF 1ST FLR AREA
3RD / 1ST	3457/6938 = 49.2%
**1ST FLR FOOTPRINT AREA INCLUDES CARPORT	

8-UNIT COMPOSITE FLOOR AREA	
1ST FLOOR - LEFT	4082 SQ. FT.
1ST FLOOR - RIGHT	3775 SQ. FT.
2ND FLOOR - LEFT	3587 SQ. FT.
2ND FLOOR - RIGHT	3544 SQ. FT.
3RD FLOOR - LEFT	383 SQ. FT.
3RD FLOOR - RIGHT	288 SQ. FT.
TOTAL AREA	18361 SQ. FT.
DECK - LEFT	356 SQ. FT.
DECK - RIGHT	529 SQ. FT.

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949.207.3270

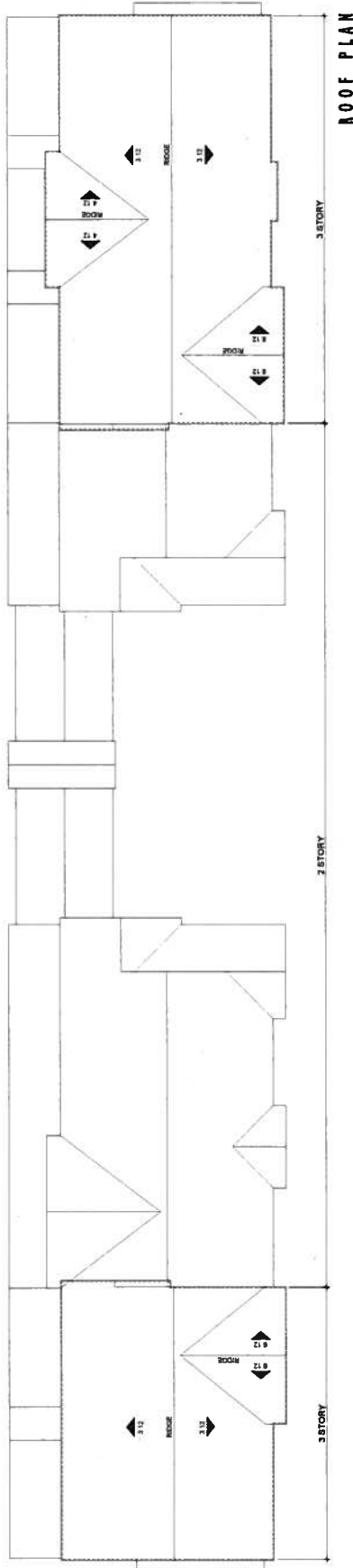
**GARDEN GROVE SCHOOL SITE**  
#2018-0337  
Garden Grove, CA

Plot Date: 19-07-2017  
1st Submittal: 11-08-2017  
2nd Submittal: 03-20-2017  
3rd Submittal: 07-18-2017

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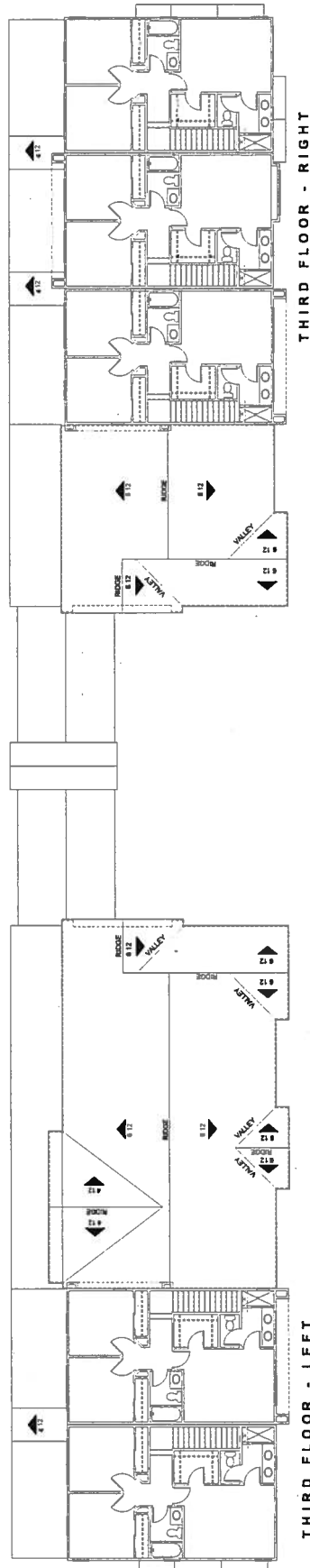
8-UNIT COMPOSITE PLAN

A2.2



ROOF PLAN

NOTE: ROOF SHALL BE SOLAR READY PER SECTION 11B.0 OF 2016 CALIFORNIA ENERGY CODE



THIRD FLOOR - LEFT  
THIRD FLOOR COMPOSITE  
THIRD FLOOR - RIGHT



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2 Venable Plaza 350  
Van Nuys, CA 91411  
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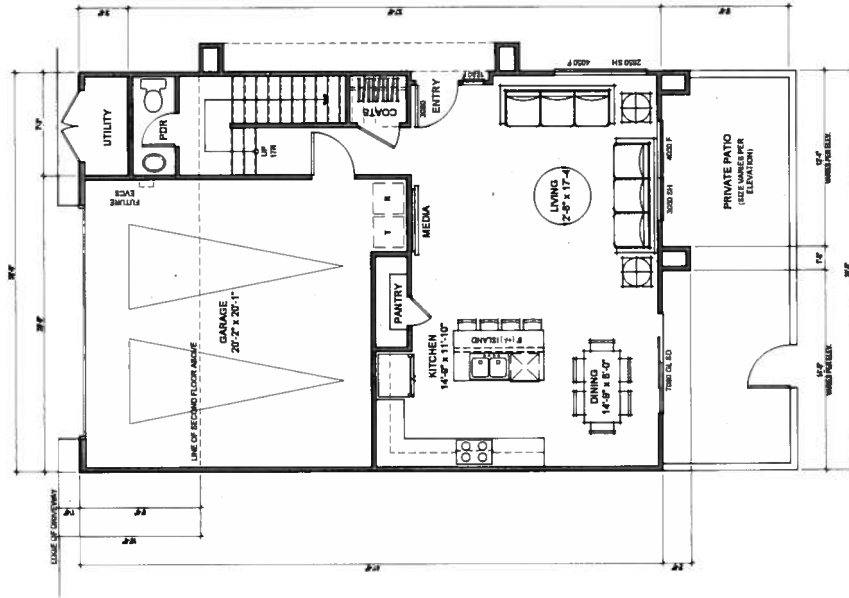
**GARDEN GROVE SCHOOL SITE**  
Garden Grove, CA  
#2018-0237

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

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

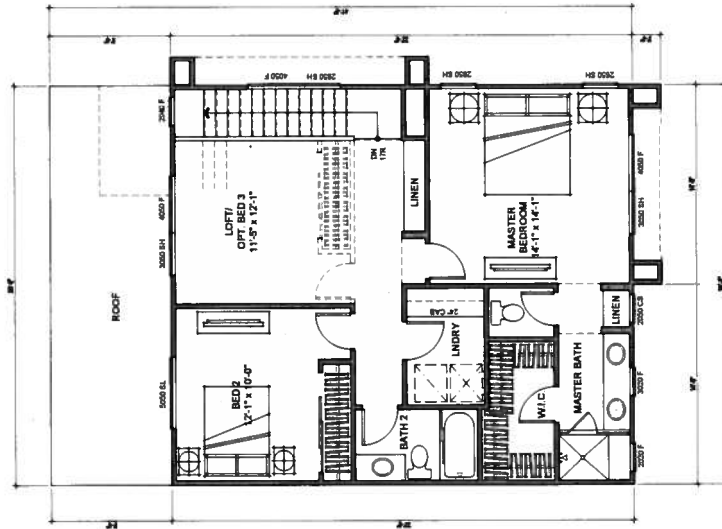
A2.3



FIRST FLOOR

P2- NET FLOOR AREA	
1ST FLOOR	848 SQ. FT.
2ND FLOOR	818 SQ. FT.
TOTAL LIVING	1467 SQ. FT.
GARAGE	418 SQ. FT.
PATIO	230 SQ. FT. TO 233 SQ. FT. PER ELEVATION

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



SECOND FLOOR

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

18.07.2017  
11.18.2017  
03.20.2017  
07.19.2017

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

GARDEN GROVE SCHOOL SITE  
Garden Grove, CA

Pinnacle Residential  
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Irvine, CA 92616  
949.267.2270

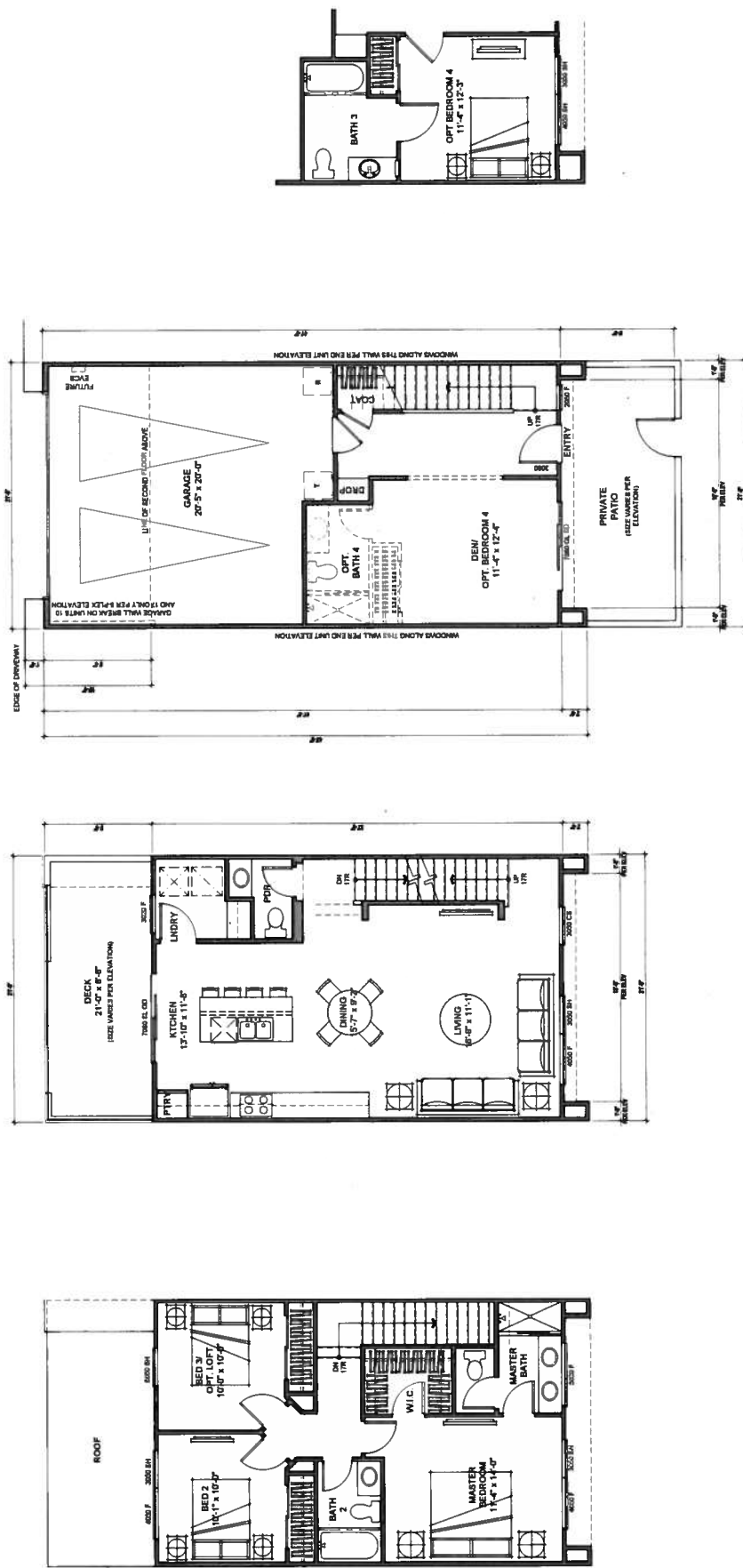
PINNACLE  
RESIDENTIAL

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Suite 200  
Irvine, CA 92614  
949.851.2133  
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A3.0

PLAN 1 - 3BD / 2.5BA



OPT. BEDROOM 4

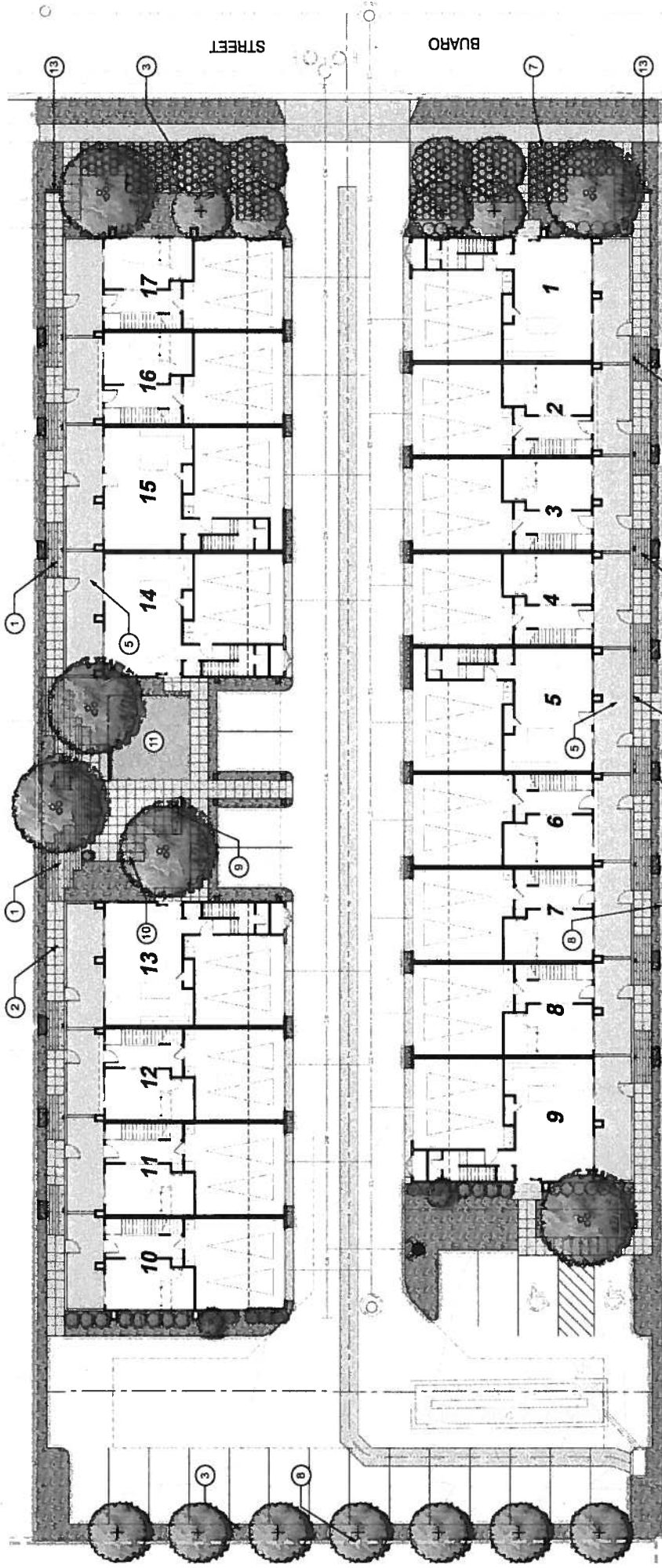
FIRST FLOOR

SECOND FLOOR

THIRD FLOOR

P1 - NET FLOOR AREA	
1ST FLOOR	379 SQ. FT.
2ND FLOOR	652 SQ. FT.
3RD FLOOR	598 SQ. FT.
TOTAL LIVING	1627 SQ. FT.
GARAGE	438 SQ. FT.
DECK	156 SQ. FT. TO 180 SQ. FT. PER ELEVATION
PATIO	180 SQ. FT. TO 188 SQ. FT. PER ELEVATION

P1 - GROSS FLOOR AREA	
1ST FLOOR	403 SQ. FT.
2ND FLOOR	682 SQ. FT.
3RD FLOOR	628 SQ. FT.
TOTAL LIVING	1714 SQ. FT.
GARAGE	438 SQ. FT.
DECK	172 SQ. FT. TO 178 SQ. FT. PER ELEVATION
PATIO	173 SQ. FT. TO 188 SQ. FT. PER ELEVATION



### PLANT LEGEND

TREES	SIZE	BOTANICAL NAME / COMMON NAME
	24" DBH	CUPRESSUS SEMPERVERENS / ITALIAN CYPRESS
	24" DBH	ROSEODENDRON BIPINNATUM / CHINESE PLANE TREE
	24" DBH	PIRULARIA GALEATA / CHANTRELLE
	24" DBH	PIRULARIA GALEATA / CHANTRELLE
	24" DBH	PIRULARIA GALEATA / CHANTRELLE
	24" DBH	PIRULARIA GALEATA / CHANTRELLE
	24" DBH	PIRULARIA GALEATA / CHANTRELLE
	24" DBH	PIRULARIA GALEATA / CHANTRELLE
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	24" DBH	PIRULARIA GALEATA / CHANTRELLE
	24" DBH	PIRULARIA GALEATA / CHANTRELLE
	24" DBH	PIRULARIA GALEATA / CHANTRELLE
	24" DBH	PIRULARIA GALEATA / CHANTRELLE

### LEGEND

	1 CONCRETE INTERLOCKING PLANK PAVING
	2 CONCRETE PAVING W/ 2" X 2" SCORE LINES
	3 COMMON AREA LANDSCAPE TYPICAL
	4 WOOD FENCE / WALL REFER TO ARCHITECTURAL SPECIFICATIONS FOR DETAIL
	5 PRIVATE PHOTO SPACE
	6 SUCCESSION WITHIN RAISED PLANTER
	7 ROCK MULCH (PLANTER BED)
	8 HIGH CMU PERIMETER WALL
	9 CAST IN PLACE CONCRETE SEAT WALL
	10 OUTDOOR BBQ
	11 SYNTHETIC TURF
	12 WALL SOURCE LIGHT
	13 PROJECT 1 D MONUMENT T.S.D

### PRIMARY PLANT PALETTE

### SCALES

0 10 20 30 40 Feet

SCALE: 1" = 10'

RESOLUTION NO. 5897-17

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

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

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

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

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

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

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

FACTS:

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

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

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



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

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

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

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

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

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

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

**FINDINGS AND REASONS:**

**SITE PLAN:**

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

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

2. The proposed development does not adversely affect essential on-site facilities such as off-street parking, loading and unloading areas, traffic circulation and points of vehicular and pedestrian access.

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

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

3. The development, as proposed, will not adversely affect essential public facilities such as streets and alleys, utilities and drainage channels.

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

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

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

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

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

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

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

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

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

VARIANCE:

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

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

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

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

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

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

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

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

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

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

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

**TENTATIVE TRACT MAP:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

13. The discharge of waste from the proposed subdivision into the existing sewer system will not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board. The conditions of approval for on- and off-site improvements will ensure permitted capacity of the public sewer system is not exceeded.

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

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

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Site Plan, Variance, and Tentative Tract Map possess characteristics that would indicate justification of the request in accordance with Municipal Code Sections 9.32.030 and 9.40.060.
2. In order to fulfill the purpose and intent of the Municipal Code, and, thereby, promote the health, safety, and general welfare, the attached Conditions of Approval (Exhibit "A") shall apply to Site Plan No. SP-041-2017, Variance No. V-016-2017, and Tentative Tract Map No. TT-18117.
3. Approval of this Site Plan, Variance, and Tentative Tract Map shall be contingent upon Garden Grove City Council adoption of the Mitigated Negative Declaration and an associated Mitigation Monitoring and Reporting Program for the Project and a resolution approving General Plan Amendment No. GPA-003-2017.

## **EXHIBIT "A"**

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

12111 Buaro Street

#### **CONDITIONS OF APPROVAL**

##### **General Conditions**

1. Each owner of the property shall execute, and the applicant shall record against the property, a "Notice of Discretionary Permit Approval and Agreement with Conditions of Approval," as prepared by the City Attorney's Office, within 30 days of approval. The applicant shall provide the City with a copy of the recorded Notice within ten (10) days of its recordation.
2. All Conditions of Approval set forth herein, or contained in Resolution No. 5897-17, shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to each of the following: the project applicant, Buaro Partners, LLC, the developer of the project, the owner(s) and tenants(s) of the property, and each of their respective successors and assigns. All Conditions of Approval are required to be adhered to for the life of the project, regardless of property ownership. Except for minor modifications approved by the Community and Economic Development Director pursuant to Condition No. 4, below, any changes to the Conditions of Approval require approval by the Planning Commission. All Conditions of Approval herein shall apply to Site Plan No. SP-041-2017, Variance No. V-016-2017, and Tentative Tract Map No. TT-18117. The rights granted the applicant pursuant to Variance No. V-016-2017 shall continue in effect for only so long as the improvements authorized and contemplated by Site Plan No. SP-041-2017 and these Conditions of Approval continue to exist on the site. In the event the improvements authorized and contemplated by Site Plan No. SP-041-2017 are not constructed or are demolished and not re-established, Variance No. V-016-2017 shall cease to be effective or grant the applicant any rights to construct improvements within the required setbacks.
3. Approval of this Site Plan, Variance, and Tentative Tract Map shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
4. Minor modifications to the Site Plan and/or these Conditions of Approval, which do not materially change the scope or intensity of the project and which will not result in impacts that have not previously been addressed, may be approved by the Community and Economic Development Director, in his or her discretion. Proposed modifications to the project, approved site plan, floor plan, and/or these Conditions of Approval determined by the Community and Economic Development Director not to be minor in nature

shall be subject to approval of new and/or amended land use entitlements by the applicable City hearing body.

5. All conditions of approval shall be implemented at the applicant's expense, except where otherwise expressly specified in the individual condition.
6. All lighting structures shall be placed so as to confine direct rays to the subject property. All exterior lights shall be reviewed and approved by the City's Planning Division. Lighting adjacent to residential properties shall be restricted to low decorative type wall-mounted lights, or a ground lighting system. Lighting shall be provided throughout all private drive aisles and entrances to the development per City standards for street lighting. Lighting in the common areas shall be directed, positioned, or shielded in such a manner so as not to unreasonably illuminate the window areas of nearby residences. Provide a lighting plan for review and approval by the Planning Services Division prior to issuance of a building permit.
7. The applicant shall submit detailed plans showing the proposed location of utilities and mechanical equipment to the Community and Economic Development Department for review and approval prior to Building Division Plan Check. The project shall also be subject to the following:
  - a. All on-site and off-site utilities (off-site refers to the areas within public right-of-way to the center line of the streets adjacent to the subject property) within the perimeter of the site and to the centerline of the adjacent streets shall be installed or relocated underground.
  - b. Above-ground utility equipment (e.g., electrical, gas, telephone, cable TV) shall not be located in the street setbacks, or any parking areas and shall be screened to the satisfaction of the Community and Economic Development Department.
  - c. No roof-mounted mechanical equipment, including but not limited to dish antennas, shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community and Economic Development Department prior to the issuance of building permits. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
  - d. All ground, roof, or wall-mounted mechanical equipment shall be screened from public view from adjacent properties and the public right-of-way and shall also be screened, to the extent feasible, from on-site areas.
8. All mitigation measures identified in the Mitigated negative Declaration adopted for the Project (12111 Buaro Street Project Initial Study/Mitigated Negative Declaration) (the "Mitigated Negative Declaration") are incorporated herein by this reference and shall be implemented as conditions of approval

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

**Public Works Engineering Division**

9. The applicant shall be subject to Traffic Mitigation Fees in accordance with Chapter 9.44 of the Garden Grove Municipal Code; In-Lieu Park Fees, Drainage Facilities Fees, Water Assessment Fees, and other applicable mitigation fees identified in Chapter 9.44 of the Garden Grove Municipal Code, along with all other fees duly adopted by the City. The amounts of said fees shall be calculated based on the City's current fee schedule at the time of permit issuance.
10. A geotechnical study prepared by a registered geotechnical engineer is required. The report shall analyze the liquefaction potential of the site and make recommendations. The report shall analyze sub-surface issues related to the past uses of the site, including any sub-surface tanks, basement, and septic facilities. Any soil or groundwater contamination shall be remediated prior to the issuance of a building permit in a manner meeting the approval of the City Engineer in concert with the Orange County Health Department. The report shall make recommendations for pavement design of the drive aisles and parking spaces. The report shall also test and analyze soil conditions for LID (Low Impact Development) principles and implementations, including potential infiltration alternatives, soil compaction, saturation, permeability and groundwater levels.
11. A separate street permit is required for work performed within the public right-of-way. The City of Garden Grove completed a street rehabilitation project on Buaro Street in September 2017. Buaro Street is currently under a street moratorium. Any utility trench backfilling fronting the project on Buaro Street is subject to 15 feet of asphalt resurfacing (up to 2 inches of asphalt grind and cap) from the center line of proposed utility (water, gas, sewer, communication cables) in both directions and may extend the full width of the street as determined by the City Engineer.
12. Separate grading and street improvement plans prepared by a registered Civil Engineer are required. The grading plan shall be based on a current survey of the site, including a boundary survey, topography on adjacent properties up to 30' outside the boundary, and designed to preclude cross-lot drainage. Minimum grades shall be 0.50% for concrete flow lines and 1.25% for asphalt. The grading plan shall also include water and sewer improvements. The grading plan shall include a coordinated utility plan. Street improvement plan shall conform to all format and design requirements of the City Standard Drawings & Specifications.
13. Prior to the issuance of any grading or building permits or prior to recordation upon subdivision of land if determined applicable by the City

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

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

improvements and grading permit in a manner satisfactory to the City Engineer, City Attorney, and City Finance Department (Risk Management). Alternate forms of security may be considered, solely in the discretion of the City Engineer and with the concurrence of the City Attorney and City Finance Department (Risk Management).

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

- The trash shall be located to allow pick-up and maneuvering, including turnarounds, in the area of enclosures per City of Garden Grove Standard Plan B-502.
26. Grading fees shall be calculated based on the current fee schedule at the time of permit issuance.
27. TIES TO HORIZONTAL CONTROL

Prior to recordation of a final tract map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Sub-article 18. The surveyor/engineer shall submit record information to the City on Auto Cad DWG format.

28. DIGITAL MAP SUBMISSION

Prior to recordation of a final tract map, the surveyor/engineer preparing the map shall submit to the County Surveyor a digital graphics file of said map in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Manual, Sub-article 18. The surveyor/engineer shall submit record information to the City on Auto Cad DWG format.

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

Buaro Street

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

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

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

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

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

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

#### **Water Conditions**

31. New water meters service with a Residential Fire Sprinkler Connection (RFSC) shall be installed per City Standard B-719.
32. The water system within the drive aisle shall be constructed per City standards by the developer.
33. Water meters and boxes shall be installed by City forces upon payment of applicable fees and after the new water system (including water services) passes all bacteriological and pressure tests. Contractor can also purchase meters and boxes from the City.
34. A water and sewer utility plan shall be submitted using the City's drawing format and assigned a "W" drawing number.
35. A Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed for the landscape system. Installation shall be per City standards and shall be tested by a certified backflow device tester immediately after installation. Cross connection inspector shall be notified for inspection after the installation is completed. The property owner(s) shall have RPPD device tested once a year thereafter by a certified backflow device tester and the test results to be submitted to Public Works, Water Services Division. Property owner(s) must open a water account upon installation of RPPD device.
36. There shall be a minimum 15-foot clearance of building footings from the water main. Clearances less than 15 feet shall be reviewed and approved by Water Services staff.



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

**Sewer Conditions**

43. The owner shall install new private sewer main with clean outs on each individual lateral. All on site sewer main and appurtenance shall be installed per the California Plumbing Code (CPC). The sewer main within the public right-of-way shall be extra strength VCP and the sewer manhole shall be installed per City Standard S-100.
44. The Contractor shall abandon any existing unused sewer lateral(s) at street right-of-way on the property owner's side. The sewer pipe shall be capped with an expansion sewer plug and encased in concrete.

**Building Services Division**

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

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

**Garden Grove Fire Department**

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

**Planning Services Division**

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

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

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

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

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

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

building permits. The approved CC&R's shall be recorded at the same time that the subdivision map is recorded and two copies of the recorded CC&R's shall be provided to the Planning Division. The CC&R's shall include the following stipulations:

- a. All units shall maintain within the garages, the ability to park two cars at all times. Garages shall not be converted to any other use.
- b. There shall be no business activities, day care, or garage sales conducted within or from the garages.
- c. Parking spaces in the garages shall be made available to the occupants of the unit at all times.
- d. Residents shall not park or store vehicles anywhere on the site except within the designated parking spaces in the garages for their dwelling unit. However, the open parking spaces may be utilized by residents or guests for temporary parking. Any issues arising from the use, application, or restriction of such open parking spaces shall be at the resolve of the Homeowner's Association.
- e. All graffiti vandalism shall be abated within the premises. Best Management Practices shall be incorporated to detour and/or abate any graffiti vandalism throughout the project and the life of the project, including but not limited to, timely removal of all graffiti, the use of graffiti resistant coatings and surfaces, the installation of vegetation screening of frequent graffiti sites, and the installation of signage, lighting, and/or security cameras, as necessary.
- f. Each residence shall be utilized as one (1) dwelling unit. No portion of any residence shall be utilized or rented as a separate dwelling unit.
- g. The CC&R's shall provide provisions for the owners a means of contacting persons responsible for site maintenance, repairs, trash pick-up, and other related matters for a development of this type. This shall also include scheduling of maintenance of such items as the recreation area and urban trail, landscape area maintenance, etc. This also includes ensuring tree overhangs do not block or hinder any vehicles such street sweepers, trash trucks, fire trucks, etc., from maneuvering on the streets within the project.
- h. No outside storage shall be permitted on-site. Storage of boats, recreational vehicles, or commercial vehicles on the property is prohibited.
- i. The CC&R shall include stipulations that maintenance of the private drive aisles, open space areas, common landscaped areas, recreation equipment, walkways, storm drain, and all sewer facilities is the responsibility of the Homeowner's Association, including the common landscaped areas.

- j. The above stipulations shall not be modified without the approval of the City of Garden Grove. The CC&R's shall contain a provision that indicates CC&R's may not be terminated or substantially amended without the consent of the City.
- k. The CC&R's shall include language regarding Homeowner's Association responsibilities under National Pollutant Discharge Elimination System (NPDES) regulations.
- l. Each unit shall have a minimum of 300 cubic feet of storage space, which may be provided in the garage parking areas.
- m. The Conditions of Approval for Site Plan No. SP-041-2017, Variance No. V-016-2017 and Tentative Tract Map No. TT-18117 shall be incorporated into the CC&Rs, and provisions corresponding to any applicable Conditions of Approval shall be included in the CC&Rs.
- n. The following provisions shall be included within the CC&R's (in substantially the same form as below or as otherwise approved by the City Attorney):
  - i. Compliance with Stormwater Quality Regulations. The Homeowner's Association shall implement, and fund implementation of, the Operation and Maintenance ("O&M") Plan for the Property, which was approved by the City as part of the Water Quality Management Plan ("WQMP") required for development of the Property, and shall operate and maintain the Best management Practices ("BMPs") described in the O&M Plan for the Property which includes:
    - a. Description of all post-construction BMPs (non-structural and structural).
    - b. Description of the Property owner's(S') responsibilities and required training of persons performing BMP implementation, operation and maintenance,
    - c. Implementation frequency and operating schedule,
    - d. Inspection/maintenance frequency and schedule,
    - e. Specific maintenance activities,
    - f. Required permits from resource agencies, if any,
    - g. Forms to be used in documenting implementation, operation and maintenance activities,
    - h. Recordkeeping requirements.

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

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

- ii. Enforcement: The City is hereby made a party to these Declarations solely for purposes of enforcing its provisions and the Conditions of Approval of Site Plan No. SP-041-2017, Variance No. V-016-2017 and Tentative Tract Map No. TT-18117. The City, its agents, departments and employees shall have the unrestricted right and authority, but not the obligation, to enforce the provisions of these Declarations and the Conditions of Approval of Site Plan No. SP-041-2017, Variance No. V-016-2017, and Tentative Tract Map No. TT-18117. In the enforcement of this Declaration, the City shall not be limited to the procedures of processes described in this Declaration and may use any remedy provided under law or equity, including the City's Municipal Code. The City, its agents, departments and employees may further refuse to issue any building, electrical or plumbing permit that may be in violation of these Declarations or Site Plan No. SP-041-2017, Variance No. V-016-2017, and Tentative Tract Map No. TT-18117 approvals. However, the City shall not be liable for failing or refusing to enforce the provisions of these Declarations or the Conditions of Approval of Site Plan No. SP-041-2017, Variance No. V-016-2017, and Tentative Tract Map No. TT-18117. The alternative dispute resolution provisions set forth in Section/Article [SECTION] of this Declaration shall not apply to or legally bind the City.
- iii. Assessments: The City may levy special assessments against the properties in connection with its actions to enforce the conditions of this Declaration or Site Plan No. SP-041-2017, Variance No. V-016-2017, and Tentative Tract Map No. TT-18117 approvals, or to abate the violation thereof. The City shall have the same power as the Association to levy special assessments pursuant to the provisions of [SECTION] of this Declaration in the event that it incurs expenses in the enforcement of the conditions of this Declaration or Site Plan No. SP-041-2017, Variance No. V-016-2017, and Tentative Tract Map No. TT-18117 approvals. Notice of intention to make such assessment shall be mailed by the City to the Owner of each affected [LOT/UNIT]



affording the Owner thirty (30) days' notice to satisfy or reimburse the City's expenditure. In the event of the failure of any Owner of any affected [LOT/UNIT] to reimburse the City within thirty (30) days, notice of such assessment shall be mailed by the City to said Owner, and said assessment shall thereafter be due as a separate debt to the City within thirty (30) days following the mailing of such notice. Any such delinquent assessment may be and may become a lien upon the interest of the defaulting Owner in the Lot upon the execution by the City and the recording in the Orange County Recorder's office of a notice of delinquent assessment under the same conditions that the Association could record the same pursuant to the provisions of [SECTION]. The City may foreclose on such notice of delinquent assessment in the same manner and with the same power as the Association could foreclose on such notice pursuant to the provisions of [SECTION]. It is the intent of Declarant, which intent shall be binding upon all of Declarant's successors in interest in the Properties, that the City shall be deemed an interest holder pursuant to the provisions of these Declarations in order to enforce the rights which have been given to the City generally in these Declarations and specifically pursuant to this Section.

- iv. Attorney Fees: The City shall be entitled to recover its attorney's fees incurred in connection with its actions to enforce the conditions of these Declarations or Site Plan No. SP-041-2017, Variance No. V-016-2017, and Tentative Tract Map No. TT-18117 approvals, or to abate the violation thereof.
  - v. Public Safety Access: The Police and Fire Department personnel may enter upon any part of the common area for the purpose of enforcing state and local laws.
  - vi. Modification/Termination. This Declaration shall not be terminated or substantially amended without the prior written approval of the City of Garden Grove Community and Economic Development Department.
76. A copy of the resolution approving Site Plan No. SP-041-2017, Variance No. V-016-2017, and Tentative Tract Map No. TT-18117, including these Conditions of Approval, shall be kept on the premises at all times.
77. The permittee shall submit a signed letter acknowledging receipt of the decision approving Site Plan No. SP-041-2017, Variance No. V-016-2017, and Tentative Tract Map No. TT-18117, and his/her agreement with all conditions of the approval.
78. The applicant shall, as a condition of Project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, or proceeding against the City, its officers, agents, employees and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council,

Planning Commission, or other City decision-making body, or City staff action concerning General Plan Amendment No. GPA-003-2017, Site Plan No. SP-041-2017, Variance No. V-016-2017, Tentative Tract Map No. TT-18117 (collectively, the "Project entitlements"), and/or the adopted Mitigated Negative Declaration and the associated Mitigation Monitoring and Reporting Program for the Project. The applicant shall pay the City's defense costs, including attorney fees and all other litigation related expenses, and shall reimburse the City for court costs, which the City may be required to pay as a result of such defense. The applicant shall defend the City with legal counsel mutually selected by the applicant and the office of the City Attorney and shall further pay any adverse financial award, which may issue against the City including but not limited to any award of attorney fees to a party challenging such project approval.

79. The Conditions of Approval set forth herein include certain development impact fees and other exactions. Pursuant to Government Code §66020(d), these Conditions of Approval constitute written notice of the amount of such fees. To the extent applicable, the applicant is hereby notified that the 90-day protest period, commencing from the effective date of approval of Site Plan No. SP-041-2017, Variance No. V-016-2017, and Tentative Tract Map No. TT-18117, has begun.
80. Unless a time extension is granted pursuant to Section 9.32.160 of Title 9 of the Municipal Code, the project authorized by this approval of Site Plan No. SP-41-2017, Variance No. V-016-2017, and Tentative Tract Map No. TT-18117 shall become null and void if the subject use or construction necessary and incidental thereto is not commenced within two (2) years of the expiration of the appeal and thereafter diligently advanced until completion of the project.

RESOLUTION NO. 5896-17

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

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

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

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

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

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

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

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

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

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

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

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

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

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Section 9.08.030, are as follows:

FACTS:

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

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

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

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

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

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

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

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

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

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

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

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

#### FINDINGS AND REASONS:

##### GENERAL PLAN AMENDMENT:

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

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

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

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

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

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

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

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

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

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



## 4.0 MITIGATION MONITORING AND REPORTING PROGRAM

Table 4.A: Mitigation and Monitoring Reporting Program

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

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

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

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

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

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

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

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



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

## RESOLUTION NO. 5896-17

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

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

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

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

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

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

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

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

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

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

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

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

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

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Section 9.08.030, are as follows:

FACTS:

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

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

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

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

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

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

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

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

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

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

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

#### FINDINGS AND REASONS:

##### GENERAL PLAN AMENDMENT:

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

The General Plan Amendment is internally consistent with the goals and objectives of all elements of the City's adopted General Plan. The Medium Residential Density land use designation is intended to provide for a mix of multiple-family residences. The subject site is bounded by a public intermediate school to the south and a neighborhood of apartment buildings to the north. By allowing multi-family residential development on the subject site, the development will be consistent with the surrounding area thereby promoting General Plan Policy LU-2.4 – "Assure that the type and intensity of land use shall be consistent with that of the immediate neighborhood". The proposed new development will further Goal LU.2 to have stable, well-maintained residential neighborhoods in Garden Grove. General Plan Land Use Policy LU-2.1 encourages the protection of residential areas from the effects of potentially incompatible uses, and Policy LU-2.2 promotes the development of a diverse mix of housing types and high standards of

residential property maintenance to preserve real estate values and the high quality of life.

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

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

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

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

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

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The General Plan Amendment possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030.D.1 (General Plan Amendment).

2. The overall development and subsequent occupancy and operation of the site shall be subject to those environmental mitigation measures identified in the Mitigated Negative Declaration, which are summarized in the Mitigation Monitoring and Reporting Program (Exhibit "A") attached hereto.

Adopted this 21st day of September, 2017

ATTEST:

/s/ GEORGE BRIETIGAM  
VICE CHAIR

/s/ JUDITH MOORE  
RECORDING SECRETARY

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

I, JUDITH MOORE, Secretary of the City of Garden Grove Planning Commission, do hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Garden Grove, California, at a meeting held on September 21, 2017, by the following vote:

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

/s/ JUDITH MOORE  
RECORDING SECRETARY

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

A decision becomes final if it is not timely appealed to the City Council. Appeal deadline is October 12, 2017.

## MINUTE EXCERPT

GARDEN GROVE PLANNING COMMISSION

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PUBLIC HEARING - MITIGATED NEGATIVE DECLARATION, GENERAL PLAN AMENDMENT NO. GPA-003-2017, SITE PLAN NO. SP-041-2017, VARIANCE NO. V-016-2017, AND TENTATIVE TRACT MAP NO. TT-18117. FOR PROPERTY LOCATED AT 12111 BUARO STREET, WEST SIDE OF BUARO STREET, SOUTH OF CHAPMAN AVENUE, BETWEEN JENTGES AVENUE AND TWINTREE AVENUE.

Applicant: BUARO PARTNERS, LLC

Date: September 21, 2017

Request: Site Plan approval to construct 17 attached townhouses in two (2) new buildings consisting of one eight-plex and one nine-plex; a General Plan Amendment to change the land use designation from Civic/Institutional to Medium Density Residential; two (2) setback Variances, one for the separation of habitable space from the drive aisle (10'-0" required, 5'-0" provided) and the other for the separation of a unit from the active recreation areas (5'-0" required, 3'-0" provided); and, a Tentative Tract Map to subdivide the property into a single parcel with condominiums. The site is in the R-3 (Multiple-Family Residential) zone. The Planning Commission will also consider a recommendation that the City Council adopt a Mitigated Negative Declaration for the project.

Action: Public Hearing held. Speaker(s): David Graves

Action: Resolution Nos. 5896-17 (GPA) and 5897-17 (SP, V, TT) were approved with an amendment to provide some form of barrier in the 5' setback adjacent to Unit 10 to protect the wall from car back-up damage.

Motion: Lazenby Second: Lehman

Ayes: (6) Brietigam, Lazenby, Lehman, Nguyen, Salazar, Truong

Noes: (0) None

Absent: (1) Kanzler



GARDEN GROVE CITY COUNCIL

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE  
ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING  
AND REPORTING PROGRAM AND APPROVING GENERAL PLAN AMENDMENT  
NO. GPA-003-2017

WHEREAS, the case, initiated by Buaro Partners, LLC, proposes to change the General Plan land use designation of a .987 acre parcel from Civic/Institutional (C/I) to the Medium Density Residential (MDR) to facilitate the construction of 17 attached condominium townhouses in conjunction with a Site Plan No. SP-041-2017, Variance No. V-016-2017, and Tentative Tract Map No. TT-18117. The property is located on the west side of Buaro Street, south of Chapman Avenue, between Jentges Avenue and Twintree Avenue, at 12111 Buaro Street, Parcel No. 231-331-12;

WHEREAS, the Planning Commission, at a Public Hearing held on September 21, 2017, recommended adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and recommended approval of General Plan Amendment No. GPA-003-2017 pursuant to Resolution No. 5896-17;

WHEREAS, the Planning Commission recommended adoption of a Mitigation Negative Declaration together with the comments received during the public review process. The record of proceedings on which the Planning Commission's decision is based is located at 11222 Acacia Parkway, Garden Grove, California. The custodian of the record of proceeding is the Director of Community Development. The Planning Commission found, on the basis of the whole record before it, including the initial study and comments received, that there is no substantial evidence that the project will have a significant effect on the environment. Therefore the Planning Commission recommends adoption of a Mitigated Negative Declaration;

WHEREAS, pursuant to a legal notice, a Public Hearing was held by the City Council on November 28, 2017, and all interested persons were given an opportunity to be heard; and

WHEREAS, the City Council gave due and careful consideration to the matter during its meeting of November 28, 2017.

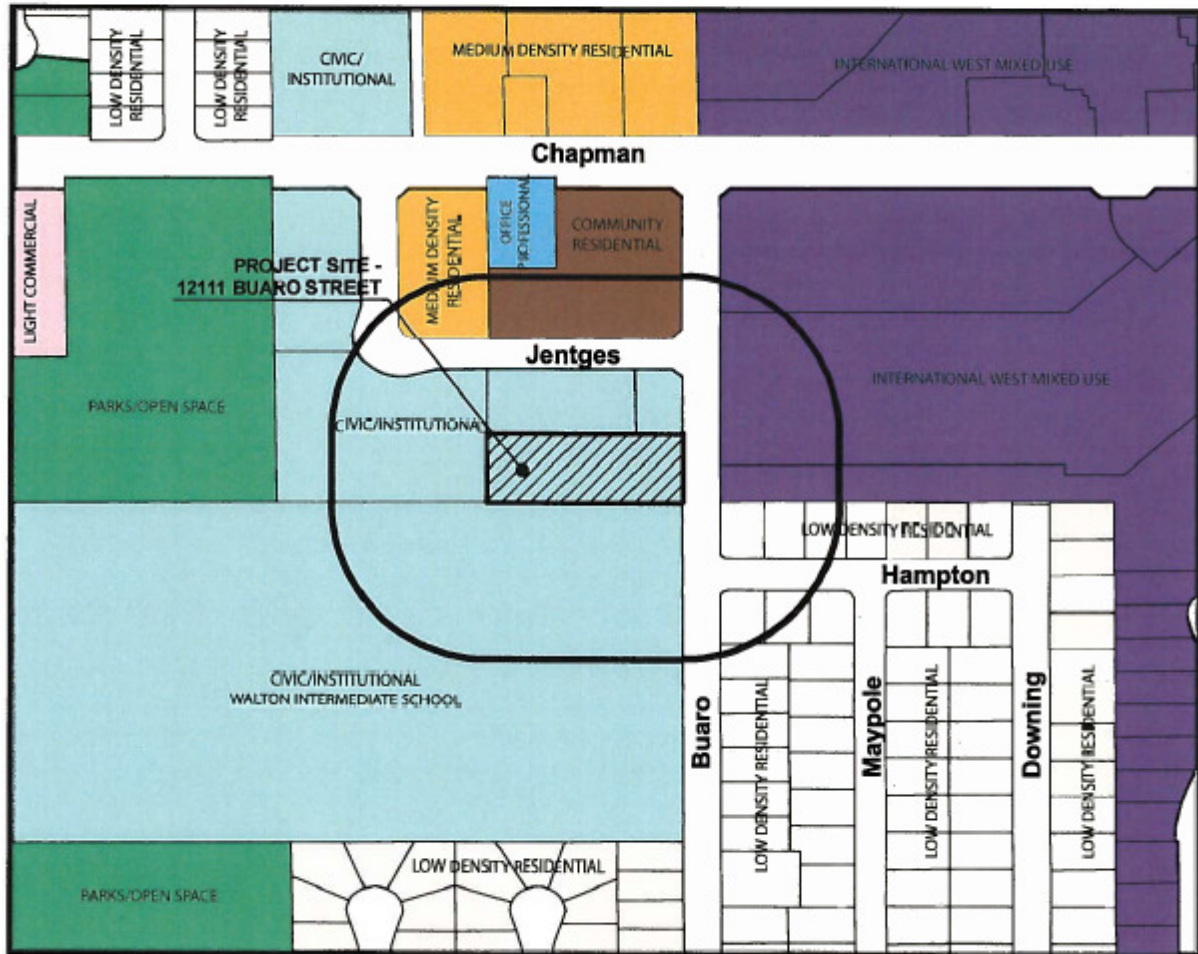
NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of the City of Garden Grove that:

1. General Plan Amendment No. GPA-003-2017 is hereby approved pursuant to the facts and reasons stated in Planning Commission Resolution No. 5896-17, a copy of which is on file in the office of the City Clerk and incorporated herein by reference with the same force and effect as if set forth in full.



2. The property shown on the attached map is changed from Civic/Institutional to Medium Density Residential. The General Plan map is amended accordingly.



**GENERAL PLAN AMENDMENT NO. GPA-003-2017**  
**SITE PLAN NO. SP-041-2017**  
**VARIANCE NO. V-016-2017**  
**TENTATIVE TRACT MAP NO. TT-18117**



**LEGEND**

-  SUBJECT SITE - 12111 BUARO STREET
-  300 FEET RADIUS

0 125 250 500 750 1,000 Feet



**NOTES**

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

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

**City of Garden Grove**

**INTER-DEPARTMENT MEMORANDUM**

To:	Scott C. Stiles	From:	William E. Murray
Dept.:	City Manager	Dept.:	Public Works
Subject:	Adoption of a Resolution amending the 2015 Urban Water Management Plan. ( <i>Action Item</i> )	Date:	11/28/2017

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**OBJECTIVE**

For the City Council to hold a Public Hearing and adopt the attached Resolution approving an amendment to the 2015 Urban Water Management Plan (Plan), as required by the California Department of Water Resources (DWR).

**BACKGROUND**

The DWR requires that every urban water supplier providing water for more than 3,000 customers, or supplying more than 3,000 acre-feet of water annually, prepare and adopt a Plan. The Plan is required to be updated every five years, and the City's Plan was last updated in 2015. At that time, the City Council had approved an agreement with the Municipal Water District of Orange County for the shared cost for the use of a consultant, Arcadis, to partner with staff in updating the Plan.

**DISCUSSION**

The DWR reviewed the Plan and determined that the following elements have not addressed the requirements of the California Water Code (CWC):

- CWC 10632. The Water Shortage Contingency Plan does not provide an outline of specific water supply conditions which are applicable to each stage, nor does this section address a 50 percent reduction in water supply.
- CWC 10632 (a) (5). The Plan does not include consumption reduction methods to be employed by the agency during the different stages of the Water Shortage Contingency Plan.
- CWC 10608.52 (b). Include calculations to substantiate the volume of indirect recycled water reported in SBX7-7 Table 4A.

Since receiving notice from DWR, staff has worked with Arcadis to prepare and finalize an amendment to the 2015 Plan to address these deficiencies.

## FINANCIAL IMPACT

There is no financial impact that will result from this action.

## RECOMMENDATION

It is recommended that the City Council:

- Hold a public hearing for public comments on the proposed amendment to the 2015 Urban Water Management Plan;
- Adopt the attached Resolution approving the amendment to the 2015 Urban Water Management Plan; and
- Direct staff to submit the Plan to the California Department of Water Resources.

By: Katie Victoria, Administrative Analyst

### **ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>	<b>File Name</b>
CC Resolution	11/21/2017	Resolution	11-28-17_CC_amended_2015_Urban_Water_Management_Plan.pdf
Amendment	11/20/2017	Backup Material	GardenGrove_Amendments_Summary_Arcadis.pdf

GARDEN GROVE CITY COUNCIL

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE  
ADOPTING AMENDMENTS TO THE 2015 URBAN WATER MANAGEMENT PLAN  
PURSUANT TO CALIFORNIA WATER CODE SECTIONS 10608 TO 10657

WHEREAS, pursuant to Water Code Section 10620 et seq., the City of Garden Grove ("City") prepared and adopted the 2015 Urban Water Management Plan for the City on June 14, 2016;

WHEREAS, the Department of Water Resources has reviewed the Plan and has directed the City to amend the Plan to address various provisions of the Clean Water Act;

WHEREAS, pursuant to Water Code Section 10642, the City has published successive notices of the November 28, 2017, Public Hearing on November 3, 2017 and November 10, 2017; and

WHEREAS, a duly noticed Public Hearing was held on November 28, 2017, and all interested persons were given an opportunity to be heard concerning any matter set forth in the amendments to the 2015 Urban Water Management Plan.

NOW THEREFORE, the City Council of the City of Garden Grove hereby resolves, determines, and orders as follows:

Section 1. The amendment to the 2015 Urban Water Management Plan of the City of Garden Grove, dated November 2017, is hereby adopted pursuant to Water Code Section 10642.

Section 2. The City Clerk is directed to file a copy of the amendment to the 2015 Urban Water Management Plan of the City of Garden Grove with the Department of Water Resources of the State of California, pursuant to Water Code Section 10644.

City of Garden Grove

## Amendments to 2015 Urban Water Management Plan

November 2017



**City of Garden Grove**  
**Amendments to 2015 Urban Water Management Plan (UWMP)**

**Contents**

**Revisions to Section 5.2.4 Table 5-1** – Provides an outline of specific water supply conditions applicable to each stage of water supply reduction as well as assigning percent reduction in water supply to each stage up to a 50 percent reduction to address CWC 10632.

**Revisions to Section 5.5.3 Table 5-4** – Consumption reduction methods included to address CWC 10632 (a) (5).

**Revisions to Section 2.5.1** – Calculations to substantiate volume of indirect recycled water reported in SBX7-7 to address CWC 10608.52 (b) are now included in the report.

**Addition of Section 8.4** – Provides an outline of the steps the City is taking to adopt the Amended UWMP including publicizing a public hearing, holding a public hearing, adopting the UWMP, and submitting the UWMP to the appropriate agencies.

**Appendices**

**Addition of Appendix E-1** – Notice of Public Hearing Notice for Amended UWMP.

**Addition of Appendix F-1** – Resolution of the Amended UWMP adoption.



## 5.2.4 City of Garden Grove

City Council adopted Water Conservation Ordinance No. 2858 on June 23, 2015, which established a staged water conservation program that will encourage reduced water consumption within the City through conservation, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, and maximize the efficient use of water within the City. Along with permanent water conservation requirements, the City's Water Conservation Program consists of four stages to respond to a reduction in potable water available to the City for distribution to its customers. A summary of the stages of water shortage is displayed in Table 5-1 (Garden Grove, Ordinance Number 2858, June 2015). The City does not have set percent supply reduction for each water shortage stage. The City will implement the percent supply reduction on its own discretion as it enters into a water shortage stage.

Table 5-1: Stages of Water Shortage Contingency Plan

Retail Stages of Water Shortage Contingency Plan		
Stage	Complete Both	
	Percent Supply Reduction	Water Supply Condition
1	n/a	Times of regional drought when the City assists in overall water conservation and water consumption reduction.
2	10 – 19 %	Periods when the City determines water supply shortage or threatened shortage exists and a consumer demand reduction is necessary
3	20 – 49 %	Periods when there is a critical differential between supply and demand
4	50% +	Period of severe drought and/or when a major failure of any supply or distribution facility occurs in water distribution systems
NOTES:		

### 5.5.3 Consumption Reduction Methods

Table 5-4 lists the consumption reduction methods that will be used to reduce water use in restrictive stages.

**Table Error! No text of specified style in document.-1: Stages of Water Shortage Contingency Plan - Consumption Reduction Methods**

Retail Only: Stages of Water Shortage Contingency Plan - Consumption Reduction Methods		
Stage	Consumption Reduction Methods by Water Supplier	Additional Explanation or Reference
All	Expand Public Information Campaign	The City provides public education through its wholesaler MWDOC. Along with a public website, MWDOC oversees school programs, posts water news in the local newspaper, holds quarterly Water Policy Dinners, hosts an annual Water summit, and shows water facilities to the public.
All	Provide Rebates on Plumbing Fixtures and Devices	Program administered by MWDOC offers rebates to CII and residential customers on devices such as laminar flow restrictors, dry vacuum pumps, premium high efficiency toilets.
All	Provide Rebates for Landscape Irrigation Efficiency	Program administered by MWDOC offers rebates to CII and residential customers on devices such as spray nozzles, drip irrigation, smart irrigation timers, soil moisture sensor, in-stem flow regulator.
All	Provide Rebates for Turf Replacement	Program administered by MWDOC offers turf removal rebates to CII and residential customers.
All	Reduce System Water Loss	The City has an ongoing leak detection program where employees check for leaks while reading meters, working on rehabilitation projects, and performing other field maintenance activities.
All	Offer Water Use Surveys	Program administered by MWDOC.
All	Other	The City has designated two water conservation coordinators on staff who manage all water conservation and related outreach programs.
NOTES:		

Deduct Recycled Water Used for Indirect Potable Reuse [1]

Fiscal Year Ending	Total Groundwater Recharge	(1) 5-Year Average Recharge (Acre-Feet)	(2) Loss Factor for Recharge & Recovery [2]	(1) x (2) = (3) Volume Entering Distribution System (Acre-Feet)	(4) Total Basin Production	(3) / (4) = (5) Percent of Total Basin Production	(6) Agency Groundwater Production	(5) x (6) = (7) Recycled Water Used for Groundwater Replenishment
1990	6,498	6,498	96.5%	6,271	229,878	2.73%	16,927	462
1991	6,634	6,498	96.5%	6,271	235,532	2.66%	19,661	523
1992	6,843	6,566	96.5%	6,336	244,333	2.59%	20,213	524
1993	8,161	6,658	96.5%	6,425	243,629	2.64%	18,828	497
1994	5,042	7,034	96.5%	6,788	237,837	2.85%	23,362	667
1995	2,738	6,636	96.5%	6,403	276,096	2.32%	25,388	589
1996	4,282	5,884	96.5%	5,678	302,273	1.88%	28,442	534
1997	4,389	5,413	96.5%	5,224	310,217	1.68%	28,203	475
1998	2,496	4,922	96.5%	4,750	297,726	1.60%	27,487	439
1999	3,489	3,789	96.5%	3,657	322,476	1.13%	28,433	322
2000	5,774	3,479	96.5%	3,357	320,250	1.05%	24,986	262
2001	2,067	4,086	96.5%	3,943	323,129	1.22%	23,301	284
2002	4,143	3,643	96.5%	3,515	322,590	1.09%	23,261	253
2003	3,867	3,594	96.5%	3,468	274,927	1.26%	19,276	243
2004	1,784	3,868	96.5%	3,733	272,954	1.37%	17,475	239
2005	4,156	3,527	96.5%	3,404	232,199	1.47%	16,650	244
2006	4,086	3,203	96.5%	3,091	215,172	1.44%	13,769	198
2007	218	3,607	96.5%	3,481	284,706	1.22%	15,016	184
2008	17,792	2,822	96.5%	2,723	351,622	0.77%	23,116	179
2009	54,261	5,607	96.5%	5,411	310,586	1.74%	18,905	329
2010	65,950	16,103	96.5%	15,539	273,889	5.67%	16,119	915
2011	66,083	28,461	96.5%	27,465	248,659	11.05%	15,005	1,657
2012	71,678	40,861	96.5%	39,431	266,066	14.82%	16,285	2,413
2013	72,877	55,153	96.5%	53,223	298,175	17.85%	18,911	3,376
2014	66,167	66,170	96.5%	63,854	318,967	20.02%	21,025	4,209
2015	76,546	68,551	96.5%	66,152	296,292	22.33%	17,408	3,887

[1] Indirect is recycled water for groundwater recharge through spreading and injection of GWRS and Water Factory 21. The yearly totals are apportioned among the OCWD Basin agencies on the basis of groundwater production over a five year rolling average.
[2] Loss factor provided by OCWD, includes loss over county lines to LA Basin.
Note: The amount of water injected into the GW Basin includes both barrier injection and percolation. Discrepancies between this supplemental document and numbers reported in Table 4-B of the SBx 7-7 verification forms can be attributed to rounding in intermediary calculations and conversion factors.

## 8.4 UWMP Amendment Process

### 8.4.1 Resubmitting UWMP

As requested by DWR, the City resubmitted their 2015 UWMP to address certain sections of the California Water Code that were not covered by the original plan. After making edits to the UWMP, the City went through the adoption process once more. Table 8-3 presents a summary of the steps taken by the City in adopting the amended UWMP.

**Table 8-3: External Coordination and Outreach for Resubmitting UWMP**

External Coordination and Outreach	Date	Reference
Public notification		Appendix E-1
Held public hearing		Appendix E-1
Adopted UWMP		Appendix F-1
Submitted UWMP to DWR	12/1/17	-
Submitted UWMP to the California State Library and city or county within the supplier's service area	12/1/17	-
Made UWMP available for public review	12/31/17	-

Again, the opportunity was presented to the public for comments and questions concerning the UWMP. The City published a public hearing notification in the local newspaper for the amended UWMP which can be viewed in Appendix E-1. After the public hearing, the City Council reviewed and approved the Amended UWMP on November 14, 2017. Appendix F-1 includes the resolution approving the Amended UWMP. By December 1, 2017, the City's Amended UWMP will be resubmitted to DWR, California State Library, and County of Orange. The Amended UWMP will be available for public review no later than 30 days after filing with DWR.

**City of Garden Grove**

**INTER-DEPARTMENT MEMORANDUM**

To:	Scott C. Stiles	From:	William E. Murray
Dept.:	City Manager	Dept.:	Public Works
Subject:	Adoption of a Resolution approving the submittal of Traffic Signal Synchronization Improvement Projects to the Orange County Transportation Authority for funding under the Comprehensive Transportation Funding Program. (Estimated Cost: \$464,972) ( <i>Action Item</i> )		
		Date:	11/28/2017

---

**OBJECTIVE**

For the City Council to adopt the attached Resolution approving the submittal of the Garden Grove Boulevard and Katella Avenue Synchronization Improvement Projects to the Orange County Transportation Authority (OCTA) for funding under the competitive Comprehensive Transportation Funding Program (CTFP).

**BACKGROUND**

OCTA issued a call for projects through the Regional Traffic Signal Synchronization Program to coordinate traffic signals across jurisdictional boundaries in the county. Two corridors, Garden Grove Boulevard and Katella Avenue, were identified as heavily traveled corridors that would benefit from traffic signal coordination.

**DISCUSSION**

The proposed Garden Grove Boulevard project spans approximately 8.6 miles and includes 34 traffic signals. It would begin at Valley View Street in the City of Westminster and terminate at Bristol Street in the City of Santa Ana (see attached map – Exhibit A). The Garden Grove Boulevard project cost is estimated at \$2,514,688. The City currently has jurisdiction of 20 traffic signals on Garden Grove Boulevard and the project subtotal for the City of Garden Grove is \$2,274,762. The local match is \$454,952. The project will include the development and implementation of signal timing, traffic signal equipment upgrades, communications



upgrades, and two years of traffic signal timing maintenance. The project is anticipated to begin September 2018.

The proposed Katella Avenue project spans approximately 19.6 miles and includes 73 traffic signals. It would begin at the I-605 in the City of Los Alamitos and terminate at Jamboree Street in the City of Orange (see attached map – Exhibit B). The Katella Avenue project cost is estimated at \$4,884,134. The City currently has jurisdiction of two traffic signals on Katella Avenue and the project subtotal for the City of Garden Grove is \$50,100. The local match is \$10,020. The project will include the development and implementation of signal timing, traffic signal equipment upgrades, and 2 years of traffic signal timing maintenance. The project is anticipated to begin September 2018.

#### FINANCIAL IMPACT

There is no impact to the General Fund. The City of Garden Grove's financial responsibility towards the two projects is estimated at \$464,972. Public Works will be funding the projects through Traffic Mitigation Fees and Measure M2 Local Fair Share.

#### RECOMMENDATION

It is recommended that the City Council:

- Adopt the attached Resolution approving the submittal of the Garden Grove Boulevard and Katella Street Synchronization Improvement Projects to the Orange County Transportation Authority for funding under the CTFP.

By: Dai C. Vu, P.E.  
Traffic Engineer

#### ATTACHMENTS:

Description	Upload Date	Type	File Name
CC Resolution	11/21/2017	Resolution	11-28-17_CC_Traffic_Signal_Synchronization.pdf
MAP	11/15/2017	Exhibit	tssynchronizationmap_11-28-17.pdf

GARDEN GROVE CITY COUNCIL

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE  
APPROVING THE SUBMITTAL OF TRAFFIC SIGNAL SYNCHRONIZATION PROJECTS  
TO THE ORANGE COUNTY TRANSPORTATION AUTHORITY FOR FUNDING UNDER  
THE COMPREHENSIVE TRANSPORTATION FUNDING PROGRAM

WHEREAS, the City of Garden Grove desires to implement transportation improvements listed below;

WHEREAS, the City of Garden Grove has been declared by the Orange County Transportation Authority to meet the eligibility requirements to receive revenues M2 "Fair Share" funds;

WHEREAS, the city's Circulation Element is consistent with the County of Orange Master Plan of Arterial Highways;

WHEREAS, the City of Garden Grove will provide matching funds for each project as required by the Orange County Comprehensive Transportation Funding Programs Procedures Manual;

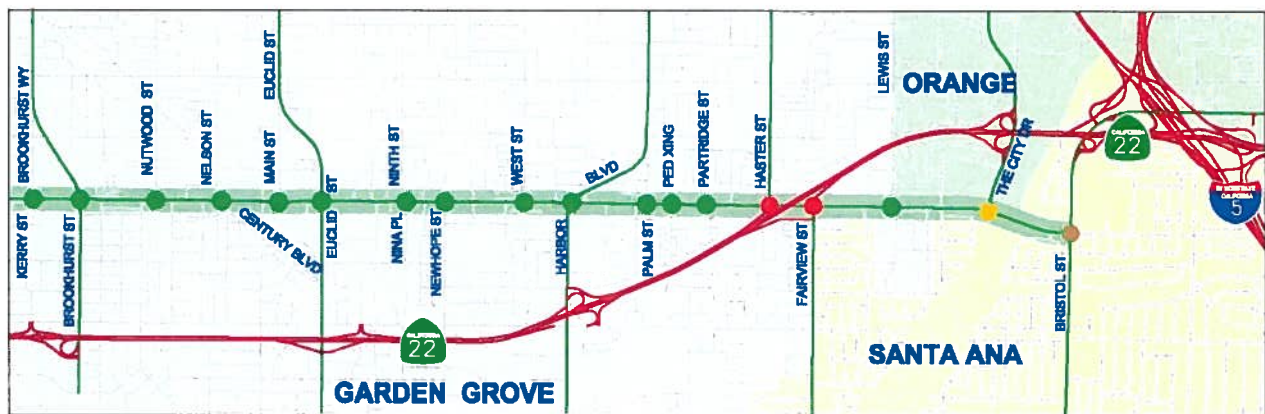
WHEREAS, the Orange County Transportation Authority intends to allocate funds for transportation improvements projects within the incorporated cities and the County; and

WHEREAS, the City of Garden Grove will not use M2 funds to supplant Developer Fees or other commitments.

NOW, THEREFORE, be it resolved that the City Council of the City of Garden Grove hereby requests the Orange County Transportation Authority to allocate funds in the amount specified in the City's application to the City from the Comprehensive Transportation Programs. The funds shall be matched funds from the City as required and shall be used as supplemental funding to aid the City in the improvement of the following streets:

1. Garden Grove Boulevard Traffic Signal Synchronization
2. Katella Avenue Traffic Signal Synchronization





## Legend

Project Traffic Signal (maintained by)

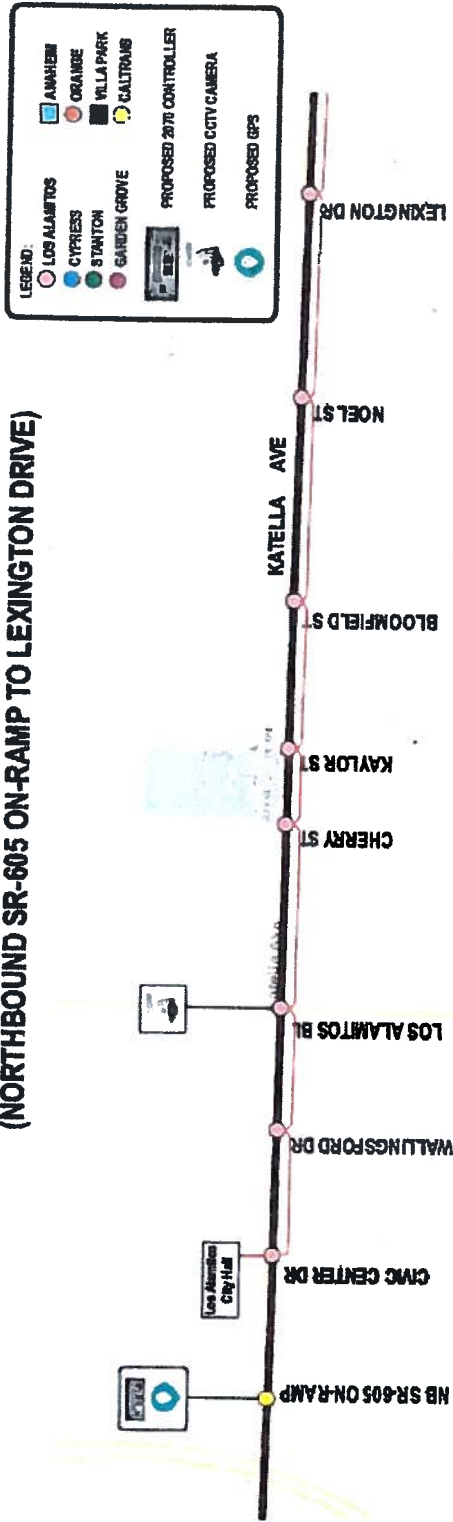
- |                |             |
|----------------|-------------|
| ● Garden Grove | ● Santa Ana |
| ● Westminster  | ● Caltrans  |
| ● Orange       |             |



NO SCALE

**Figure 1: Garden Grove Boulevard Corridor Project Signals**

# **KATELLA AVENUE (NORTHBOUND SR-605 ON-RAMP TO LEXINGTON DRIVE)**



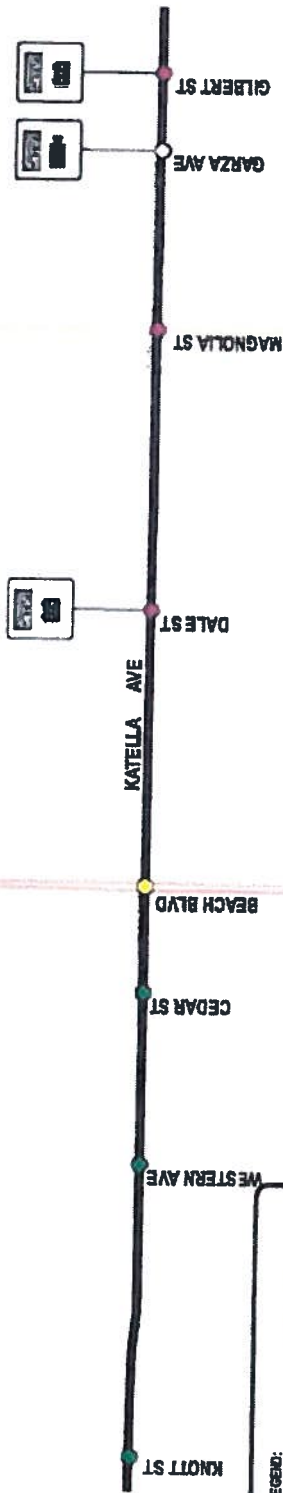
**NOTE:** All City of Los Alamitos Intersections include communication upgrades, such as installation of Ethernet switch, fiber distribution unit, eRE pullbox.

# **KATELLA AVENUE (COTTONWOOD WAY TO MERIDIAN DRIVE)**

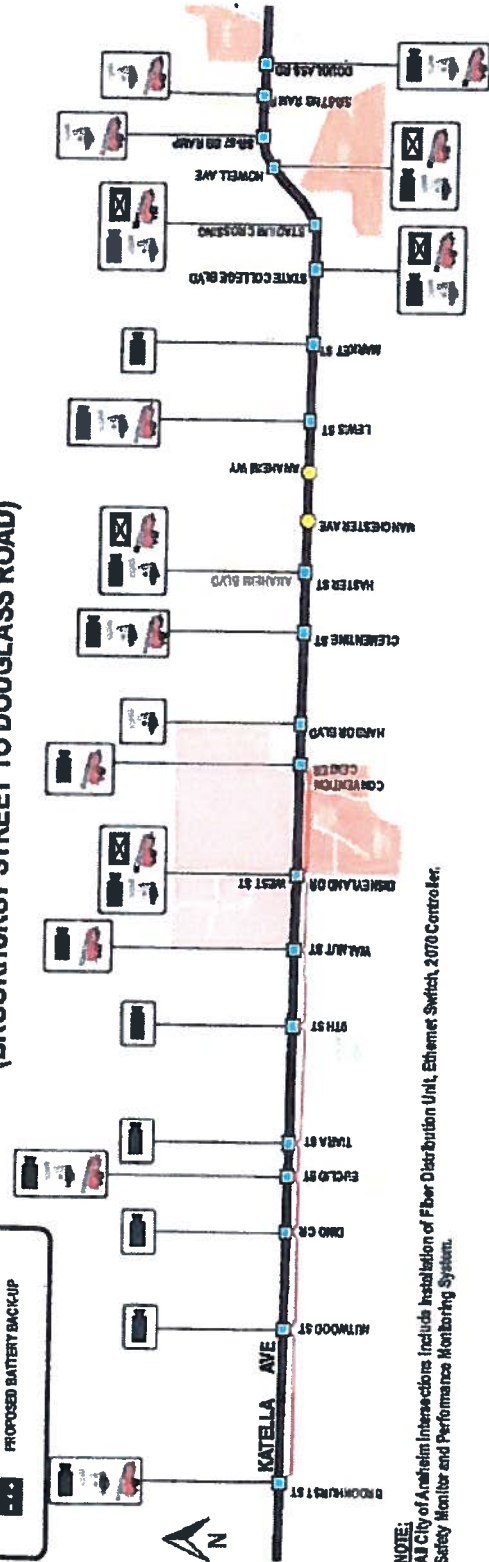


**NOTE:** City of Cypress Intersections include signal timing coordination.

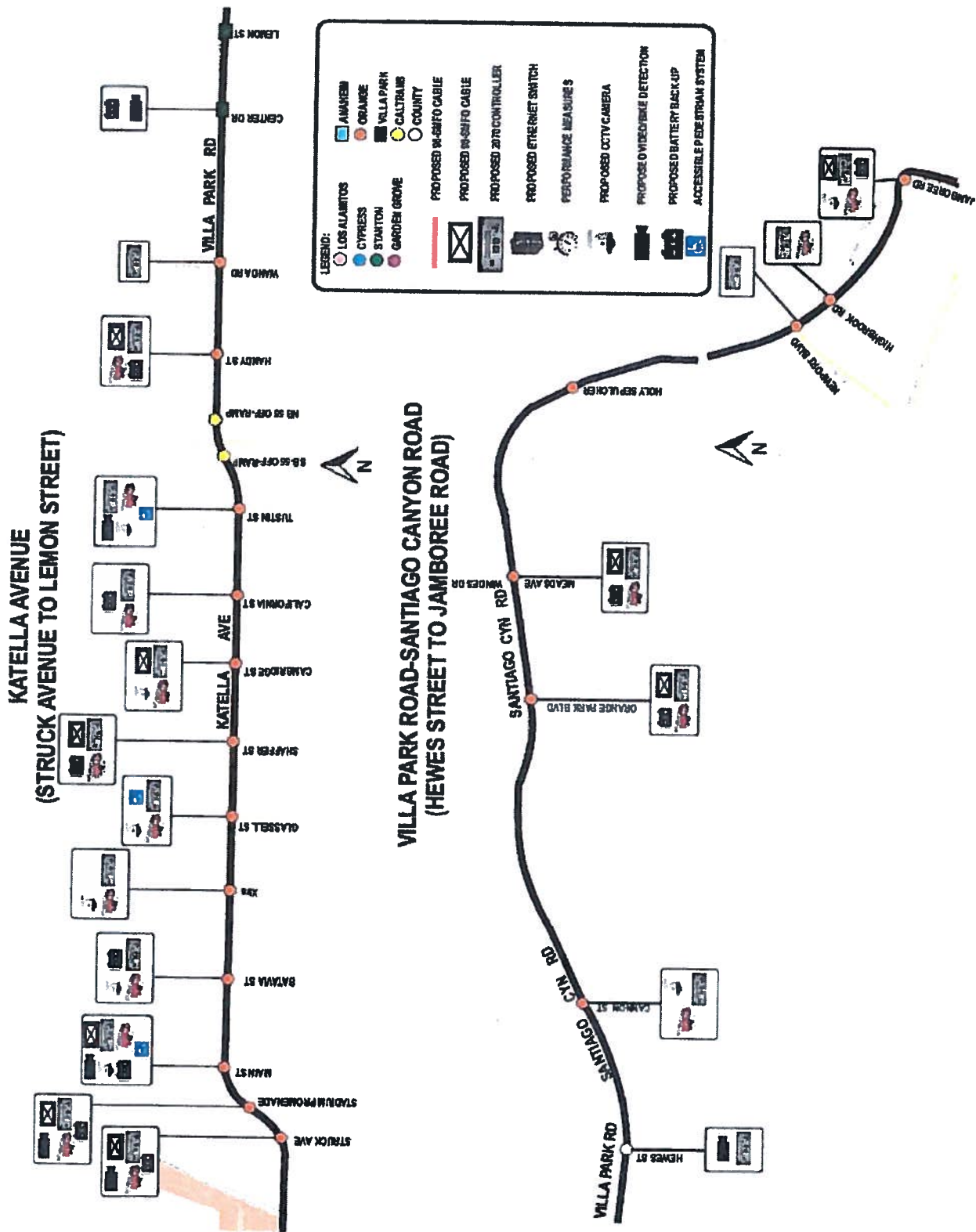
# KATELLA AVENUE (KNOTT STREET TO GILBERT STREET)



# KATELLA AVENUE (BROOKHURST STREET TO DOUGLASS ROAD)



**NOTE:**  
All City of Anaheim Intersections include Installation of Fiber Distribution Unit, Ethernet Switch, 2070 Controller, Safety Monitor and Performance Monitoring System.



**City of Garden Grove**

**INTER-DEPARTMENT MEMORANDUM**

To: Scott C. Stiles From: Teresa Pomeroy  
Dept.: City Manager Dept.: City Clerk  
Subject: Ordinance No. 2888 Date: 11/28/2017  
presented for second reading  
and adoption

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Attached is Ordinance No. 2888 for second reading and recommended for adoption.

**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>	<b>File Name</b>
Ordinance No. 2888	11/20/2017	Ordinance	2888_NOVUS_Amend_No._A-021-2017.pdf

ORDINANCE NO. 2888

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING AMENDMENT NO. A-021-2017, TO AMEND PORTIONS OF CHAPTERS 9.04 (DEFINITIONS) AND 9.18 (MIXED USE REGULATIONS AND DEVELOPMENT STANDARDS) OF TITLE 9 OF THE CITY OF GARDEN GROVE MUNICIPAL CODE PERTAINING TO USES WITHIN THE CIVIC CENTER MIXED USE ZONES THAT INVOLVE ENTERTAINMENT AND/OR ALCOHOL SALES OR CONSUMPTION AND PERMISSIBLE ENCROACHMENTS WITHIN SETBACKS

**City Attorney Summary**

***This Ordinance approves text amendments to portions of Chapters 9.04 (Definitions) and 9.18 (Mixed Use Regulations and Development Standards) of Title 9 of the Garden Grove Municipal Code to update the definitions, operating conditions, and development standards in the City's Land Use Code pertaining to (i) uses within the City's Civic Center Mixed Use zoning districts that involve entertainment and/or alcohol sales or consumption and (ii) permissible encroachments into the setbacks in the Civic Center Mixed Use zoning districts. Currently, restaurant uses that include alcohol sales or entertainment are generally permitted in Mixed Use zoning districts, subject to approval of a conditional use permit. In addition, outdoor dining areas for joint use between businesses are permitted in Mixed Use zoning districts, subject to certain development standards. However, the Land Use Code currently contains conflicting provisions regarding alcohol consumption within shared or communal dining areas serving more than one business and does not expressly address the provision of entertainment or other incidental activities in such joint use areas. This Ordinance expressly permits communal dining areas serving more than one business in which entertainment and/or other similar activities incidental to the primary activity of dining are provided or conducted and/or where alcohol is served and/or consumed in the CC-1 (Civic Center East) and CC-3 (Civic Center Core) Mixed Use zoning districts, subject to specified development standards and the approval of a conditional use permit. This Ordinance also amends the Municipal Code to permit parking spaces and turning aisles to parking spaces to encroach into required setbacks within the CC-1 (Civic Center East), CC-2 (Civic Center Main Street), and CC-3 (Civic Center Core) zoning districts, subject to site plan approval and the provision of a landscape buffer.***

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE FINDS AND DETERMINES AS FOLLOWS:

WHEREAS, Amendment No. A-021-2017 was initiated by the City of Garden Grove and is a zoning text amendment to portions of Chapters 9.04 (Definitions) and 9.18 (Mixed Use Regulations and Development Standards) of Title 9 of the Garden Grove Municipal Code pertaining to uses within the Civic Center Mixed Use zoning districts that involve entertainment and/or alcohol sales or consumption and permissible encroachments within setbacks;

WHEREAS, following a Public Hearing held on November 2, 2017, the Planning Commission adopted Resolution No. 5904-17 recommending approval of Amendment No. A-021-2017;

WHEREAS, pursuant to a legal notice, a Public Hearing regarding the proposed adoption of this Ordinance was held by the City Council on November 14, 2017, and all interested persons were given an opportunity to be heard;

WHEREAS, the City Council gave due and careful consideration to the matter; and

WHEREAS, the City Council hereby makes the following findings regarding Amendment No. A-021-2017:

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

B. The Amendment will promote the public interest, health, safety and welfare.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES ORDAIN AS FOLLOWS:

SECTION 1: The above recitals are true and correct.

SECTION 2: The City Council finds that the proposed Ordinance is not subject to the California Environmental Quality Act ("CEQA"; Cal. Pub. Resources Code Section 21000 et seq.) pursuant to Section 15061(b)(3) of the State CEQA Guidelines (Cal. Code of Regs., Title 14, Section 15000 et seq.) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

SECTION 3: Amendment No. A-021-2017 is hereby approved pursuant to the findings set forth herein and the facts and reasons stated in Planning Commission Resolution No. 5904-17, a copy of which is on file in the Office of the City Clerk, and which is incorporated herein by reference with the same force and effect as if set forth in full.

SECTION 4: Subdivision C of Section 9.04.060 (Definitions) of Chapter 9.04 (General Provision) of Title 9 of the Garden Grove Municipal Code is hereby amended as follows to add a definition for "Communal Dining with Entertainment and/or Alcohol" (additions shown in ***bold-italics***):

***"Communal Dining with Entertainment and/or Alcohol" means a communal dining area or areas serving more than one business, either within a wholly enclosed building or within a confined outdoor space, in which "entertainment" and/or other similar incidental events or***



***activities secondary to the primary activity of dining are provided or conducted and/or alcohol is served and/or consumed. A "confined outdoor space" is a controlled area or group of areas with monitored entrances and exits that is enclosed by a perimeter barrier.***

SECTION 5: Table 9.18-1, "Use Regulations for the Mixed Use Zones" in Section 9.18.020 (Uses Permitted) of Chapter 9.18 (Mixed Use Regulations and Development Standards) of Title 9 of the Garden Grove Municipal Code is hereby amended as follows to add "Communal Dining with Entertainment and/or Alcohol" as a conditionally permitted use, in the CC-1 (Civic Center East) and CC-3 (Civic Center Core) zones, in alphabetical order, under Eating Establishment/Restaurant (additions shown in ***bold-italics***):

**Table 9.18-1  
Use Regulations for the Mixed Use Zones**

Permitted Uses	GGMU-1,-2,-3	CC-1	CC-2	CC-3	CC-OS	NMU	AR	Additional Regulations and Comments
<b>Eating Establishment/Restaurant</b>	See Section 9.18.060 (Alcohol Beverage Sales) regarding on-sale and off-sale of alcohol.							
<b><i>Communal Dining with Entertainment and/or Alcohol</i></b>	-	<b><i>C</i></b>	-	<b><i>C</i></b>	-	-	-	<b><i>See Section 9.18.090.040 and Section 9.18.090.060</i></b>

SECTION 6: Subdivision F (Joint Use Areas) of Section 9.18.030.300 (Outdoor Dining at Eating Establishment/Restaurant) of Section 9.18.030 (Specific Uses - Special Operating Conditions and Development Standards) of Chapter 9.18 (Mixed Use Regulations and Development Standards) of Title 9 of the Garden Grove Municipal Code is hereby amended as follows (deletions shown in ~~strikethrough~~, additions shown in ***bold-italics***):

- F. Joint Use Areas. Outdoor dining areas for joint use between businesses shall be separated from pedestrian and vehicular pathways with low walls and/or landscaping. Joint use outdoor dining areas are not required to be located immediately adjacent to an establishment, but shall be located within 25 feet of at least one establishment participating in the joint use area. Where adjacent to a public right-of-way, the area shall be delineated as required by subsection E (Delineation of Area) of this section. No alcohol shall be served in any outdoor dining area that serves more than one business, ***unless authorized pursuant to a conditional use permit in accordance with the provisions set forth in Sections 9.18.090.040, Additional Regulations Specific to the CC-1 Zone, and 9.18.090.060, Additional Regulations Specific to the CC-3 Zone, of this Code.***

SECTION 7: Subdivision F.9. (Conditional Use Permit Required for Uses Involving Entertainment and/or Alcohol Sales) of Section 9.18.090.040 (Additional



Regulations Specific to the CC-1 Zone) of Section 9.18.090 (Development Standards Specific to Individual Mixed Use Zones) of Chapter 9.18 (Mixed Use Regulations and Development Standards) of Title 9 of the Garden Grove Municipal Code is hereby amended as follows (additions shown in ***bold-italics***):

9. Conditional Use Permit Required for Uses Involving Entertainment and/or Alcohol Sales. Any home that converts from a residential use to a commercial use that will include entertainment and/or alcohol sales shall be appropriately buffered from adjacent residential uses, be subject to special operating conditions, and require review and approval of a conditional use permit. If entertainment and/or consumption of alcohol is conducted outdoors, buffering measures shall include, without limitation, sound attenuation walls and landscaping in order to protect adjacent residential uses. If the entertainment and/or alcohol sales ***or consumption*** is conducted, and the use does not meet the distance requirements for the subject uses as prescribed in Section 9.18.030 (Special Operating Conditions and Development Standards), a waiver of distance and location provisions may also be requested through the conditional use permit process. In conjunction with the approval of a conditional use permit, the hearing body may grant a waiver to any distance or location provision if it makes all of the following findings:
  - a. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this section will be observed;
  - b. That the proposed use will not unreasonably interfere with the use and enjoyment of neighboring property or cause or exacerbate the development of urban blight;
  - c. That the use will not interfere with operation of other businesses or uses within the area;
  - d. That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation or revitalization;
  - e. That the establishment complies with all other distance and pedestrian and vehicular requirements of this code; and
  - f. That all applicable regulations of this code will be observed.

SECTION 8: Subdivision G (Shared Outside Eating Areas) of Section 9.18.090.040 (Additional Regulations Specific to the CC-1 Zone) of Section 9.18.090 (Development Standards Specific to Individual Mixed Use Zones) of Chapter 9.18 (Mixed Use Regulations and Development Standards) of Title 9 of the Garden Grove Municipal Code is hereby amended as follows (deletions shown in ~~strikethrough~~, additions shown in ***bold-italics***):

- G. ***Communal Dining Areas.*** ~~Shared outside eating~~ ***Communal dining*** areas may be created between properties and uses. ~~No shared outside eating area where alcohol is allowed, shall have a separate entrance or exit. All outside eating areas that allow the consumption of alcohol shall only be permitted to have direct access to and from the establishments that serve the alcohol.~~ Outside eating ***communal dining*** areas shall be sufficiently buffered from adjacent residential uses in a manner that will protect the peaceful enjoyment of adjacent residentially developed properties. ***In addition to the other applicable requirements of this chapter, including those prescribed in Section 9.18.090.040.F.9 (Conditional Use Permit Required for Uses Involving Entertainment and/or Alcohol Sales), the following provisions shall apply to uses that include communal dining with entertainment and/or alcohol.***

1. ***A conditional use permit is required for communal dining with entertainment and/or alcohol.***
2. ***Entertainment shall only be permitted within a confined space with proper sound attenuation or within a wholly enclosed building.***
3. ***Outdoor communal dining areas where alcohol is served and/or consumed must be located in a controlled area or group of areas with monitored entrances and exits and enclosed by a perimeter barrier.***
4. ***The conditional use permit shall specify the requirements and the party or parties responsible for monitoring, managing and controlling the communal dining area(s).*** ~~No shared outside eating area where alcohol is allowed, shall have a separate entrance or exit. All outside eating areas that allow the consumption of alcohol shall only be permitted to have direct access to and from the establishments that serve the alcohol.~~

SECTION 9: Section 9.18.090.060 (Additional Regulations Specific to the CC-3 Zone) of Section 9.18.090 (Development Standards Specific to Individual Mixed Use Zones) of Chapter 9.18 (Mixed Use Regulations and Development Standards) of Title 9 of the Garden Grove Municipal Code is hereby amended to add new Subdivisions F (Conditional Use Permit Required for Uses Involving Entertainment and/or alcohol) and G (Communal Dining with Entertainment and/or Alcohol) as follows (additions shown in ***bold-italics***):

- F. ***Conditional Use Permit Required for Uses Involving Entertainment and/or Alcohol Sales. Any mixed use development, or commercial development adjacent to a residential use(s), that will include entertainment and/or***

***alcohol sales, shall be appropriately buffered from adjacent residential uses, be subject to special operating conditions, and require review and approval of a conditional use permit. If entertainment and/or consumption of alcohol is conducted outdoors, buffering measures shall include, without limitation, sound attenuation walls and landscaping in order to protect adjacent residential uses. If the entertainment and/or alcohol sales or consumption is conducted, and the use does not meet the distance requirements for the subject uses as prescribed in Section 9.18.030 (Special Operating Conditions and Development Standards), a waiver of distance and location provisions may also be requested through the conditional use permit process. In conjunction with the approval of a conditional use permit, the hearing body may grant a waiver to any distance or location provision if it makes all of the following findings:***

- a. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this section will be observed;***
  - b. That the proposed use will not unreasonably interfere with the use and enjoyment of neighboring property or cause or exacerbate the development of urban blight;***
  - c. That the use will not interfere with operation of other businesses or uses within the area;***
  - d. That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation or revitalization;***
  - e. That the establishment complies with all other distance and pedestrian and vehicular requirements of this code; and***
  - f. That all applicable regulations of this code will be observed.***
- G. Communal Dining Areas. Communal dining areas may be created between properties and uses. Outside communal dining areas shall be sufficiently buffered from adjacent residential uses in a manner that will protect the peaceful enjoyment of adjacent residentially developed properties. In addition to the other applicable requirements of this chapter, including those prescribed in Section 9.18.090.060.F (Conditional Use Permit Required for Uses Involving Entertainment and/or Alcohol Sales),***

***the following provisions apply to uses that include communal dining with entertainment and/or alcohol.***

- 1. A conditional use permit is required for communal dining with entertainment and/or alcohol.***
- 2. Entertainment shall only be permitted within a confined space with proper sound attenuation or within a wholly enclosed building.***
- 3. Outdoor communal dining areas where alcohol is served and/or consumed must be located in a controlled area or group of areas with monitored entrances and exits and enclosed by a perimeter barrier.***
- 4. The conditional use permit shall specify the requirements and the party or parties responsible for monitoring, managing and controlling the communal dining area(s).***

SECTION 10: Subdivision C.2. (Setbacks Unobstructed) of Section 9.18.100.020 (Development Standards Applicable to All Mixed Use Zones) of Section 9.18.100 (Development and Design Standards Applicable to All Mixed Use Zones) of Chapter 9.18 (Mixed Use Regulations and Development Standards) of Title 9 of the Garden Grove Municipal Code is hereby amended as follows (additions shown in ***bold-italics***):

2. Setbacks Unobstructed. Required setbacks shall be open and unobstructed from the ground to the sky except for trees and other plant material. No building, parking space, or turning aisle to any parking space shall occupy any portion of any required setback. ***Notwithstanding this Section, parking spaces, and turning aisles to parking spaces, within the CC-1 (Civic Center East), CC-2 (Civic Center Main Street), and CC-3 (Civic Center Core) zones may be located within required setbacks, subject to Site Plan approval, and shall require a landscaped buffer between the property line and parking space(s) and/or turning aisle(s) to any parking space(s) fronting along a street. Any landscaped buffer shall have a minimum depth of five feet. This excludes the depth of any driveway throat, which shall be as determined by the Traffic Engineering Division, Public Works Department.*** Easements for utilities (e.g., electrical, communications) are exempt from the requirements of this section.

SECTION 11: If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section,

subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words or portions thereof be declared invalid or unconstitutional.

SECTION 12: The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after adoption.

The foregoing Ordinance was passed by the City Council of the City of Garden Grove on the \_\_\_\_ day of \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

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

I, TERESA POMEROY, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Ordinance was introduced for first reading and passed to second reading on November 14, 2017, with a vote as follows:

AYES:	COUNCIL MEMBERS:	(7)	BEARD, O'NEILL, NGUYEN T., BUI, KLOPFENSTEIN, NGUYEN K., JONES
NOES:	COUNCIL MEMBERS:	(0)	NONE
ABSENT:	COUNCIL MEMBERS:	(0)	NONE

**City of Garden Grove**

**INTER-DEPARTMENT MEMORANDUM**

To:	Scott C. Stiles	From:	William E. Murray
Dept.:	City Manager	Dept.:	Public Works
Subject:	Discussion of theft and scavenging of recycling materials from residential garbage containers as requested by the City Council. (Continued from the November 14, 2017, meeting.) ( <i>Action Item</i> )		
		Date:	11/28/2017

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**OBJECTIVE**

To discuss the theft and scavenging of garbage containers in residential areas and possible enforcement actions. This was requested at the City Council meeting held on October 24, 2017, and at the November 14, 2017, City Council meeting the item was continued to November 28, 2017.

**BACKGROUND**

Solid waste collection regulations are within the jurisdiction of the Garden Grove Sanitary District (GGSD). Section 5.10.080 of the GGSD Code of Regulations prohibits scavenging. Violations can be prosecuted as misdemeanors per Chapter 6.20 of the GGSD Code of Regulations.

**DISCUSSION**

In response to scavenging violations, our Police Department and Code Enforcement Officers can issue criminal citations, but not administrative citations. Considering that this may not be the best use of Police Department forces, Council may want Code Enforcement officers to handle this issue. In an effort to assist Code Enforcement, Council may consider adding administrative citation fines to the GGSD Code, which would require GGSD approval. This would allow administrative citations to be used by Code Enforcement officers.

**FINANCIAL IMPACT**

Currently, Code Enforcement is minimally staffed and the addition of scavenging

enforcement could impact current Code Enforcement efforts. It should be noted that theft of recyclables, to a minimal extent, affects our waste haulers rates and rebates to the City.

#### RECOMMENDATION

This item for discussion is for information. The link to the Garden Grove Sanitary District Code of Regulations can be found on the Public Works page of the City's website under Trash and Recycling.